



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

July 19, 2016

To

Member of the Advisory Committee on
Financial Accountability and Efficiency for
the Judicial Branch

From

Mark Dusman, Acting Chief Administrative
Officer
Zlatko Theodorovic, Budget Services Director

Subject

FY 2017-2018 Judicial Council Budget
Change Proposal Concepts and Placeholders

Action Requested

Approve and prioritize FY 2017-2018
Judicial Council Budget Change Proposal
Concepts and Placeholders

Date of Report

July 25, 2016

Contact

Gwen Arafiles
Budget Services
916-263-2708 phone
gwen.arafiles@jud.ca.gov

Executive Summary

California Rule of Court 10.63 requires the Advisory Committee on Financial Accountability and Efficiency for the Judicial Branch (Committee) to make recommendations annually to the Judicial Council concerning any budget change proposals (BCPs) for funding of the Judicial Council of California. Such funding changes include additional staffing costs as well as increased costs associated with operating expenses and equipment.

There are currently seven BCP proposals before the Committee for consideration which, if approved by the Committee and the Judicial Council, will be submitted to the Department of Finance by September 2, 2016 for inclusion in the Governor's Budget.

Additionally, there are two information only proposals being brought before the Committee in support of appellate court operations.

The following BCP concepts are before the Committee for consideration and information only purposes:

Row #	Title	FY 2017-18
		Whole Dollars
1	Judicial Branch Litigation Management Program	\$5,600,000
2	Language Access Plan Implementation	\$8,341,000
3	Fund Shift from State Trial Court Improvement and Modernization Fund to General Fund	\$6,953,000
4	Judicial Officer Orientation Program	\$785,000
5	Technology Improvement for Facilities, and Trial Court Facility Modifications & Operations Cost Adjustments	\$46,498,000
6	Judicial Council Organization Restructure – Technical Adjustment	\$0
7	Court Interpreters Fund Appropriation Augmentation	\$590,000
8	Appellate Court Document Management System	Information Only
9	Appellate Court Security - California Highway Patrol	Information Only

A more detail summary document is included as Attachment A.

Summary Information

Programmatic summaries of each of the aforementioned proposals are detailed on the following pages by dollar amount, funding source, associated staffing, and general programmatic or workload need.

1. Judicial Branch Litigation Management Program (Attachment B)

Legal Services proposes an ongoing \$5.6 million (General Fund) augmentation to support the legal defense of all Judicial Branch entities, including trial court operations. This includes an augmentation of \$439,000 and the transfer of \$5.2 million worth of current expenditures from the State Trial Court Improvement and Modernization Fund (IMF) to the General Fund as follows:

- \$4,500,000 – Trial Court claims and litigation
- \$661,000 – Trial Court transactional assistance for labor arbitrations and proceedings

Additionally, the request will propose provisional language to allow the Judicial Council to encumber funds for contract through June 30, 2019 to provide greater flexibility for payments.

Increasing and consolidating litigation management expenditures within the General Fund will assist with the long term solvency of the IMF as well as centralize the Litigation Management Program into a single pool of available funds.

2. Language Access Plan Implementation (Attachment C)

Court Operations Services proposes an augmentation of \$8.3 million (General Fund) in FY 2017-18 and \$7.1 million in FY 2018-19 to fund 7.0 FTEs for the implementation and support of the Strategic Plan for Language Access in the California Courts (adopted by the Judicial Council on January 22, 2015). This proposal also includes \$6.1 million worth of ongoing costs starting in FY 2019-20. The requested funding would benefit trial court operations by providing for the following items:

- Translation of Judicial Council forms and creation of multilingual videos to assist limited English proficient (LEP) court users.
- Court training and signage; standards and training for bilingual court staff and court staff interpreters; advancement of a pilot program for video remote interpreting; a statewide recruitment initiative for qualified bilingual staff and court interpreters; administrative support and equipment to help support language access expansion; and the development and maintenance of a web-based Language Access Toolkit.
- The work of the Task Force to conduct both business and community meetings, including the provision of interpreters and translated materials for LEP individuals attending or participating in said meetings, and consultant services to create work products.

The requested funding will support LAP implementation and benefit California's 7 million LEP individuals and the courts by providing them with additional resources and tools to help increase language access.

3. Fund Shift from State Trial Court Improvement and Modernization Fund (IMF) to General Fund (Attachment D)

Budget Services proposes an ongoing \$6.9 million General Fund augmentation to shift costs supporting programs that provide services to trial courts statewide currently funded from the State Trial Court Improvement and Modernization Fund (IMF) to the General Fund.

Impacted Judicial Council programs include staffing for Treasury Services Cash Management; Trial Court Procurement; Audit Services; California Courts Protective Order Registry; Data Integration; California Courts Technology Center; Civil, Small Claims, Probate and Mental Health (V3) CMS staff, Uniform Civil Fees; and Regional Office Assistance Group units.

This proposal will ensure that statewide operations costs of the Judicial Branch are funded from the General Fund rather than from the IMF, and would provide a stable funding source to serve the branch's needs.

4. Judicial Officer Orientation Program (Attachment E)

The Center for Judicial Education and Research proposes an ongoing augmentation of \$785,000 (General Fund) to support costs of faculty and trial court participants at required education courses. These courses are for newly appointed or elected judges, newly hired subordinate judicial officers, and judges and judicial officers assigned to adjudicate a substantive law assignment in which they have not worked before.

Additionally, this request proposes provisional language to provide additional augmentation authority during the fiscal year (upon approval of the Department of Finance) to the extent that existing authority is insufficient.

The requested proposal will ensure that specified education costs of the Judicial Branch are funded from a stable funding source to allow the branch to provide required training orientation.

5. Technology Improvement for Facilities, and Trial Court Facility Modifications & Operations Cost Adjustments (Attachments F1, F2, and F3)

Real Estate and Facilities Management proposes:

- \$6.2 million (General Fund transfer to the State Court Facilities Construction Fund) and 1.0 FTE for the implementation and maintenance of a facilities support document management system to benefit trial court operations. This system would include the creation and implementation of (1) a comprehensive electronic records management/document control system to ensure better continuity of information and accessibility of data within the branch and (2) an integrated work management system that will allow direct data access to Judicial Branch and specified contracted service provider staff.
- \$12.7 million (General Fund transfer to the State Court Facilities Construction Fund) and 4.0 FTEs to execute timely trial court facility modification work. This request includes approximately \$12 million to finance currently unfunded major trial court facility repairs such as roofing, HVAC, plumbing, elevator and fire suppression deficiencies; and \$702,000 for 4 positions to maintain the oversight of ongoing facility modification work.
- \$27.6 million (General Fund transfer to the Court Facilities Trust Fund) and 4 FTEs to properly operate and maintain statewide trial court facilities. This request includes approximately \$27 million to finance currently unfunded inflationary costs associated with maintaining existing trial court facilities at industry level business management standards; and \$564,000 for 4.0 FTEs to maintain this level of operations and maintenance.

The requested funding would support branch-wide technology improvement goals as well provide appropriate facility modification and operations funding to ensure the safe and continued operation of trial court facilities.

6. Judicial Council Organizational Restructure – Technical Adjustment (Attachment G)

Budget Services proposes a technical change to merge the Judicial Council Facility Program within the Judicial Council for budgeting, accounting, and display purposes. Currently, these two programs are budgeted separately under different program structures:

- Judicial Branch Facility Program – Program 0145

- Judicial Council – Program 0140

The consolidation of these two programs within the Judicial Council - Program 0140 would reflect the centralization of all Judicial Branch functions to support the Supreme Court, Courts of Appeal, and trial courts. Additionally, this restructure may assist the public with better understanding our budget by consolidating our display into one program, rather than splitting JCC from the Judicial Branch Facility Program.

7. Court Interpreters Fund Appropriation Augmentation (Attachment H)

Court Operations Services proposes a one-time Court Interpreters fund appropriation augmentation of \$590,000 to support various program components in accordance with Government Code section 68561 and 68562. The Court Interpreters' Fund is comprised of annual registration fees paid by court employee and contract interpreters. For several years, the amount of funds deposited in the account has surpassed the annual appropriation to the Judicial Council. The estimated fund balance is approximately \$660,000.

8. Information Only: Appellate Court Document Management System (Attachment I)

Information Technology proposes a \$3 million one-time Appellate Court Trust Fund augmentation for the acquisition and deployment of an Appellate Court Document Management System (DMS) and \$600,000 ongoing General Fund augmentation for maintenance. This system will capture, manage, store, share, and preserve essential case documents.

This funding request is needed to complete the statewide initiative of moving all of the Appellate Courts to an E-Filing system that meets the modernization and public access goals of the Branch. This project is in alignment with the Court Technology Governance and Strategic Plan, and it supports the strategic plan's goals for promoting the digital court and the tactical plan's initiative for document management system expansion.

9. Information Only: Appellate Court Security – California Highway Patrol (Attachment J)

The Judicial Council proposes an ongoing augmentation of \$1.2 million General Fund beginning in 2017-18 and a one-time augmentation of \$21,000 General Fund in 2017-18 to fill coverage of California Highway Patrol Judicial Protection Section (CHP-JPS) officers at each appellate court location during normal business hours. The CHP-JPS currently serves

nine physical appellate court locations, of which, seven are geographically separate court facilities and have only one CHP-JPS officer is assigned at each of these locations. This request will provide an additional CHP-JPS officer at the seven court locations currently with only one CHP-JPS officer.

Recommendation

Approve and prioritize the seven Judicial Council staff budget change proposal concepts to be submitted to the Judicial Council for approval and prioritization with all other Judicial Branch budget change proposal concepts.

**Judicial Council
FY 2017-18 Budget Change Proposal Concepts
July 19, 2016**

Row #	Action*	Title	Office	Resubmittal	Fund Source	FTEs	Personal Services (Salary & Benefits)	OE&E	FY 17-18 Total	FY 18-19 Total	Ongoing	Attachment
1	A	Judicial Branch Litigation Management Program	Legal Services	N	GF	0.0	\$0	\$5,600,000	\$5,600,000	\$5,600,000	\$5,600,000	B
2	A	Language Access Plan Implementation	Court Operations Services	Partial	GF	7.0	\$813,000	\$7,528,000	\$8,341,000	\$7,103,000	\$7,103,000	C
3	A	Fund Shift from State Trial Court Improvement and Modernization Fund to General Fund	Budget Services	N	GF	0.0	\$6,953,000	\$0	\$6,953,000	\$6,953,000	\$6,953,000	D
4	A	Judicial Officer Orientation Program	Center for Judicial Education & Research	N	GF	0.0	\$0	\$785,000	\$785,000	\$785,000	\$785,000	E
5	A	Technology Improvement for Facilities, and Trial Court Facility Modifications & Operations Cost Adjustments	Real Estate & Facilities Management	Partial	GF xfers to SCFCF and CFTF	9.0	\$1,290,000	\$45,208,000	\$46,498,000	\$40,403,000	\$40,403,000	F1, F2, F3
6	A	Judicial Council Organization Restructure - Tech Adjustment	Budget Services	N	Multiple	0.0	\$0	\$0	\$0	\$0	\$0	G
7	A	Court Interpreters Fund Appropriation Augmentation	Court Operations Services	N	CIF	0.0	\$0	\$590,000	\$590,000	\$0	\$0	H
8	I	Appellate Court Document Management System	Information Technology	Y	ACTF GF	0.0	\$0	\$3,000,000	\$3,000,000	\$600,000	\$600,000	I
9	I	Appellate Court Security - California Highway Patrol	Appellate Court Services	N	GF	0.0	\$0	\$1,246,000	\$33,000	\$1,279,000	\$1,279,000	J
Total						16.0	\$9,056,000	\$63,957,000	\$71,800,000	\$62,723,000	\$62,723,000	

* A - Action Required | AF - Action Required FTEs Only | AP - Action Required for Placeholder | I - Information Only

2017-2018 FY Budget Change Proposal Concept

JCC Office: Legal Services
Contact: Linda Foy

Date: 07/19/16

Proposal Title: Judicial Branch Litigation Management Program

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	0.0	\$ -	\$ 5,600,000	\$ 5,600,000	\$ 5,600,000

Proposal Summary:

The Judicial Council proposes a \$5.6 million General Fund ongoing augmentation beginning in 2017-18 to support the defense of all Judicial Branch entities. This request also includes provisional language to allow the Judicial Council to encumber funds through June 30, 2019, to provide greater flexibility to schedule contract payments. Approximately \$5.4 million has historically been budgeted annually from the General Fund and the State Trial Improvement and Modernization Fund (IMF) (see detail below). Shifting IMF expenditures to the General Fund will assist with the long term solvency of the IMF as well as centralize the Litigation Management Program into a single pool of available funds to be used for all entities of the Judicial Branch.

