

APJAC Materials – February 13, 2020

FY 21-22 Appellate Court Budget Change Concept Summaries

- **Appellate Court Security:** Proposed ongoing General Fund augmentation of \$1.537 million in FY 21-22 and ongoing to provide seven necessary California Highway Patrol Judicial Protection Section (CHP-JPS) officers at seven courthouses of the state appellate courts, consisting of the California Supreme Court and the six appellate districts and divisions of the Court of Appeal. CHP-JPS's primary mission is to provide security and protection for the California Supreme Court, the California Courts of Appeal, its personnel and facilities throughout the State.
- **Appellate Court Library System for the Supreme Court and Courts of Appeal:** Proposed ongoing General Fund augmentation of \$682,000 in FY 21-22 and ongoing to support the increased costs for contractual library electronic services and materials for the Court of Appeal and the Supreme Court libraries. There have been no new funds for the Appellate Court Library system in the past 11 years. The funding augmentation will support two areas of the library system: (1) to increase funding for obtaining print materials that are necessary to author judicial opinions and (2) to account for price increases in the appellate libraries' online legal research resources, which are necessary for the ethical practice of law.
- **Appellate Court IT Modernization and Application/Infrastructure Upgrades:** The Supreme Court and Courts of Appeals are seeking to modernize their technology to better align with the judicial branch Strategic and Tactical Plans for Technology, as well as the Chief Justice's Access 3D. This funding request would provide the necessary resources for the Supreme Court and Courts of Appeal to achieve and maintain the Digital Court.

In partnership with the Judicial Council, the courts have developed a prioritized multi-year strategic plan to elevate their use of technology for the benefit of the public, the Bar, trial courts, justices and court staff. The following projects have been identified as critical for building out the Digital Court:

- Online access to case information, including documents
- Self-represented litigant portal and self-help site
- Statewide deployment of Transcript Assembly Program (TAP) to all 58 trial courts
- Modernization of ACCMS, including system enhancements (such as electronic notifications), migration to cloud, and ongoing support and upgrades
- E-filing solution upgrade

- Enhancement of security protocols for all system access and alignment with branch Identity Management and Security recommendations
- Upgrade Courtroom technology, including livestream and remote viewing
- Upgrade Justice and staff technology

Detailed evaluation of these projects, in addition to other court requests, determined that neither the courts nor the Judicial Council have the resources required to achieve the goals of the Digital Court as outlined in the strategic plan. Final budget estimates are in progress. However, based on IT industry best practices and the significant amount of work necessary to modernize the courts over the next five (5) to seven (7) years, an Appellate Court IT Modernization BCP is anticipated to propose a General Fund augmentation that would provide 14 FTE ongoing staff distributed across the appellate courts and Judicial Council, and approximately \$1.75 million in ongoing funding for software, hardware, cloud services, new security requirements, and maintenance of these technologies and services.

- **Proposition 66 Costs in the Courts of Appeal:** Requesting \$9.05 million in General Fund in FY 21-22 to support 14.5 FTE in new workload and associated costs (including appointed counsel, investigation, records storage and technology upgrades) to implement Proposition 66, the Death Penalty Reform and Savings Act of 2016, in the Courts of Appeal. Before Proposition 66, habeas corpus petitions related to capital convictions were filed in and decided by the Supreme Court. Under Proposition 66, these petitions are generally to be decided by the superior courts and then appealed to the Courts of Appeal. The appeals represent a new workload for the Courts of Appeal.
- **Appellate Courts Court Appointed Counsel Programs.** Through contracts with court appointed counsel Project Offices each Project Office supervises and assists appointed counsel in cases before the Courts of Appeal, thereby fulfilling the constitutional obligation that the People of California provide competent legal representation in the Courts of Appeal to indigent clients sentenced to non-capital terms of imprisonment. Request is for \$5.1 million General Fund augmentation in FY 21-22 and ongoing to raise the hourly rates by \$12 for appointed counsel, to \$107/hr., \$117/hr., and \$127/hr. for attorneys appointed to cases at different appointment levels. Current rates are \$95/hr. for Assisted Appointments (those where the Project Offices provide closer supervision and greater case assistance), \$105/hr. for Independent Appointments, and \$115/hr. for the most complex Independent Appointments (cases with sentences of life imprisonment without possibility of parole and convictions of certain sex offenses). The last rate increase was effective FY 16-17.