Current expenditure authority (\$5,361,000):

\$200,000 – General Fund

\$4,500,000 – Improvement and Modernization, Trial Court Litigation Management Fund

\$661,000 – Improvement and Modernization, Trial Court Transactions Assistance Program

Background Information:

While the overall program is dedicated to the defense and indemnification of all judicial branch entities for claims and litigation alleging acts arising in the course and scope of judicial employment, as well as various risk reduction expenditures, the individual fund allocations are restricted to defined parties. Litigation funding is currently divided into three categories: (1) Supreme Court, Courts of Appeal and Judicial Council claims and litigation (\$200,000 from General Fund), (2) Trial Court claims and litigation (\$4.5M from IMF-Trial Court Litigation Management) and (3) Trial Court transactional assistance for labor arbitrations and proceedings before the Public Employee Relations Board and for retention of outside counsel in specialized areas of law/risk avoidance (\$661,000 from IMF-Trial Court Transactions Assistance Program). Providing an augmentation to the General Fund, increasing total funding to address rising costs of litigation, broadening the use of the funds, and permitting the Judicial Council to encumber

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funds through June 30, 2019, will provide Legal Services the flexibility to better serve the branch's litigation needs.

Justification:

Consolidating all litigation funds for the defense and indemnification of all judicial branch entities will allow for greater flexibility in the overall handling of claim and litigation matters. The augmentation of \$5.6 million General Fund will consolidate all litigation resources into one fund source, provide a modest increase in resources to support increased litigation costs, and will specifically allow Legal Services to maximize resources to support all types of litigation, ensuring that ongoing litigation expenses can be paid and eliminating unnecessary administrative work to transfer available resources between fund sources. The proposed consolidation will provide Legal Services the flexibility and resources to better serve the branch's litigation needs. Further, increasing the period of availability for an additional year allows Legal Services to accommodate unique settlements and payment structures.

Fiscal Impact:

This request will result in an ongoing General Fund augmentation of \$5.6 million. Currently, \$5.2 million is budgeted annually from the IMF to support litigation related costs. This request will shift those expenditures to the General Fund and increase the total amount available for litigation by \$439,000, for a total ongoing General Fund augmentation of \$5.6 million. Consolidation of these funds, as well as an augmentation, will give the Litigation Management Program more flexibility in managing litigation; avoid the need for accounting for three separate funds and requests for transfer of money between funds; avoid the need for micro-managing case budgets to ensure that the individual funding sources are not depleted; avoid the need to for cumbersome and time-consuming paperwork to request amendments to contracts and to shift funds at year-end when encumbrances cannot be "rolled over" for use in subsequent fiscal years. Currently, resources within the IMF are insufficient to support these litigation costs ongoing. Continuation of these expenditures from the IMF will result in negative fund balances in future years. Additionally, the Trial Court Trust Fund, the other main funding source supporting the Judicial Branch, has experienced a significant decline in revenue over the last several years and cannot support increased expenditures.

Outcomes and Accountability:

Litigation expenses (attorney fees, costs, judgments, settlements, pre-litigation costs and fees) are monitored each fiscal year, and a detailed annual report is provided to the Litigation Management Committee. The five-year summary of litigation expenses below reflects the trend that resulted in this year's significant litigation budget shortfall.

Other Alternatives Considered:

Alternative #1: Consolidate the three funding sources into General Fund through ongoing \$5,361,000 million General Fund augmentation, with total amount of funding unchanged and without the additional augmentation of \$439,000 General Fund. Maintaining current total

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amount of funding without increase is not recommended because of the rising costs of litigation and the additional burden of trial court facilities-related claims and litigation following the transfer of courthouses from the counties. In order to adequately fund several large settlements and costly litigation matters during FY2015-2016, transfers from other funding sources was required.

Alternative #2: Continue current funding practice, maintaining current total funding of \$5,361,000 with three different, non-fungible funding sources for each of (1) Supreme Court, Courts of Appeal, and Judicial Council claims and litigation (General Fund), (2) trial court claims and litigation (IMF, Trial Court Litigation Management Fund), and (3) trial court arbitrations, Public Employment Relations Board matters, and outside consultants on risk management issues (IMF, Trial Court Transactions Assistance Program), and without the requested additional augmentation of \$439,000. Continuing these funding practices is not recommended because of the resulting inefficiencies and loss of flexibility in managing matters, particularly in fiscal years of strained resources in which individual funds may be depleted by year-end. In addition, the request for further augmentation of \$439,000 is necessitated by trends in increases in outside counsel fees, increase in facilities-related claims, and higher settlements.

Alternative #3: Maintain current total funding of \$5,361,000 with no funding from IMF and augmentation of \$5.161 General Fund, but without the requested additional augmentation of \$439,000. Maintaining current total funding without increase is not recommended because of the rising costs of litigation and the additional burden of trial court facilities-related claims and litigation following the transfer of courthouses from the counties. In order to adequately fund several large settlements and costly litigation matters during FY2015-2016, transfers from other funding sources was required.

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JCC Office: Court Operations Services
Contact: Olivia Lawrence

Date: 07/19/16

Proposal Title: Implementation of the Strategic Plan for Language Access in the California Courts

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	7.0	\$ 813,000	\$ 7,528,000	\$ 8,341,000	\$ 7,103,000

Proposal Summary:

The Judicial Council proposes a General Fund augmentation of \$8,341,000 in fiscal year 20017-18 and \$7,103,000 in fiscal year 2018-19 for the establishment of 7.0 FTEs and the administration of eight projects designed to advance language access expansion efforts in the courts. Of this, \$6,070,000 would be ongoing funding in fiscal year 2019-20 and beyond. The requested funding would support, in order of priority: (1) a statewide recruitment initiative for qualified bilingual staff and court interpreters; (2) administrative support and non-VRI equipment to help support language access expansion; (3) a court training and signage grant program; (4) standards and training for bilingual staff and court interpreters; (5) advancement of the pilot program for video remote interpreting (VRI); (6) form translation and multilingual videos; (7) development and maintenance of a living toolkit; and (8) the work of the Task Force to conduct both business and community meetings, including the provision of interpreters and translated materials for LEP individuals attending said meetings, and consultant services to create work products. The requested funding will support LAP implementation efforts by providing additional tools and resources and services for the direct benefit of California's 7 million LEP individuals and the courts that serve them.

Background Information:

On January 22, 2015, the Judicial Council approved a comprehensive *Strategic Plan for Language Access in the California Courts*, which includes eight strategic goals and 75 detailed recommendations to be completed in three distinct phases. The Judicial Council's Language Access Plan Implementation Task Force, chaired by Supreme Court Justice Mariano Florentino-Cuellar, advises the Chief Justice and Judicial Council on implementation of the recommendations. The Task Force establishes the necessary systems for monitoring compliance with the LAP. The Task Force's charge is to turn the LAP into a practical roadmap for courts by creating an implementation plan for full implementation in all 58 trial courts.

Fundamental to California's LAP is the principle that the LAP's implementation will be adequately funded so the expansion of language access services will take place without impairing other court services. The only funding dedicated to language access is Trial Court Trust Fund 0150037 (previously identified as Program 45.45), which only provides funding for

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the services of court interpreters. Beyond this, no funding was secured with the adoption of the LAP which encompasses a much broader scope of services.

Federal Compliance

On August 16, 2010, the United States Department of Justice (DOJ) issued a letter clarifying the requirement that courts receiving federal financial assistance must provide meaningful access to LEP persons in order to comply with federal law. According to the 2010 DOJ letter to all state chief justices and court administrators, courts that receive federal funding must provide interpreters, free of charge, in all court proceedings to avoid violating civil rights laws. While recognizing budget concerns and constraints on the part of state and local courts, the August 2010 memorandum to state court administrators bluntly stated that “fiscal pressures, however, do not provide an exemption from civil rights requirements.”

In February 2011, the DOJ initiated an investigation of the Superior Court of California, County of Los Angeles and the Judicial Council of California, prompted by a December 2010 complaint filed by the Legal Aid Foundation of Los Angeles on behalf of two litigants who were not provided with Korean interpreters for their court hearings. The complaint alleges that in failing to provide the interpreters, the courts violated Title VI of the federal Civil Rights Act of 1964, which prohibits national origin discrimination. In a letter dated May 22, 2013, the DOJ summarized the observations they had made during the course of their investigation, identified four major areas of concern, and issued eight recommendations for steps toward compliance with Title VI and DOJ's Title VI implementing regulations. Key among their findings and recommendations were the following:

1. Title VI requires interpreter services in court proceedings be provided free of charge and requires interpreters in all court proceedings, not merely criminal and juvenile matters.
2. LEP litigants must be provided interpreting services from competent interpreters and not family or friends.
3. The Judicial Council should consider efficiencies and practices that can improve and increase language services in proceedings and operations, including appropriately utilizing technology such as video remote interpreting.
4. The Judicial Council should arrange for translation of fee waiver forms into the most common languages.

The Judicial Council and Superior Court of California, County of Los Angeles both have been working collaboratively with the DOJ toward voluntary compliance, without the need for legal action to be taken. DOJ monitored the drafting of the LAP with great interest, and continues to monitor implementation closely. Failure to take meaningful steps to implement the plan will likely lead to action by the DOJ which might result in a less measured implementation strategy.

Current staffing for the support of expanded Language Access Plan implementation at the state level is being undertaken by the Judicial Council's Court Operations Services (COS) office with only two FTEs: one Senior Analyst and one Analyst. The unit's current budget consists of

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approximately \$246,000 in Salary and Wages and a one-time allocation of \$87,000 for consulting expenditures. Due to lack of dedicated funding, other items of expenditure are often absorbed by the Court Interpreters Program and any one-time savings from other units in COS. Given their current workload constraints and lack of funding, it is not feasible to undertake new projects associated with the full expansion of the LAP.

Justification:

Access to the courts for all Californians is critical and paramount to ensure the fairness of our system of justice and the trust and confidence of Californians in our courts. Without meaningful language access, Californians who speak limited English are denied access to the very laws created to protect them. California is home to the most diverse population in the country. There are approximately 7 million LEP residents and potential court users speaking more than 200 languages, dispersed across a vast geographic area. These Californians continue to face significant obstacles to meaningful access to our justice system. The California courts also face unique challenges every day, particularly in courtrooms with high volume calendars in which the vast majority of litigants are self-represented (such as traffic, family law, and small claims - where parties must represent themselves). Courts must confront these challenges with limited resources, and although some funding has been restored to the courts, the branch is not funded to the level required to be able to provide all the services Californians need and expect in the resolution of their legal disputes.

As an important way to meet the needs of the state's LEP court users and the courts that serve them, the Judicial Council approved a comprehensive *Strategic Plan for Language Access in the California Courts* in January 2015. This plan includes eight strategic goals and 75 detailed recommendations to be completed in three distinct phases. The goal of the Judicial Council, and the Language Access Plan Implementation Task Force established to monitor the implementation of the recommendations, is to complete all phases of the plan over a 5-year period from 2015-2020. Several milestones were reached in the plan's first year including the launch of a web-based Language Access Toolkit and securing \$7 million in additional, ongoing funds in the Governor's Proposed FY 2016-17 Budget for trial courts to continue expanding access to interpreters in civil cases. However, implementation of the next set of recommendations will require funding to complete.

There are eight projects that would advance the goals of judicial branch's Language Access Plan to the next phase:

1. Statewide Recruitment Initiative for Qualified Bilingual Staff and Court Interpreters.

Funding is being requested for pipeline development of court interpreters and bilingual staff through outreach, recruitment, training and development, including a statewide internship program. It will be used to conduct a statewide and regional recruitment and media outreach initiative to raise awareness of bilingual court work and specifically the need for court interpreters in the highest priority languages identified by the courts in the 2016 LAP

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Implementation Task Force survey. This effort will match immediate regional needs for court interpreters with targeted outreach by conducting individualized recruitment, and conducting Introduction to Court Interpreting and Introduction to Court Interpreting Ethics workshops by region and language. This initiative will work with justice partners and education partners to develop language neutral skills building curriculum and internship programs for interpreters. Workshops will be conducted for near-passers of interpreter certification exams, and for experienced interpreters from other interpreting fields in targeted languages. Monies would fund the establishment of staffing for ongoing recruitment efforts, \$100,000 annually in media buys, \$115,000 for near-passer, outreach, and experienced interpreter workshops, and \$15,000 in recruitment related travel for staff 15 annual overnights per staff. One limited-term contract recruiter position is included.

The Judicial Council is requesting \$800,000 in funding (\$452,000 in ongoing monies) in fiscal year 2017-18 and the establishment of 3.0 FTEs to implement the continuing recruitment initiative, and an additional \$750,000 (including \$452,000 ongoing) in fiscal year 2018-19.

2. Infrastructure Support and Non-VRI Equipment to Help Support Courts' Language Access Expansion.

Funding is being requested to support courts' added infrastructure and oversight costs that are not currently covered by the Trial Court Trust Fund (TCTF) Program 0150037 fund (previously identified as Program 45.45 fund). With the courts' expansion of interpreter services into civil proceedings, under the Language Access Plan (including the management and oversight of approximately \$102,768,000 in court interpreter services anticipated for FY 2016-17 in the TCTF Program 0150037 fund), the courts are now faced with increased volume of interpreter services to oversee and additional infrastructure expenses.

Fundamental to the Language Access Plan is the principle that the plan's implementation will be adequately funded so the expansion of language access services will take place without impairing other court services. As a general rule, courts do not receive reimbursements for administrative costs of interpreter services. Court administrators are working with the bench to educate them on working with a limited number of interpreters and the need for scheduling considerations, as the demand and need for interpreter services increases, especially in matters requiring other than Spanish (OTS) interpreters. Courts cannot continue to absorb these increasing language access costs without a new dedicated fund source. In order for the courts to fully expand language access services and fully implement the Language Access Plan, additional funding is paramount for infrastructure support is needed to pay for associated additional non-Program 0150037 reimbursable services related to the language access expansion, such as court interpreter supervision, coordination or scheduling of staff, translation of key documents for limited English proficient (LEP) court users, bilingual pay-differentials to hire and retain qualified bilingual staff, multi-lingual signage needs, and language access-related equipment. In addition, the current language access expansion effort taking place in the courts requires courts to have updated/upgraded quality interpreter wireless communication equipment and headsets, which enable court interpreters to work more efficiently with LEP parties and witnesses.

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The Judicial Council is seeking \$4,346,000, of which \$696,000 is one-time, to cover costs for all 58 courts for the estimated range of additional funding needs for non-0150037 reimbursable purposes in order to implement full expansion, by court size. The estimated amounts were provided in responses to the survey by trial courts that indicated their need for additional funding.

3. Training and Signage Grant Program for Trial Courts.

Training. As interpreters are deployed in more civil cases, all stakeholders agreed that systematic training for the transition to civil would be beneficial for those interpreters who have not had experience in the civil arena. Similarly, as remote interpreting is gradually phased in for the expansion of language access, local technical training will be necessary for interpreters and court personnel alike with regard to the technology and the optimum manner of using such equipment. To address court interpreter training needs, the LAP recommended training for interpreters on civil cases and remote interpreting (LAP Recommendation No. 46). Training is also needed for judicial officers, court administrators, and court staff on language access policies, procedures, and standards so they can respond consistently and effectively to the needs of LEP court users, while providing culturally competent language access services.

Signage. Easy-to-understand signage is also essential to help LEP court users navigate the courthouse and ensure they receive appropriate services. Access starts with wayfinding, which requires the use of clear and intuitive visual cues to minimize confusion and assist all persons who enter a building. It is accomplished through the strategic and immediate visual information indicating the location of common important public spaces: information desks, elevators, stairs, and restrooms. Wayfinding is then supplemented by appropriate signage. These important navigational tools can help to remove confusion and language access barriers, and reduce the apprehension that many court users may have about going to an unfamiliar courthouse.

The Judicial Council is requesting \$1.5 million ongoing to support the LAP recommendations regarding training and signage. Because each court has different needs when it comes to training and signage, this will be set up as a grant program with the intent to provide courts the flexibility necessary for them to address the most pressing needs particular to their court.

4. Standards and Training for Bilingual Staff and Court Interpreters.

Funding is being requested for assessing bilingual court staff and training bilingual staff and court interpreters. Current court staff should be assessed for bilingual abilities pursuant to the Language Access Plan. A contractor will create an online training program for bilingual staff and update and refresh the existing online orientation training for existing court interpreters. The ongoing monies would fund the updating of the existing online orientation programs for court interpreters and the new online training for bilingual staff.

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The Judicial Council is requesting \$243,000 in funding (approximately \$228,000 in one-time funds and \$15,000 ongoing) for assessing bilingual court staff and training bilingual staff and court interpreters.

5. Video Remote Interpreting (VRI) Spoken Language Pilot Implementation and Support.

The LAP made several recommendations regarding the use of VRI in appropriate court proceedings where it will allow LEP court-users to fully and meaningfully participate in the proceedings. (Recommendation No's. 12-17). The LAP recommended conducting a pilot project to collect data on due process issues, participant satisfaction, the effect on the use of certified and registered interpreters, the effectiveness of a variety of available technologies, and a cost benefit analysis (Recommendation No. 16). Based on these recommendations, the Judicial Council is therefore requesting funds in order to implement, evaluate, and support a VRI Pilot Project. While total funding for technology support (including equipment, VRI end-point implementation, court infrastructure, testing of effective interpreter scheduling protocols, etc.), and project evaluation has not yet been determined, an allocation for VRI staffing resources is necessary to the success of a VRI pilot project.

The Judicial Council requests an ongoing amount of \$348,000 for the establishment of 3.0 FTEs to provide VRI program management and technology support.

6. Translation of Judicial Council Forms and Creation of Multilingual Videos to Assist Limited English Proficient (LEP) Court Users.

Accurate and effective translation services are essential to ensure that forms and other documents are available to limited-English speakers in their native languages. The LAP made several recommendations regarding the translation of forms and notices into a court's top five languages based on local community needs (see LAP Recommendations No's. 5, 36-40). To date, 226 Judicial Council forms have been translated into Spanish; 62 forms have been translated into written versions of Vietnamese, Korean and Chinese (leaving 164 forms to translate into those three languages -492 individual translations), plus 226 forms to translate into Farsi, for a total of approximately 718 individual form translations still needed. Contracting with a translation service will enable the translation of 200 forms per year, completing the project in four years. Language access can also be expanded by the use of multilingual audiovisual material. It is a simple use of technology that is relatable to all court users, especially in some courtrooms where a particular type of case is heard (e.g., traffic, small claims, and AB 1058 governmental child support calendars), and where general introductory remarks that educate the litigants on some basic legal principles and procedures are often provided. The LAP, therefore, recommended (Recommendation No. 18) that the Judicial Council create multilingual standardized videos for high volume case types that lend themselves to generalized legal information, and provide them to courts in the state's top eight languages.

The Judicial Council is requesting \$647,000 one-time funding in fiscal year 2017-18 for translation services for forms, documents, and videos, and \$407,000 for fiscal year 2018-19.

2017-2018 FY Budget Change Proposal Concept**7. Development and maintenance of the web-based Language Access Toolkit.**

Funding is being requested for the development and maintenance of an online presence for disseminating the work of the Implementation Task Force and supporting local courts in their efforts to provide language access to LEP court users. The Implementation Task Force has generated a number of important tools for courts and has developed an initial framework for a centralized access point and repository for all language access resources and materials. The additional funding would be used to build out the site for full functionality for courts and add sections for LEP court users who speak one of the top eight languages in California to be connected with information available on the statewide and local levels in their language, including information sheets, videos and other resources.

The Judicial Council is requesting \$129,000 in funding, \$24,000 in one-time funds for contractor assistance to build out the site, and \$105,000 in ongoing monies for the establishment of 1.0 FTE split between the Court Interpreters Program and Information Technology to continually manage the site's content, serve as subject matter expert for translated documents, and provide technical maintenance on the site.

8. Work of the Language Access Plan Implementation Task Force

The LAP recommended the formation of a Task Force to develop an implementation plan and make recommendations to the Judicial Council for implementation of the plan's 75 recommendations (LAP Recommendation #60). The Task Force was formed in March 2015, has a three- to five-year charge, and is overseen by the Judicial Council's Executive and Planning Committee. Requested funding would support up to three in-person business meetings per year (and include costs for interpretation services upon request for all in-person public meetings, translation of Task Force meeting notices, agendas and materials, publications) and up to two community outreach meetings (and include costs for travel, translation of materials, interpreters for the public, etc.). The Task Force requires more than one in-person meeting, including the conduct of community outreach meetings, in order to hear from stakeholders and complete its charge to turn the Language Access Plan into a practical roadmap for courts and full implementation in all 58 superior courts. For "Phase 1" of LAP implementation, in June 2015, the Judicial Council staff conducted an RFP process resulting in retaining the National Center for State Courts (NCSC) as the consultant for the Task Force. NCSC's contract to provide services runs from July 2015 through June 2016. A Request for Proposal (RFP) has been posted for additional language access consultant services to be provided by a vendor for FY 2016-17. Funds for the 2016 RFP were encumbered in the FY 2015-16 budget. Funding for FY 2017-18 would support efforts of the Task Force including consultant costs for implementation of certain recommendations for which external subject matter experts could provide essential and timely information.

The Judicial Council requests a General Fund augmentation of \$328,000 for fiscal year 2017-18 and the same for fiscal year 2018-19 to support the ongoing efforts the Task Force.

The Judicial Council's Language Access Plan requires additional dedicated staffing and resources to allow the branch to move forward with implementation of the 75 recommendations

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of the *Strategic Plan for Language Access in the California Courts*. Moving forward with its charge will improve access to justice for 7 million LEP Californians, improve efficiency for the courts, and increase the branch's ability to come into compliance with the DOJ mandate that California meet the requirements of Title VI of the federal Civil Rights Act of 1964.

While the Judicial Council has been working collaboratively with DOJ toward voluntary compliance without the need for legal action to be taken, DOJ has recently expressed an urgency for tangible progress. Failure to take meaningful steps to implement the LAP will likely lead to action by the DOJ which might result in a less measured implementation strategy, and the potential loss or reduction of \$60 million of federal funding.

Fiscal Impact:

This request is for General Fund monies distinct from the current statewide interpreter budget. The Trial Court Trust Fund Program 0150037 is anticipated to have an additional \$7 million added to it by the Governor for FY 2016-17 and on-going in order to assist the courts with added interpreter costs due to the ongoing civil expansion efforts; however, none of those monies can be utilized for any of the eight proposed projects as directed by statute.

The Judicial Council, therefore, requests \$8,341,000 in General Fund monies for fiscal year 2017-18 (\$6,070,000 ongoing) for the establishment of 7.0 FTEs and the implementation of eight language access-advancing projects, and \$7,103,000 (including \$6,070,000 ongoing) for fiscal year 2018-19. The breakdown by project is as follows:

Project	2017-2018	2018-2019
Statewide recruitment initiative for qualified bilingual staff and court interpreters	\$800,000	\$750,000
Administrative support and non-VRI equipment to help support courts' language access expansion	\$4,346,000	\$3,650,000
Training and Signage Grant Program for Trial Courts	\$1,500,000	1,500,000
Standards and training for bilingual staff and court staff interpreters	\$243,000	\$15,000
Video Remote Interpreting (VRI) spoken language pilot implementation and support	\$348,000	\$348,000
Translation of Judicial Council forms and creation of multilingual videos to assist limited English proficient (LEP) court users	\$647,000	\$407,000
Development and maintenance of the web-based <i>Language Access Toolkit</i>	\$129,000	\$105,000
Work of the Language Access Plan Implementation Task Force including consultant services	\$328,000	\$328,000
Total Requested	\$8,341,000	\$7,103,000

2017-2018 FY Budget Change Proposal Concept**Outcomes and Accountability:**

The eight proposed projects contained in this BCP all have measurable and tangible results for the courts and LEP court users.

- **Statewide recruitment initiative for qualified bilingual staff and court interpreters.** Funding to increase the number of eligible and active interpreters will allow more courts to provide interpreters in multiple languages in growing numbers of civil cases and case types. Expansion of court interpreter services in civil matters is consistent with the direction of the DOJ and the Government Code section 68092.1. Courts will continue to report on interpreter usage, by case type, and the Judicial Council will be able to more effectively document the continuing unmet need. The population of certified and registered interpreters (1,850 currently) on the Judicial Council's Master List are an aging population with many nearing retirement age, emphasizing the need to refresh the entire pool in the coming year. And in certain languages, there is a particularly high need at the current time for new certified/registered interpreters.
- **Infrastructure support and non-VRI equipment to help support courts' language access expansion.** With the exception of direct interpreter services provided to LEP court users, the expansion of language access services is not reimbursable or funded for the courts. Each court currently absorbs the vast majority of the infrastructure and oversight expenses associated with the provision of interpreter services. Providing a dedicated funding stream specifically for the offset of these expenditures will free existing resources initially allocated for other court costs, and ensure that courts continue their efforts to successfully expand language access as mandated. Resources can be monitored using the Judicial Council's Phoenix Financial System.
- **Training and Signage Grant Program for Trial Courts.** Ongoing and additional training and signage for the courts will increase competency of language assistance by court judicial officers and staff. Provision of signage and materials in appropriate languages will promote and enhance effective communication with LEP persons when they are navigating courthouses or require assistance to understand and complete court processes. During implementation of this grant program, the council will evaluate its success, and will highlight and report on best practices.
- **Standards and training for bilingual staff and court interpreters.** Goal 5 of the Language Access Plan ensures that language access service providers deliver high quality services. As the number of interpreters deployed to civil cases increases, so does the need for systematic training in the legal terminology used and procedural steps followed for these case types for those interpreters who lack experience in the civil arena. Similarly, there is also a need to establish proficiency standards and training for bilingual staff providing services to LEP court users. The resources dedicated to this project will ensure that individuals assigned to communicate with the LEP public are qualified and trained.

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The anticipated increase in the number of bilingual staff and court interpreters able to assist LEP court users can be tracked by the courts.

- **Video Remote Interpreting (VRI) spoken language pilot implementation and support.** The language access VRI pilot will be a comprehensive multi-phased pilot for the courtroom, and will include traditional intra-court usage, use of independent contractors, and further on-demand shared VRI interpreting. Data will be collected from all impacted stakeholders to maximize an LEP individual's ability to meaningfully participate in court proceedings using VRI. The second phase of the pilot, funded by this request, will produce the following outcomes:
 1. Test and/or finalize use and technical minimums which will govern all VRI going forward (see LAP Recommendation Nos. 12-14 and Appendices B-D), and
 2. Prove the concept of inter-court and inter-region sharing of staff resources via VRI access to the same interpreters.

- **Translation of Judicial Council forms and creation of multilingual videos to assist limited English proficient (LEP) court users.** Work products include 200 translations per year of Judicial Council forms into the state's most common non-English languages, resulting in greater access to justice for California's LEP court users. Translation of 20 common court order templates into five non-English languages will result in greater understanding of court orders by LEP court users and increased compliance with court orders. Creation of five standardized videos that will then be translated into eight languages will assist LEP court users to understand court processes and know what to expect in court. Work products to be developed by the LAPITF, in conjunction with consultants (currently the National Center for State Courts (NCSC)), include bench cards, bench guides, training material curriculum, and training material scripts, which will assist members of the judicial branch and allow them to better serve LEP court users.

- **Development and maintenance of the web-based *Language Access Toolkit*.** The existing Language Access Toolkit was established as a centralized access point and repository for all language access resources and materials. To ensure the site's optimal effectiveness, it must be expanded and continually maintained, rather than remaining static. In its preliminary state, the site is already proving itself an indispensable resource for the courts. Expanding the site to full functionality would prove to be of even greater use and benefit to the courts, and would eventually include access for LEP court users as well. The success of this project can easily be measured by the anticipated increased number of users accessing the site.

- **Work of the Language Access Plan Implementation Task Force, including consultant services.** This will include court interpreters as requested for business meetings and provided automatically for community outreach meetings, translation of meeting documents into multiple languages, and consultants to assist with the

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implementation of certain recommendations in the LAP. Services will provide access to LEP court users, and allow them to meaningfully participate and provide comments or suggestions regarding LAP implementation. To ensure efficiency and transparency of meetings, and to be able to receive and incorporate stakeholder input from varied LEP court users, providing translated materials and interpreters is an essential and effective way to conduct business with California's extensively diverse LEP population.

Projected Outcomes:

The eight proposed projects will serve to greatly advance the Judicial Council's overarching goal of statewide expansion of language access efforts for LEP court users. A survey of court progress in providing interpreters in civil cases completed in September 2015 showed that 81 percent of courts were making progress, although the ability of courts to provide interpreters in civil case types varied according to size, demand, and availability of interpreters.

The Language Access Plan's goal is that, "by 2017, and beginning immediately where resources permit, qualified interpreters will be provided in the California Courts to LEP court users in all courtroom proceedings." Due to limited resources in most courts, interpreters are provided in order of priority as follows:

- Priority 1: DV, civil harassment where fees are waived (Code Civ. Proc., § 527.6(w)), elder abuse
(physical abuse or neglect)
- Priority 2: Unlawful detainer
- Priority 3: Termination of parental rights
- Priority 4: Conservatorship, guardianship
- Priority 5: Sole legal or physical custody, visitation
- Priority 6: Other elder abuse, other civil harassment
- Priority 7: Other family law
- Priority 8: Other civil

The table below depicts the progress of expansion efforts in the 58 courts by expansion category:

Civil Expansion Category	Number of Courts as of Sept 2015			
Full Expansion	9			
Priority 1-8	28			
Priority 1-4	9			
No Expansion	12			

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Each of the eight proposed projects would contribute to the projected outcome of achieving full language access expansion for LEP court users in all 58 courts on multiple fronts. The Judicial Council is striving to meet this goal on or before the year 2020.

Other Alternatives Considered:

Option 1: Approve funding for only half of the projects requested (1-4 only). *(\$6,889,000 and 3.0 FTE's in FY 2017-18, and \$5,915,000 in FY 2018-19, including ongoing)*

Pro: Proceeding with funding for half of the projects requested, in order of priority, would provide dedicated resources for a statewide recruitment initiative, infrastructure support, training, equipment and signage, and standards and training for bilingual staff and court interpreters. These projects are of highest priority to the Judicial Council with respect to language access and would allow the branch to solidly advance their language expansion efforts. The projects are:

- a. Statewide recruitment initiative for qualified bilingual staff and court interpreters;
- b. Administrative support and non-VRI equipment;
- c. Training and signage grant program for trial courts; and
- d. Standards and training for bilingual staff and court interpreters.

Con: This option would increase the State's General Fund expenditures. It would also deny the courts and the Judicial Council the opportunity to expand language access services to increase access for LEP court users due to a lack of funding for a VRI pilot and other essential language access services. Not funding other LAP-related work products (signage, multilingual forms and videos to assist LEP court users, and the *Language Access Online Toolkit*) will limit expanding access to justice for LEP individuals. Failure to adequately support the work of the LAPITF, including the creation of work products to benefit LEP court users and the courts, will delay LAP implementation efforts and progress, and thus, make full implementation of the LAP by the target date of 2020 nearly impossible. Failure to provide interpreters or translated material for the public at business or community meetings will also impede public access and remove full and meaningful participation of LEP individuals and communities regarding LAP implementation.

Option 2: Approve funding for only the statewide recruitment initiative for qualified bilingual staff and court interpreters and the work of the Language Access Plan Implementation Task Force (1 and 8 only). *(\$800,000 in funding (\$452,000 in ongoing monies) in fiscal year 2017-18 including the establishment of 3.0 FTEs, and an additional \$750,000 (including \$452,000 ongoing) in fiscal year 2018-19 for statewide recruitment, and \$348,000 in both years for the Task Force)*

Pro: Funding only these projects would increase the number of eligible and active interpreters allowing more courts to provide interpreters in multiple languages in

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growing numbers of civil cases and case types, consistent with the direction of the DOJ and the findings set forth in Government Code section 68092.1, and the Judicial Council's *Strategic Plan for Language Access in the California Courts*, and would allow the Task Force to conduct its work regarding LAP implementation in a timely fashion.

Con: This option would increase the State's General Fund expenditures. Courts and the Judicial Council will be limited in their ability to expand language access services for LEP court users due to a lack of funding for signage, translation of forms, and creation of videos in the state's most commonly spoken non-English languages, and technology resources such as the maintenance of the *Language Access Online Toolkit*, and the launch of the Video Remote Interpreting (VRI) pilot will be further delayed. Training for existing bilingual staff and court interpreters in civil matters will be unavailable, hindering expansion. Of even greater consequence would be the inability to assist the courts with funding for equipment and administrative/infrastructure costs not currently covered by the Trial Court Trust Fund Program 0150037 (previously identified as Program 45.45 fund). These costs must be absorbed within each courts' budget and are not currently reimbursable. Failure to fund the basic services needed for LEP court users will also result in the branch continuing to be under the oversight of the DOJ.

Option 3: Approve funding for projects that recruit interpreters, provide training, maximize technology, and continue the work of the Task Force (1, 3, 4, 5, and 8 only). (\$3,219,000 for FY 2017-18 (\$920,000 ongoing), 7.0 FTEs, and \$2,941,000 (including ongoing) for FY 2018-19)

Pro: Funding only these projects would increase the number of eligible and active interpreters allowing more courts to provide interpreters in multiple languages including in growing numbers of civil cases and case types, consistent with the direction of the DOJ and the findings set forth in Government Code section 68092.1, and the Judicial Council's *Strategic Plan for Language Access in the California Courts*; fund online training courses for court staff and training bilingual staff and court interpreters in civil matters; facilitate the launch of the Video Remote Interpreting (VRI) pilot, enable the development and maintenance of the Language Access Online Toolkit as a resource for courts and LEP court users; and allow the Task Force to continue its work regarding LAP implementation.

Con: This option would increase the State's General Fund expenditures. This option is not recommended because a lack of funding for administrative costs could potentially limit or deter courts' ability to pay for unexpected administrative costs associated with full language access expansion; prevent the Judicial Council from translating statewide forms into additional languages to ensure that Judicial Council forms are translated into the state's top 5 non-English languages; prevent the Judicial

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Council from developing multilingual videos to assist LEP court users; and will delay the necessary build-out of the Language Access Toolkit, which is the statewide repository for language access resources to assist courts and LEP court users. A lack of funding for these priorities will negatively impact LEP court users' access to the courts.

Option 4: Approve the full General Fund Augmentation of \$8,341,000 for the trial courts.

Pro: This option will provide:

- Funding for a vital statewide recruitment initiative for qualified bilingual staff and court interpreters, ensuring that courts are able to expand their court interpreter services for LEP court users including in civil cases;
- The Judicial Council will have the ability to assist the courts with funding for equipment and administrative/infrastructure costs not currently covered by the Trial Court Trust Fund Program 0150037 (previously identified as Program 45.45 fund);
- Training for judicial officers and court staff regarding the judicial branch's language access policies and requirements;
- Easy-to-understand signage to help LEP court users navigate the courthouse and facilitate their receipt of appropriate services;
- Online training courses for court staff and training bilingual staff and court interpreters in civil matters;
- Facilitate the launch of the Video Remote Interpreting (VRI) pilot;
- Enable the development and maintenance of the Language Access Online Toolkit as a resource for courts and LEP court users; and
- Provide the Task Force the ability to continue its work regarding LAP implementation.

Con: This option would increase the State's General Fund expenditures and would require additional resources/appropriation.

The Judicial Council recommends approval of Option 4.

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JCC Office: Budget Services
Contact: Catrayel Wood

Date: 07/19/16

Proposal Title: Fund shift from the State Trial Court Improvement and Modernization Fund to the General Fund to support programs that provide services to courts statewide.

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	0.0	\$6,953,000	\$0	\$6,953,000	\$6,953,000

Proposal Summary: The Judicial Council proposes an ongoing \$6.9 million General Fund augmentation to shift costs supporting programs that provide services to trial courts statewide currently funded from the State Trial Court Improvement and Modernization Fund (IMF) to the General Fund. This will allow costs related to statewide operations of the Judicial Branch be funded from a stable funding source to serve the branch's needs and ensure sufficient funding is provided to support these programs. The 2016 Budget Act included an ongoing augmentation of \$8.7 million General Fund to support the Judicial Council's IMF-related state operations costs of the Phoenix Financial System.

Background Information:

Judicial Council staff currently funded from the IMF support the following programs:

1. Treasury Services Cash Management - Used for the compensation, operating expenses and equipment costs for two accounting staff for all trial courts.
2. Trial Court Procurement - Pays for phone services and rent allocation for one position in Business Services that provide procurement and contract related services at a statewide level.
3. Audit Services - Conducts comprehensive audits (financial, operational, and compliance) at each of the 58 trial courts.
4. California Courts Protective Order Registry CCPOR (ROM) - Provides a statewide protective order repository that provides complete, accessible information on restraining and protective orders.
5. Data Integration - Provides system interfaces between Judicial Council systems and the computer systems of our justice partners.

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6. California Courts Technology Center (CCTC) - Provides ongoing technology center hosting or shared services to the trial courts, as well as a full disaster recovery program.
7. Civil, Small Claims, Probate and Mental Health (V3) CMS - CMS V3 processes 25 percent of all civil, small claims, probate, and mental health cases statewide. V3 functionality enables the courts to process and administer their civil caseloads, automating activities in case initiation and maintenance, courtroom proceedings, calendaring, work queues, payment, and financial processing.
8. Uniform Civil Fees - Provides ongoing application support and maintenance; server hardware upgrades; and application software upgrades of the Uniform Civil Fees System.
9. Regional Office Assistance Group - Pays for attorneys, an administrative coordinator and a secretary to establish and maintain effective working relationships with the trial courts.

Justification: The IMF has experienced significant declines in revenue over the past several years (see table below). These revenues, which consist of 50-50 excess revenue split from collections of certain fees, fines, and forfeitures; 2 percent of all fines, penalties, and forfeitures collected in criminal cases; and royalties received from publication of uniform jury instructions, are intended to ensure equal access to trial courts by the public and to improve trial court operations and should be used for those purposes.

Historical Revenue for the State Trial Court Improvement and Modernization Fund			
	50-50 Excess Revenue	2% of Fines/Penalties/Forfeitures	Total
2005-06 (high year)	\$73,157,065	\$15,894,733	\$89,051,798
2013-14	\$26,873,351	\$15,242,700	\$42,116,051
2014-15	\$23,702,658	\$14,730,023	\$38,432,681
2015-16 (est.)	\$20,055,519	\$11,915,523	\$31,971,042
2016-17 (est.)	\$18,469,929	\$10,915,373	\$29,385,302

This proposal will provide a General Fund augmentation to support JCC staff funded from the IMF, recognizing that costs related to statewide operations of the Judicial Branch are properly funded from the General Fund rather than from other special funds designated for specific purposes. The adverse impacts to the IMF, if this proposal is not approved, would likely result in further reductions and possible elimination of programs funded from the IMF to address solvency issues within the IMF, requiring the trial courts and other entities to utilize existing operational resources to support these needs.

Fiscal Impact: \$6.9 million General Fund. The ongoing fiscal impact to the IMF, if the proposal is approved, is fund solvency and the preservation of its resources necessary to fund and serve the branch's needs.

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Program/Project	Office	Projected 2016-17 Authorized FTE	2016-17 Council Approved State Operations Allocation	Projected 2017-18 Authorized FTE	2017-18 Estimated Need
Treasury Services Cash Management	Finance	2	\$ 242,100	2	\$ 242,100
Trial Court Procurement	Finance	1	\$ 122,000	1	\$ 122,000
Audit Services	Audit Services	14	\$ 660,000	14	\$ 660,000
CCPOR (ROM)	IT	2	\$ 337,100	2	\$ 337,100
Data Integration	IT	4	\$ 538,100	4	\$ 538,100
California Courts Technology Center (CCTC)	IT	11	\$ 2,050,100	11	\$ 2,050,100
Civil, Small Claims, Probate and Mental Health (V3) CMS	IT	9	\$ 1,531,500	9	\$ 1,531,500
Uniform Civil Fees	IT	2	\$ 372,200	2	\$ 372,200
Regional Office Assistance Group	LSO	6	\$ 1,100,000	6	\$ 1,100,000
Total		51	\$ 6,953,100	51	\$ 6,953,100

Outcomes and Accountability: Providing a General Fund augmentation to support Judicial Council staff funded from the IMF will mitigate the need for program reductions and/or eliminations, and preserve limited resources within the IMF.

Other Alternatives Considered:

1. Approve an ongoing augmentation of \$6.9 million General Fund to support JCC staff funded from the State Trial Court Improvement and Modernization Fund.
 - a. PRO
No reduction of services provided to the courts by the IMF. Continues to build on the branch's efforts to realign expenditures within the IMF to ensure fund solvency and supports the Judicial Council's role in supporting strong central administrative functions for the branch.
 - b. CON
An ongoing impact to the General Fund.

2. Approve an ongoing augmentation of \$3.5 million General Fund to support JCC Staff Funded from the State Trial Court Improvement and Modernization Fund.
 - a. PRO
Limits the reductions to programs currently funded from the State Trial Court Improvement and Modernization Fund. Continues to build on the branch's efforts to realign expenditures within the IMF to ensure fund solvency.
 - b. CON
An ongoing impact to the General Fund.
Will likely result in further reductions/elimination of programs funded from the IMF.

3. Deny General Fund Augmentation.
 - a. PRO
No impact on the General Fund.
 - b. CON
Will result in further reductions/elimination of programs funded from the IMF.

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JCC Office: Center for Judicial Education & Research
Contact: Gavin Lane

Date: 07/19/16

Proposal Title: Judicial Officer Orientation Programs

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	0.0	\$ -	\$ 785,000	\$ 785,000	\$ 785,000

Proposal Summary:

The Judicial Council proposes an ongoing augmentation of \$785,000 General Fund beginning in 2017-18 to support the direct costs of faculty and trial court participants at required education courses (identified in Rules of Court 10.451 – 10.462) for newly appointed or elected judges, newly hired subordinate judicial officers (SJOs), and judges and SJOs assigned to adjudicate a substantive law assignment in which they have not worked before (e.g. reassigned from a Criminal Law Court to a Family Law Court). Additionally, this request proposes provisional language to provide additional augmentation authority during the fiscal year (upon approval of the Department of Finance) to the extent that existing resources are insufficient to support the number of judges/SJOs requiring orientation education and training. This request will shift a portion of the funding currently provided from the State Trial Court Improvement and Modernization Fund (IMF) to the General Fund. The cost estimate for this proposal is primarily based on the constant of 104 new judicial officers being appointed, elected, or hired on an annual basis, which is derived from the average attendance of new judicial officers at the B.E. Witkin Judicial College over the past 25 years. For judges new to a judicial assignment area, the cost estimate is based on actual attendance numbers from FY 14-15 and the aggregate of standard course participation numbers (totaling 347 annually) for the nine Primary Assignment Orientation (PAO) courses.

When the current Governor leaves office, CJER expects 2017-18, 2018-19, and 2019-20 to have a much higher-than-average attendance by new judges, consistent with the past levels of appointments by outgoing governors. Attendance at the Judicial College has ranged between 54 and 142 judges over the past 25 years (please see **Attachment A** showing Judicial College attendance from 1990-2016). This will increase the number of judicial orientation participants and therefore the costs. Further, accelerating and variable costs for lodging when the economy is strong compound this fluctuating cost problem, particularly in the Bay Area and Sacramento where the majority of judicial orientation education is provided.

CJER has invested in a variety of distance, local and regional education approaches over the past fifteen years to maximize the delivery of educational resources for all judicial branch members,

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and live education for experienced judges has been reduced by more than 50% in recent years. The remaining live face-to-face educational opportunities are needed to provide the types of continuing education that have been consistently identified as essential for the state's experienced judicial officers. Stable funding is required for judicial orientation education in order to avoid severe ad hoc reductions in the funding for CJER's remaining live continuing education for experienced judges in order to pay for fluctuating cost increases in the orientation programs.

Background Information:

By rule of court, newly appointed, elected, or hired judges and subordinate judicial officers (SJO) must complete CJER's New Judge Orientation and the B.E. Witkin Judicial College, as well as an orientation course from CJER in their primary assignment area¹. These three programs enable the new judge and SJO to transition from their former role of an attorney to that of a judicial officer. These programs also provide foundational education in their role as a judicial officer, as well as essential education specific to their initial bench assignment. The courses are planned and provided to judicial officers by trained expert faculty drawn from among their peers on the bench. The general public benefits directly and profoundly from the improved judicial decision-making of judicial officers informed by these courses.²

Currently, \$1.202 million is allocated from the IMF to CJER to support not only these required statewide orientation courses for trial court judicial officers, but also to provide continuing statewide education to experienced trial court judges, court executives, managers and court staff. This proposal will reduce the amount needed annually from the IMF to \$599,000, to support these other types of training/CJER activities and will bring the total statewide training budget to \$1.384 million (\$599,000 IMF/\$785,000 GF).

The CJER IMF allocation, intended to enable consistent statewide education, was originally associated with state trial court funding and provided via several BCPs in the late 1990s and early 2000s. Once encompassing \$3.6 Million, and reduced and redirected by more than 60% to a current level of \$1.2 Million, CJER's IMF budget is no longer sufficient to meet the education needs identified by the CJER Governing Committee, the Judicial Council Advisory Committee charged with implementing the Council's Strategic Plan (Education is Goal 5 of the Judicial Council's Strategic Plan). The largest portion of this budget by far funds orientation for judicial officers new to the bench and new to their substantive law assignment. More than 50% of live education for experienced judges has been eliminated in recent years as a result of severe funding reductions.

¹ Cal.Rule of Court 10.462(c)

² Additionally, experienced Judges are expected to and experienced SJOs are required to complete an orientation course when they are beginning a new assignment.

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Justification:

This proposal addresses two primary problems. The first is that the reduced solvency of the IMF is causing ongoing reductions to CJER's overall allocation and impacting the ability of the Council to provide its recommended curriculum of education to all judicial officers, court managers and personnel. The second is that the fluctuating cost of the judicial orientation programs from year to year due to the variable number of judicial appointments by the State Executive impacts CJER's ability to effectively plan for and implement all other judicial education programming in any given fiscal year.

This BCP is timely because a review of attendance at the Judicial College over the past 25 years demonstrates a spike in judicial appointments when a Governor leaves office (see **Attachment A**). Because of this, a large unfunded increase in costs is anticipated in FY2017-18 and 2018-19 when the current Governor leaves office. The current CJER IMF allocation could not absorb those anticipated costs without eliminating most, if not all of the remaining live education for experienced judges.

This BCP enables CJER to anticipate and address this expected cost increase by proposing provisional language to provide additional augmentation authority during the fiscal year (upon approval of the Department of Finance) to the extent that existing resources are insufficient to support the variable number of judges/SJOs requiring orientation education and training. It further proposes that in order to balance out these as needed augmentations, the use of the funding be limited to the specific purpose of judicial orientation and the funds returned to the General Fund in years when costs are less than standard.

Fiscal Impact:

The \$785,000 General Fund allocation will support the direct costs of participants (consisting of trial court judicial officers) and faculty (consisting primarily of subject matter expert judges trained as faculty and a small number of paid subject matter experts). Estimated costs are based on the long term average number of 104 participants annually for the New Judge Orientation and B.E. Witkin Judicial College (see **Attachment A**) and 347 participants annually for the various Primary Assignment Orientation Courses (based both on standard participant maximums for each course and actual past attendance at those courses in FY14-15).

The cost breakdown between the three Orientation areas is shown in the table below. Detailed cost breakdown documents for each area are included as **Attachments B, C and D**.

	Participants	Faculty		Total
New Judge Orientation (9 Sessions)	\$93,064	\$40,396		\$133,460
B.E. Witkin Judicial College	\$264,531	\$68,079		\$332,610
Primary Assignment Orientation Courses	\$252,696	\$66,347		\$319,043
Total	\$616,591	\$173,522		\$785,113

2017-2018 Budget Change Proposal Concept

This request is consistent with a previously approved 2016-17 Governor's Budget BCP which shifted costs for the Phoenix Program from the IMF to the General Fund, which is better able than the IMF to both accommodate the scope of these costs and provide for the variable funding amount required from year to year. Orientation of judicial officers to their new role on the bench and to their substantive law assignments is a critical function of the judicial branch. It is required to ensure the fair administration of justice, to meet the diverse needs of the public and to enhance the trust and confidence of the people of California in their courts.

There are no approvals required from other governmental entities to implement this proposal.

Outcomes and Accountability:

The requested resources will be accounted for by allocating them to specific General Fund Project Cost Centers (PCCs) for each of the three programs with which they can be tracked independently within the CJER General Fund allocation. A detailed annual account will be provided showing the cost elements of the programs (including the number of new judges, number of faculty, number of lodging nights, lodging rates secured through the use of appropriate contracting procedures, and ancillary costs such as those for materials, business meals or transportation). This detailed cost analysis will be used to determine whether additional resources are needed or whether unused funding should be returned to the State General Fund. The potential use of the funds would be limited and any unused funding would not be available for reallocation to other GF projects and would revert to the State General Fund.

Projected Outcomes:

The most important outcome of this proposal is stability and the ability to adjust the budget to meet the varying number and cost of judicial appointees requiring orientation as well as fluctuations in the market costs for lodging. This is essential for CJER to be able to meet rule and statutory requirements in years when a large number of new judicial officers require orientation while still being able to provide the continuing education that has been identified as essential for experienced judicial officers.

Workload Measure	2014-15 Past Year	2015-16 Past Year	2016-17 Current Year	2017-18 Budget Year
Average of 104 NJO participants	94	88	Unknown	Unknown
Average of 104 Judicial College participants	72	96	88	Unknown
Standard of 347 PAO Participants	327	Not yet available	Unknown	Unknown

2017-2018 Budget Change Proposal Concept**Other Alternatives Considered:**

- 1) Do nothing. This will result in insufficient IMF funding for judicial orientation programs in future years. Costs required to fund the mandated courses could result in elimination of funding for most or all other live judicial education programs unless supplemental funding is arranged.
- 2) Move all CJER IMF costs to the General Fund and provide a small augmentation as requested while including the proposed provisional language to provide additional augmentation authority during the fiscal year (upon approval of the Department of Finance) to the extent that existing resources are insufficient to support the number of judges/SJOs requiring orientation education and training. This would provide maximum flexibility.
- 3) Provide only partial augmentation, but with the proposed provisional language to provide additional augmentation authority during the fiscal year (upon approval of the Department of Finance) to the extent that existing resources are insufficient to support the number of judges/SJOs requiring orientation education and training. Although this would partially mitigate the problem of unstable funding, it would not be sufficient to avoid periodic reductions in the live continuing judicial education that has been identified as essential for experienced judges.

2017-2018 Budget Change Proposal Concept

Attachment A

B.E. Witkin Judicial College – Attendance History of New Judicial Officers 1990-2016

year	attendance
2017	Est. 104
2016	88
2015	96
2014	72
2013	72
2012	54
2011	115
2010	106
2009	130
2008	100
2007	119
2006	105
2005	62
2004	112
2003	130
2002	95
2001	104
2000	78
1999	98
1998	142
1997	112
1996	112
1995	110
1994	98
1993	86
1992	Not Available
1991	132
1990	148
average	104

2017-2018 Budget Change Proposal Concept**Attachment B****Cost breakdown for the New Judge Orientation Program (NJO)**

The cost estimate for the New Judge Orientation program is attached. It assumes a standard of nine (9) sessions per year and 104 total participants. It also assumes a venue at a government meeting facility in the Bay Area at which ancillary program costs are lower than at a private meeting venue. The standard configuration for an NJO session includes twelve (12) participants and four (4) faculty. In years when a larger number of participants must attend (additional judges are appointed or elected and more subordinate judicial officers are hired), a larger number of sessions and/or participants per session is typically necessary.

2017-2018 Budget Change Proposal Concept**Attachment C****Cost breakdown for the B.E. Witkin Judicial College**

The cost estimate for the B.E. Witkin Judicial College is attached. It assumes a standard of 104 attendees. The cost breakdown shows the complete cost of the program. The IMF funding items being requested in this BCP (the IMF-funded costs for participants and faculty lodging and meals) are highlighted and shown as project codes 0159-45051102 and 0159-45051105. In addition, faculty travel cost is estimated at a standard cost of \$250 for each regular faculty and \$750 for each seminar leader. The amount is shown with a lodging cost at the Bay Area Maximum of \$150/night. These costs have varied significantly in recent years and are very much subject to the health of the overall economy. Lodging costs have ranged between \$105 - \$189/night over the past ten years. Also, as noted earlier, when additional judges are appointed or elected and more subordinate judicial officers are hired, a larger number of participants must attend, which increases the number and cost of seminar leaders required as well as increasing participant costs.

2017-2018 Budget Change Proposal Concept

Attachment D**Cost assumptions for Primary Assignment Orientation (PAO) Courses.**

In addition to the NJO Program and the Judicial College, “Judicial Officer Orientation Programming” is defined to include nine (9) Primary Assignment Orientation Courses, some of which are offered multiple times during each fiscal year. The courses have standard configurations for participant maximums, faculty numbers and contracted expert faculty. The attendance assumption of 347 is consistent with past actual attendance at these courses. The specific courses are:

6004	Family Law PAO Course	2x/Year
6006	Juvenile Dependency PAO Course	2x/Year
6007	Juvenile Delinquency PAO Course	2x/Year
6008	Probate PAO	1x/Year
6009	Traffic PAO	1x/Year
6010	Orientation for Experienced Civil Law Judges Course	1x/Year
6011	Civil Law Basic Orientation General Jurisdiction Course	1x/Year
6012	Limited Jurisdiction, small claims, Unlawful Detainer Civil PAO	1x/Year
6014	Criminal Law PAO Orientation Course	3x/Year

Spreadsheets with detailed cost information for each course are attached.

2017-18 FY Budget Change Proposal Overview

JCC Office: Real Estate and Facilities Management
Contact: Enrrique Villasana/Angela Guzman

Date: 07/19/16

Proposal Title: Technology Improvement for Facilities

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	1.0	\$ 137,000	\$ 6,095,000	\$ 6,232,000	\$ 221,000

Proposal Summary:

The Judicial Council proposes a General Fund augmentation, for transfer to the State Court Facilities Construction Fund, in the amount of 6.246 million to advance efficiencies in the Capital Program (CP) and Real Estate and Facilities Management (REFM):

1. Identify and implement an electronic records management and document control system for the CP and REFM. Adoption of an electronic management and document control system will ensure documents are captured and retained in a manner that makes them easily identified, located and produced.
2. Assess the current REFM business needs and implement a technology solution that best suits our needs. Assessment of current REFM applications to match against the business needs will result in consolidation of multiple systems, an integrated work management system, efficient business processes and cost saving opportunities.

Background Information:

1. Electronic Records Management and Document Control System

Each project generates a substantial number of documents that become the official record of the project. The records serve a number of purposes including, but not limited to, potential claims, records of latent defects and use in future facility modifications. These documents are currently stored on a shared drive, which has inherent risks for document management, such as accidental re-location or deletion of documents. Retrieval in such instances can be difficult and time-consuming. There is a need to have a system of record that is simple to use, provides a defined filing system, provides document storage that will hold up in any court case requiring project information, allows indexing, and easy retrieval. An electronic and records management system will allow consolidation of document storage from multiple locations currently in use to a single system that allows for efficient document storage and retrieval.

2017-18 FY Budget Change Proposal Overview**JCC Office: Real Estate and Facilities Management**
Contact: Enrrique Villasana/Angela Guzman**Date: 07/25/16****2. Integrated Work Management System**

REFM currently uses IBM/TRIRIGA CAFM [1], VFA applications and Progen database [2], as adopted for use by the Judicial Council of California (JCC). In order to maximize efficiencies for current and future business needs, an assessment of the current systems, comparison of integrated workplace management system (IWMS) and other available proven systems, and a cost benefit analysis is needed. The effort will result in well-defined options and costs that allow for procurement and implementation of a reliable solution that would better serve our needs, increase customer satisfaction and improve technology.

Justification:

The need to address program deficiencies in the CP and REFM are described in the following justifications.

1. Electronic Records Management and Document Control System

The current system of document control and storage lacks the integrity, control and security required by programs the size and complexity of the CP and REFM. Inconsistent use compromises the JCC's ability to control and manage the vast documents used in the implementation of these programs. Individual computer software programs such as Microsoft Access, Excel or Word cannot be effectively used for document control or management for these large, complex programs. Implementation of a comprehensive electronic records management and document control system will optimize and better organize document control by making it easier to file, share, retrieve, and secure information. Productivity will improve through time saved in searching for business critical information. A modern document management system also facilitates collaboration, decision making, and the ability to build upon the work of others. Digital files have functionality that is not possible with paper files. With a document control system in place, multiple people, even those working in the field, can access and work on files simultaneously. With modernization in technology, files would be readily available, inquiries could be answered more promptly and effectively, and services to our stakeholders will improve. There may also be a savings in printing and copying expenses and less need for onsite and offsite file storage space. Implementation of a comprehensive electronic records management and document control system will establish a sound procedure for managing documents within the CP and REFM, and a modern document management system aligns with the Council goals of improving modernization of management and administration, and improving technology.

2. Integrated Work Management System

The REFM program's responsibilities include asset control, facility maintenance, and facility modification. Delivery of its program is the effort of JCC staff and external, contracted service providers. Because the current business management applications used by REFM and contracted service providers are not integrated this creates issues with continuity of information, reporting and accessibility of data. Due to the nature of using three standalone programs, CAFM, VFA and

2017-18 FY Budget Change Proposal Overview

JCC Office: Real Estate and Facilities Management
Contact: Enrrique Villasana/Angela Guzman

Date: 07/25/16

Progen, a great effort toward manual upload/transfer of data from one program to another is required resulting in inefficiencies and loss of continuity of information. Reporting accurately can be compromised depending on which program is used to access data. The current software programs are used by the majority of staff and service providers; however, not all users have access to all programs. This can create challenges, in that some data resides in only one or two programs and is not unavailable to all users. Assessment of the current business management applications, current business needs and analysis of alternatives will provide management a comprehensive strategic plan with an optimal approach to providing a long-term, business-driven technology solution.

If this proposal is not approved the JCC risks control over document security and access and misses the opportunity to maximize efficiencies of document management and technology resources. A delay in implementation of this proposal means the JCC continues to use a method of document management that could result in the loss of, or inability to retrieve documents needed in litigation and the continued use of non-integrated technology that burdens the JCC with inefficiencies of information storage, reporting and data integrity.

Fiscal Impact:

The final fiscal impact will be determined upon recommendations made by the contractors.

Outcomes and Accountability:

Procurement and implementation of new systems will provide a method to measure the electronic storage of documents and efficiency improvements. Requested resources will be accounted for and monitored in the JCC financial system.

Projected Outcomes:

Workload Measure	2017-18 Estimated	2018-19 Estimated
Document Control	TBD	TBD
Systems Integration	TBD	TBD

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JCC Office: Real Estate and Facilities Management
Contact: Enrrique Villasana/Angela Guzman

Date: 07/25/16

Other Alternatives Considered:

Alternative #1: Status quo, do not fund document management control and do not seek optimal technology solutions to meet REFM's business needs. This alternative is not recommended, because a decision not to fund modern technologies puts the JCC at risk of losing critical information and continues the current inefficiencies that plague the programs. REFM and CP continue to struggle finding and collecting information and is losing productivity by using its current storage method and technologies.

Alternative #2: Request to fund only one project. This alternative is not recommended, because both projects have merit and address significant needs. The decision to not fund one of the projects delays an opportunity to address program deficiencies.

Alternative #3: Fund request from State Court Facilities Construction Fund. This alternative is not recommended, because it would use already limited resources.

2017-18 FY Budget Change Proposal Concept

JCC Office: Real Estate and Facilities Management
Contact: Enrique Villasana/Angela Guzman

Date: 07/19/16

Proposal Title: Trial Court Facilities Modification Program Augmentation

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
General Fund	4.0	\$ 702,000	\$ 12,000,000	\$ 12,702,000	\$ 12,660,000

Proposal Summary:

The Judicial Council proposes an ongoing appropriation from the General Fund for transfer to the State Court Facilities Construction Fund (SCFCF) in the amount of \$12.702 million, \$12.0 million for Facility Modifications and \$0.702 million (estimated) to fund 4.0 positions to ensure timely facility modification project implementation. The requested funding will assist in reducing the deferred maintenance on the state's trial court facilities by addressing major repairs, system life-cycle replacements, and renovation projects in existing courthouses to provide safe and secure facilities for the benefit of all court users.

Background Information:

Under the Lockyer-Isenberg Trial Court Funding Act of 1997, Assembly Bill (AB) 233 (Chapter 850, Statutes of 1997), funding of trial court operations became a state responsibility. AB 233 also created the Task Force on Court Facilities (Task Force) charged to review and report on the status of court facilities throughout the state, and to make recommendations as to which government entity should be responsible for funding and managing court facility construction and maintenance. The Task Force report identified widespread and serious problems of inadequate security, safety, and access for the disabled in the courts, and further found that a significant number of state court buildings are in need of repair, renovation, or maintenance.

Based on the most recent assessment of the trial court facilities there are a total of 2,818 deferred maintenance needs with an estimated cost of \$1.6 billion.

Justification:

The Judicial Council is now responsible for maintaining over 500 court facilities throughout the state of California, which equates to over 17.7 million square feet of space. To date, facilities assessments have been completed on over 14 million square feet in 207 facilities. Of the over 500 buildings, 40% have been assessed and over \$2.1 billion in deferred maintenance projects have been identified, of which the branch proportional share is estimated at \$1.6 billion.

2017-18 FY Budget Change Proposal Concept**JCC Office: Real Estate and Facilities Management**
Contact: Enrique Villasana/Angela Guzman**Date: 07/19/16**

Although the FY 2016-2017 Governor's budget currently is allocating \$60.0 million for deferred maintenance. The requested positions are needed to meet the organizational needs involved with the additional \$12 million of facility modification funding requested in this BCP. Assuming the BCP requesting the additional \$12 million is approved; \$87 million will be available for facility modifications in FY 2017-2018, including \$10 million in reimbursements. This will equate to a 16 percent increase in the workload related to the facility modifications requests. Failure to fund these positions will result in additional delays in executing approved facility modifications.

Based on the Judicial Council facility assessments on Elevators, roofing, HVAC systems and many other basic infrastructure requirements are operating beyond their design life. If the assessments are not addressed in the near term, things will start to fail; this will result in disruptions to court operations and the public. If this backlog is allowed to persist the estimated cost of these projects will increase exponentially.

In addition, as a result of continued budget challenges within the state and decreases in funding approved for new court construction, many buildings that were targeted for replacement, and by definition buildings with the greatest financial need, must continue to serve the courts for an indeterminate number of years going forward. This results in increased demand for facility modification work within the court facility portfolio to address immediate and critical requirements. The renewal of critical infrastructure systems that were planned for completion during the capital construction project will now become the responsibility of the facility modification budget.

Fiscal Impact:

To alleviate the current backlog of facility assessments and facility modification projects necessary to maintain the infrastructure of the California courts, the Judicial Council proposes to perform an additional \$12 million of facility modifications and hire 4.0 positions, effective July 1, 2017.

Based on the minimum industry standard for capital infrastructure reinvestment of two percent and the estimated trial court portfolio replacement cost of \$3.9 billion, there is an estimated total reinvestment need of \$77.0 million annually. Fiscal Year (FY) 2016-2017 estimated budget for facility modifications will be \$65.0 million, thus the need for \$12.0 million more funding.

Outcomes and Accountability:

On an annual basis the Judicial Council will review the progress that is being made on the facility modification backlog to determine timeliness of response to these projects, project costs, and quality of work. The Trial Court Facility Modification Advisory Committee (TCFMAC) was established by the Judicial Council to primarily provide oversight responsibilities in continuously

2017-18 FY Budget Change Proposal Concept

JCC Office: Real Estate and Facilities Management
Contact: Enrrique Villasana/Angela Guzman

Date: 07/19/16

reviewing and reprioritizing the projects on the list as facilities transition, and as assessments are completed. The TCFMAC will ensure adherence to quality construction standards, project schedules, and management of costs.

Once approved, the positions will be filled with persons with the qualifications needed to perform these duties. Annually, staff will monitor, review and analyze the workload data for the Facilities Management unit to ensure that the newly authorized BCP positions are sufficient to meet the needs of the program.

Outcomes will include the timely processing of facility modification requests, and appropriate management and oversight of facility modification projects.

Projected Outcomes:

Workload Measure	2013-14 Actual	2014-15 Actual	2015-16 Estimated	2016-17 Estimated
Facility Modification Work Orders	1,104	1,478	1,478	1,774
Plans, Studies, Conceptual Estimate Work Orders	504	630	630	756
New Projects Identified	3,965	4,047	4,047	4,856

Other Alternatives Considered:

1. Approve the Current Proposal: \$12,702,000 General Fund Ongoing.

This option is the approved option because it will allow the Judicial Council to keep with the industry standard for capital infrastructure reinvestment.

2. Approve augmentation from the General Fund for transfer to the SCFCF at 50% of Current Proposal

In the amount of \$6.351 million annually, \$6.0 million for facility modification projects and \$.351 million for 2.0 positions to support project implementation and timely execution. This is 1/2 of the funding required for this effort.

3. Approve augmentation from the General Fund for transfer to the SCFCF at 75% of Current Proposal

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JCC Office: Real Estate and Facilities Management
Contact: Enrique Villasana/Angela Guzman

Date: 07/19/16

In the amount of \$9.527 million annually, \$9.0 million for facility modification projects and \$0.527 million for 3.0 positions to support project implementation and timely execution.

4. Status Quo. Maintain Current Funding level.

Options 2, 3 and 4 are undesirable because they do not fully address the facility modification needs of trial court facilities, but may be explored to develop less costly General Fund alternatives. Unfunded impacts can be calculated as they compare to Alternative 1. However, underfunding will continue to result in an inability to conduct appropriate facility modifications will result in the continued degradation of state wide court facilities.

2017-18 FY Budget Change Proposal Concept

JCC Office: Real Estate and Facilities Management
Contact: Enrique Villasana/Angela Guzman

Date: 07/19/16

Proposal Title: FY 2017-18 Trial Court Operations and Maintenance Cost Adjustment

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	4.0	\$ 451,000	\$ 27,113,000	\$27,564,000	\$ 27,522,000

Proposal Summary:

The Judicial Council proposes an ongoing augmentation of \$27.564 million from the General Fund, which includes a transfer of \$27 million to the Court Facilities Trust Fund (CFTF) and a transfer of \$564,000 to the State Court Facilities Construction Fund to fund 4.0 positions. The requested funding will assist in providing for operations and maintenance funding to maintain trial court facilities at an industry standard level based on the Building Owners and Managers Association (BOMA) average. Based on the BOMA average cost/SF for calendar year 2014, the JC would need \$66 million¹ annually to support the costs of maintaining the current portfolio. The current budget for routine maintenance is \$39 million which leaves a shortfall of \$27 million. The additional funds will augment the CFPs provided by the county and will provide ongoing necessary resources to maintain facility services at a recommended industry standard level of care.

Note: The final BCP submission will also have a component to include trial court operational cost increases related to new facilities to the extent that information is available.

Background Information:

Senate Bill (SB) 1732 (Ch. 1082, Stats. 2002), the Trial Court Facilities Act of 2002, provided for the transfer of court facilities from the counties to the state and also stipulated that the counties provide a County Facility Payment (CFP) based on the historical costs of operating each transferred facility. The historical costs of operating each facility were based on costs for years from 1996 to 2000 inflated to the date of transfer.

The CFP was not intended to provide for inflationary cost increases beyond the date of transfer. SB 1732 states that “ongoing operations and maintenance of court facilities that are in excess of the county facility payment be provided by the state.” In recognition of the intent of the legislation, AB 1806, was enacted in 2006 and authorizes a cost of living increase against the CFP from the General Fund. The increase is based on the state appropriations limit (SAL) year-to-year-percentage change. Due to the State’s General Fund shortfall, the SAL adjustment was suspended for FY 2009–2010 and to date, has not been reinstated. At the time of the SAL suspension, there were 295 facilities for which the Judicial Council was receiving \$86.1 million in CFP payments.

2017-18 FY Budget Change Proposal Overview**JCC Office: Real Estate and Facilities Management**
Contact: Enrique Villasana/Angela Guzman**Date: 07/25/16**

Of which, only 50 facilities, with a total receivable CFP of \$8.6 million, would have been applicable for the SAL adjustment calculation. As of fiscal year 2015-16 there has been an additional 24 facilities transferred since the SAL adjustment suspension. This has increased the total CFP amount received by the Judicial Council to \$96.2 million. Of which, 312 facilities would be available for the SAL adjustment calculation. This lack of SAL adjustment has required the Judicial Council to absorb additional trial court facility operating costs increases through existing resources, diverting discretionary funding to address mandatory cost increases for items such as rent and utilities.

Justification:

The current level of funding received from the CFPs is less than adequate to meet today's court facility operational needs. As of FY 2016-2017, the Judicial Council will have to absorb \$22.5 million, subject to future adjustments annually, due to the suspended SAL appropriations adjustment. In addition, previously submitted budget change proposals for this purpose requesting General Fund resources have been denied by the Department of Finance due to the General Fund shortfall.

As a result, to maintain expenditures within available budget, preventive maintenance services have been reduced to critical life-safety levels. In July of 2013, the Judicial Council reviewed our original program in relation to code compliance and growth of assets. In that analysis it showed an increasing gap between available and needed funding for preventive maintenance activities. Instead of providing routine monthly, quarterly and semi-annual required maintenance on non-code compliance systems, we are limited to a maintenance program that provides for facility service funding to emergency and code required actions only on the over 17.7 million square feet of court responsible space. This represents the continued deferral of over 15,000 monthly, quarterly and semi-annual preventive maintenance planned services, impacting over 6,600 assets.

Fiscal Impact:

This request is for an ongoing augmentation of \$27.564 million from the General Fund and request for 4.0 additional positions. The \$27 million, related to facility operations and maintenance, is an estimated amount generated by the shortfall of funding for maintaining the trial court facilities at an industry standard level. This industry level is based on the Building Owners and Managers Association (BOMA) average and applied to the total square footage of the Judicial Council's building portfolio. This estimate is based on the FY 2014 BOMA average. The total requested amount will change once the FY 2015 BOMA average has been published. It is expected that the FY 2015 BOMA average will be published in June 2016.

2017-18 FY Budget Change Proposal Overview

JCC Office: Real Estate and Facilities Management
Contact: Enrique Villasana/Angela Guzman

Date: 07/25/16

Outcomes and Accountability:

On an annual basis, the Judicial Council will track the number of maintenance requests, preventive maintenance and collection work orders completed to assess the management and oversight of the trial court facilities.

Outcomes will include the timely processing of routine maintenance requests, and appropriate management and oversight of service providers performance. This will ensure adherence to contractual performance standards, preventive maintenance schedules, quality control requirements, and compliance to federal, state, and local codes and regulations to avoid exposing the state to fines and possible building closures or disruption to court services. In addition, the Trial Court Facility Modification Advisory Committee provides accountability through its oversight of the judicial branch facilities operations and maintenance.

Projected Outcomes:

Workload Measure	2013-14 Actual	2014-15 Actual	2015-16 TBD	2016-17 TBD	2017-18 TBD
Routine Maintenance Requests	53,112	46,373			
Preventive Maintenance Work Orders	16,666	19,980			
Collection Work Orders	1,491	1,480			
Court Visits/Inspections	3,170	3,222			
Trial Court Portfolio Growth	16.8 Million Sq Ft	17.2 Million Sq Ft	17.7 Million Sq Ft	18.3 Million Sq Ft	18.3 Million Sq Ft

Other Alternatives Considered:

- **Alternative #1: Status Quo. No New Funding.** This alternative is not recommended because it would increase the reduction of preventative maintenance services to critical life-safety levels, redirecting remaining funds to only responding to emergency and urgent requirements.
- **Alternative #2: Provide an augmentation of \$7.02 million from the General Fund for transfer to the CFTF to support inflationary cost increases for facility operating costs, based on the FY 2015-16 price letter adjustment.** This alternative is not recommended because it would not fully address the maintenance needs of the trial court facilities as it will not allow the REFM to maintain facilities to the BOMA average level. Subsequently this will increase the existing backlog of deferred routine and preventative maintenance services.

2017-18 FY Budget Change Proposal Overview

JCC Office: Real Estate and Facilities Management
Contact: Enrique Villasana/Angela Guzman

Date: 07/25/16

- **Alternative #3**: Provide an augmentation of \$22.5 million from the General Fund to support inflationary cost increases for facility operating costs, based on the total State Appropriations Limit (SAL) funding that would have been provided to the CFTF had the SAL adjustment not been suspended. This alternative does not fully address the routine maintenance needs of trial court facilities as it does not provide sufficient funding to maintain facilities to the BOMA average cost. This will increase the existing backlog of facility modification projects and will result in continued degradation of court facilities statewide and increase disruption of court services.

2017-2018 Budget Change Proposal Concept

JCC Office: Budget Services

Date: 07/19/16

Contact: Madelynn McClain

Proposal Title: Judicial Council Organizational Restructure-Technical Adjustment**Fiscal Summary:**

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
Various	0.0	\$ -	\$ -	\$ -	\$ -

Proposal Summary:

This request is technical in nature and will merge the Judicial Council Facility Program with the Judicial Council for budgeting, accounting, and display purposes. Currently, these two programs are budgeted separately under different program structures: Judicial Council – Program 0140; Judicial Branch Facility Program – Program 0145; however, both program support the Judicial Branch as a whole. With this technical adjustment, the Facility Program will become a separate program within the Judicial Council’s hierarchy.

Background Information:

The Judicial Branch Facility Program administers the acquisition, planning, construction, operations, and maintenance of judicial branch facilities. This program is responsible for the development of long-term facilities master plans, facility and real estate management, and new courthouse planning, design, and construction. The Judicial Council staff serve as the administrative arm of the Judicial Council. Staff provide policy support to the Council, administrative accountability in the operation of the courts as specified by law and administrative support for courts in areas such as budget, fiscal services, coordination of the assignment of retired judges, technology, education, legal advice and services, human resources, legislative advocacy, and research.

Justification:

Consolidation of these two programs within the Judicial Council Program 0140 reflects the centralization of all Judicial Branch functions to support the Supreme Court, Courts of Appeal, and trial courts and will improve coordination, efficiency, and provide flexibility to effectively manage programs supporting the branch. The Judicial Council is separated into four divisions: Executive Office, Judicial and Court Operations Services, Judicial Council and Court Leadership Services, and Judicial and Court Administrative Services. The Judicial Branch Facility Program share responsibility for supporting the court facilities of California's Supreme Court, Courts of Appeal, and trial courts and is separated into two offices: Capital Programs and Real Estate & Facilities Management.

2017-2018 Budget Change Proposal Concept**Fiscal Impact:**

This request is technical in nature and has a net zero impact on the Judicial Branch. There is no fiscal impact to merge Judicial Branch Facility Program – Program 0145 with Judicial Council – Program 0140.

Outcomes and Accountability:

Consolidation of these two programs will allow for increased efficiency, coordination, and flexibility to effectively manage programs supporting the branch.

Projected Outcomes:

Beginning July 1, 2017, the Judicial Branch Facility Program will merge with the Judicial Council. This merger is consistent with actions taken to date by the Administrative Director of the Courts to centralize all Judicial Branch functions to Program 0140-Judicial Council.

Other Alternatives Considered:

(1) Maintain current program structure.

PROS:

- Requires no program or budgeting structure changes.

CONS:

- Maintains a bifurcated program structure that is not representative of all costs necessary to support the Judicial Branch.

(2) Merge the staffing component of the Judicial Branch Facility Program with the Judicial Council and retain only court facility related costs within Program 0145-Judicial Branch Facility Program.

PROS:

- Separates the pure facility-related costs from the staff support costs.

CONS:

- Does not accurately reflect the true costs related to facility maintenance and construction (staffing and construction/repairs).

2017-2018 Budget Change Proposal Concept

JCC Office: Court Operations Services
Contact: Olivia Lawrence

Date: 07/19/16

Proposal Title: Court Interpreters Fund Appropriation Augmentation

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
CIF	0.0	\$ -	\$ 590,000	\$ 590,000	\$ -

Proposal Summary:

The Judicial Council proposes a one-time Court Interpreters fund appropriation augmentation of \$590,000 to support various program components in accordance with Government Code section 68561 and 68562. The Court Interpreters' Fund is comprised of annual registration fees paid by court employee and contract interpreters. For several years, the amount of funds deposited in the account has surpassed the annual allocation to the Judicial Council, and there is now a balance of over \$660,000.

Background Information:

California Government Code section 68561 and 68562 charges the Judicial Council to conduct multiple program components including:

- Maintain a central list of credentialed court interpreters (known as the Judicial Council Master List of Certified and Registered Court Interpreters)
- Designate the languages for certification
- Adopt standards and requirement for interpreter proficiency, continuing education, certification renewal, and discipline
- Run a statewide interpreter testing program
- Adopt standards of professional conduct for court interpreters
- Conduct recruiting, training, and continuing education and evaluation to ensure that an adequate number of interpreters is available and that they interpret competently

The Judicial Council's January 2015 adoption of the *Strategic Plan for Language Access in the California Courts* requires expansion of interpreter services into civil cases. The Court Interpreters Program lacks the resources to implement the various components of Government Code sections 68561 and 68562 on this much larger scale and will, therefore, be unable to ensure full and ongoing compliance with these Government Code sections.

Existing program funding comes from General Fund, IMF, and the Court Interpreter Fee Fund. The amount currently available to the program from the Interpreter Fee Fund has been applied to

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contracts dealing with developing, administering, and maintaining interpreter exams in various languages, and does not fully cover those costs. Accessing monies available from the Court Interpreter Fee Fund would allow other mandated items to be completed as well.

California's 7 million limited-English proficient court users stand to benefit directly from expansion of the Court Interpreters Program's mandates. Additional funding would allow for the enhancement of the program components listed above.

Justification:

There has been no change to the annual amount allocated to the Court Interpreters Program from this fund since its establishment. Program funding from special funds has decreased dramatically over the past eight years. With the Judicial Council's adoption of the *Language Access Plan*, a renewed emphasis has been placed on interpreter services including recruitment, testing, continuing education, and discipline. Resources are needed to advance in these areas.

The Judicial Council's *Language Access Plan* requires expansion of interpreter services into civil cases. The Court Interpreters Program lacks the resources to implement the various components of Government Code sections 68561 and 68562 on this much larger scale and will, therefore, be unable to ensure full and ongoing compliance with these Government Code sections.

Fiscal Impact:

This BCP proposes a one-time appropriation of additional funding from the Court Interpreters' Fund in the amount of \$590,000 to fund the following proposed projects:

- (1) Expansion of the Interpreter Testing Program - \$100,000
- (2) Interpreter Training - \$20,000
- (3) Near Passer Training - \$100,000
- (4) Enhanced support of the Court Interpreters Data Collection System (CIDCS) - \$150,000
- (5) Support for the on-line payment system: Bank of America Credit Card Processing - \$10,000
- (6) Outreach and recruitment efforts – \$200,000
- (7) Media buys - \$10,000

Outcomes and Accountability:

The ability to draw down additional funds will allow the program to expand its efforts to maintain the various modules of the Court Interpreter Data Collection System (CIDCS) ensuring accurate statewide data collection and reporting; resume interpreter recruitment efforts; develop interpreter training and continuing education and evaluation processes; expand the statewide interpreter testing program; develop and adopt standards of professional conduct for interpreters; and ensure interpreter competency for the benefit of California's 7 million limited-English proficient court users.

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Improvements will be notable in the courts and can be measured by the number of additional names added to the Judicial Council's Master List of credentialed interpreters; by the number of language exams administered; fewer suspensions of interpreter registrations due to lack of meeting education requirements; and ultimately, measured by fewer court case delays, and more court users served.

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JCC Office: Appellate Court Services
Contact: Deborah Collier-Tucker

Date: 07/19/16

Proposal Title: Statewide Appellate (Supreme Court and Courts of Appeal) Courts Document Management System (DMS)

Fiscal Summary: Final Cost TBD – Once Vendor is identified, expected in December 2016.

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	0.0	\$ -	\$ -	\$ -	\$ 600,000
Appellate Court Trust Fund	0.0	\$ -	\$ 3,000,000	\$ 3,000,000	\$ -

Proposal Summary:

The Judicial Council requests a one-time augmentation of estimated at \$3,000,000 from the Appellate Court Trust Fund in 2017-18 for the purchase of a Document Management System (DMS) to support the Appellate Courts (Supreme Court and Courts of Appeal). The Judicial Council also requests an ongoing augmentation of \$600,000 General Fund beginning in 2018-19 to support system maintenance costs. Once the Request for Proposals (RFP) have been completed, the final Budget Change Proposal may be modified to include an augmentation for additional IT staff that may be needed to support the ongoing system maintenance of the DMS.

A Supreme Court and Appellate Court DMS will capture, manage, store, share, and preserve essential case documents. A DMS is a critical component to the success of E-Filing. Without one, much of the progress made towards modernizing the court system will be severely limited. The E-Filing vendor provided the service and software for this project at a required no-cost bid per the RFP, and there are no options for funding a DMS acquisition. An Appellate Court DMS is a vital and necessary element of the courts' infrastructure in order for the judiciary to fully implement its E-filing and E-Business programs statewide. An Appellate Court DMS also supports the work of the trial courts in terms of E-Filing, as they will be able to more efficiently transmit document.

Background Information:

The Appellate Courts have adopted an E-Filing program that has been in progress for approximately two years. Mandatory E-Filing has been adopted and is currently live for all case types in these locations: First District (San Francisco); Third District (Sacramento); Fourth District Division One (San Diego); Fourth District Division Two (Riverside); Fifth District (Fresno); and Sixth District (San Jose). Deployment is slated for the three remaining courts

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JCC Office: Appellate Court Services
Contact: Deborah Collier-Tucker

Date: 07/19/16

(Fourth District Division Three, Second District and Supreme Court) which will be completed by early 2017.

All the courts deploying e-filing systems will need a document management system to (1) store and manage the volume of documents coming in from the litigants; (2) preserve, deliver and store both internal (court-generated) and public-facing case documents; (3) retain and dispose of case records at the appropriate time.

Absent a DMS, the E-Filing initiative will be substantially hampered by excessive storage costs, the inability to provide public web access and internal collaboration between Court staff will ineffective.

Justification:Court Document Storage

All electronic documents in the Appellate Courts are currently stored in the courts' case management system (ACCMS). ACCMS was not designed to store an unlimited number of documents and the database is currently at 55% capacity. Over the next year, this will escalate exponentially as the E-Filing project concludes in early 2017. Storage costs for a system that is not designed to house large capacities of attached documents is escalating rapidly and a less expensive, long-term solution is critical.

Public Access to Case Documents

A DMS provides the mechanism that moves case documents from ACCMS to the appellate court website. Strict and specific provisions would enable public facing documents to be viewed and/or downloaded by the public. Currently public facing electronic documents have to be manually provided by the Court Clerk's Office staff via email or in-person printing at the courthouse. 24/7 web access to documents by the public would be offered utilizing the existing Appellate Case Information website which gives the public greater access to the judicial system.

Fiscal Impact:

The costs for procurement and maintenance of the DMS will depend on vendor solutions offered. The system that best meets the project's business, functional, and technical specifications will be selected. A formal Business Requirements document has been prepared. This document sets forth a comprehensive picture of what is needed for the project.

Once a vendor has been selected, cost information for acquisition and ongoing maintenance will be established. The cost information is expected to be known by December 2016 and will be included in the BCP.

Outcomes and Accountability:

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Cost Savings – Actual storage costs have increased approximately 45% per year since FY 14/15 which marks the start of the E-Filing initiative. Direct storage cost savings will be easily measured by comparing the vendor proposed solution costs to those that are currently expended.

Public Access – Electronic business mandates providing ease of doing business with the public. Anytime 24/7 access to Court documents is available to the public it is a savings to the court and public resources and cost.

Other Alternatives Considered:

- (1) Alternative 1 - If the system remains status quo and the Courts do nothing, completing the statewide initiative to bring E-Filing to the Appellate Courts will be substantially impacted in terms of overloading the current case management system with increasing costs and results in the inability to adequately serve the public.
- (2) Alternative 2 – Secure a long-term storage solution that immediately addresses the needs of the Appellate Courts Supreme Court and Courts of Appeal) and the resulting infrastructure needs. This solution addresses the critical needs but doesn't address the public needs and is not adequately meeting the goals of modernization.

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JCC Office: Appellate Court Services
Contact: Deborah Collier-Tucker

Date: 07/19/16

Proposal Title: Increase in Appellate Court Security Coverage

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposal Total 2017-18	Proposal Total 2018-19
GF	0.0	\$ 1,246,000	\$ 33,000	\$ 1,279,000	\$ -

Proposal Summary:

The Judicial Council requests an ongoing augmentation of \$1.2 million General Fund beginning in 2017-18 and a one-time augmentation of \$21,000 General Fund in 2017-18 to fill coverage of California Highway Patrol Judicial Protection Section (CHP-JPS) officers at each appellate court location during normal business hours. The CHP-JPS currently serves nine physical appellate court locations, of which, seven are geographically separate court facilities and have only one CHP-JPS officer is assigned at each of these locations. This request will provide an additional CHP-JPS officer at the seven court locations currently with only one CHP-JPS officer.

Providing seven additional CHP-JPS officers during business hours would enhance security for the seven locations. CHP-JPS officers familiar with court building layout, protocols, justices, staff, and the surrounding area would also enhance security for those same seven locations providing consistent levels of security coverage. This proposal is imperative to making the Appellate Courts a safer and more secure environment in order to effectively conduct court matters. It will provide for the additional CHP-JPS personnel needed to appropriately deploy to and secure all of the Appellate Courts' locations and requisite off-site events.

Background Information: CHP-JPS's primary mission is to provide the highest level of security and protection for the California Supreme Court, the California Courts of Appeal, its personnel and facilities (112 justices and approximately 900 staff) throughout the State through a reimbursable contract with the Judicial Council of California. The contractual services provided include but are not limited to: bailiff duties during oral argument; advances, screening, and bailiff duties during outreach oral argument away from an appellate court's location; training conferences; and Supreme Court's rotational oral argument in San Francisco, Sacramento, and Los Angeles.

Currently the CHP-JPS is staffed by one Lieutenant Commander, two Sergeants, one administrative staff member, and 22 officers. Staffing levels have remained unchanged since 2005. Approximately \$4.4 million General Fund is included annually in the Judicial Council's budget to support CHP-JPS services.

Justification:

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After taking into consideration each Court's unique security requirements and based upon the National Center for State Courts best practices on court security, two CHP-JPS Officers at each appellate court location are critical to providing the necessary security levels that each appellate court location warrants. If the CHP-JPS officer is away from the court, there are three options for CHP-JPS command: (1) assign a San Francisco or Los Angeles CHP-JPS officer from the group of officers housed at these locations, if available and cost efficient (often results in a failure to meet required personnel priorities and diminished coverage at other court locations); (2) borrow from CHP area staff, if available and cost efficient (CHP area staff are generally not familiar with court building layout, justices, and staff.); and, (3) the most common and last line of defense given proximity and timing, leave court security to unarmed contracted security guard(s) which poses security risk and leaves the court with no law enforcement deterrent or on-site response at all. The potential for a lapse or lessening of security due to a CHP-JPS armed officer not being present at all times is magnified by increased instances of the following:

- General crime in the vicinity of each facility
- Rise in instances of credible threats to Justices and appellate court staff
- Increase in active shooter attacks and incidents of workplace violence, especially at governments facilities

As statistics indicate, the need for the effective provision of safety and security to the appellate courts will only become greater in the future.

Fiscal Impact:

The cost of seven officers is approximately \$1.2 million for salary, benefits, and operating expenses and equipment. The request does not include funding for additional travel or vehicle costs. Overtime expenses relative to travel and backfill assignments may decrease to a small degree; however, adding more officers to CHP-JPS will not decrease overtime expenses relative to after hour security operations. Future year costs will increase as CHP officers receive salary and benefit increase. Funding for those increases will be included in the statewide employee compensation, retirement, and health benefit costs adjustments provided through the budget process.

The California Highway Patrol supports the proposal as critical to its efforts to provide proper levels of safety, service, and security to meet its goal of protecting life and property. If approved, the contract between Judicial Council of California and California Highway Patrol would be increased and the resulting number of officers would be assigned to the Judicial Protection Section to be deployed to an existing one-officer appellate court location.

Outcomes and Accountability:

Additional CHP-JPS Officers will join an already existing cadre of highly trained Judicial Protection Section (JPS) personnel and will be trained in every facet of JPS operations, duties, and policies/procedures/practices. These officers will subsequently deploy to an outlying appellate locations in support of the existing JPS mission. All security details are tracked by CHP.

Detailed deployment and workload measures will be presented in a modified format soon. Due to security concerns, exact statistics and details cannot be universally released, as they may compromise court security. While it is impossible to predict whether or not this proposal will solve the problem

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completely, it can be determined that the provision of a more robust security infrastructure will assist CHP-JPS with assuming a more effective posture of deterrence relative to those who would seek to direct violent/criminal acts toward the Appellate Courts, its Judicial Officers, and /or the public conducting business with the Courts. Furthermore, in the event that deterrence is not effective and a violent/criminal act is waged upon the Appellate Courts, CHP-JPS will be in a better position to rapidly respond with more efficiency to mitigate the event.

Other Alternatives Considered:

1. Continue with existing CHP-JPS staffing and mitigation procedures.

CHP-JPS does not have enough personnel to meet increased security demands, added responsibilities (increase in court outreach events and disaster preparedness and recovery plans, etc.), and required training obligations. The seven currently one-officer courts will continue to be left without an armed officer occasionally.

2. Increase CHP-JPS officer staffing by up to seven officers so that there is an on-site CHP-JPS armed officer back-up for every appellate court location. One CHP-JPS officer would be present in each court during work hours.

The following types of events/security details would be covered by CHP-JPS.

- Local coverage of on-site oral argument calendars which requires two officers.
- Off-site coverage to conduct advance work for offsite court events (e.g., holding oral argument in the community—court outreach) and security details and providing security at the off-site events themselves with one officer still remaining at the court.
- Backup for mandatory training for all CHP personnel. (The number of training hours required by the CHP for Departmental training and mandated by the CA Commission on Peace Officer Standards (POST) to maintain Peace Officer status has increased significantly over time.)
- Backup-for vacation, sick leave, and injury.

This proposal will effectively increase the quality of security service provided to the public and the appellate courts by allowing the courts and members of the public to conduct business in a safe, secure, and peaceful environment by an armed officer being present in each appellate court location during work hours.