

APJAC Materials – February 4, 2021

FY 22-23 Appellate Court Budget Change Concept Summaries

Appellate Court Security: Requesting ongoing General Fund augmentation of \$1.537 million in FY 22-23 and ongoing to provide seven necessary and essential California Highway Patrol Judicial Protection Section (CHP-JPS) officers at seven single-officer courthouses of the state appellate courts, consisting of the California Supreme Court and the six appellate districts and divisions of the Courts 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.

Proposition 66 Costs in the Courts of Appeal: Requesting \$9.05 million in General Fund in FY 22-23 to support 14.5 FTE for 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 Court Facility Maintenance Program: Requesting ongoing General Fund augmentation of \$2.2 million to establish and support an Appellate Court Facility Maintenance Program. The Appellate Court Facility Maintenance Program will support facility maintenance requests for the two court-managed facilities, based on International Facilities Management Association (IFMA) standards, and will include preventative and routine maintenance. The request will also provide funding to the remaining seven appellate court facilities for minor facility modifications and demand maintenance not covered by the building owner. The appellate courts occupy a total of just over 500,000 square feet of space in nine facilities.

Courts of Appeal Court Appointed Counsel Program: Requesting ongoing General Fund augmentation of \$6.4 million in FY 22-23 to support the Courts of Appeal Court Appointed Counsel Program. The request has two components: 1) \$5.1 million permanent General Fund augmentation for a \$12 rate increase for non-capital appeal appointments, and 2) \$1.3 million for a permanent seven (7) percent increase in the Project Offices annual contracts.

- The \$5.1 million will support a rate increase of \$12 for appointed counsel, to \$107/hr., \$117/hr., and \$127/hr. for private attorneys appointed to non-capital appeal cases at different appointment levels, 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. 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 \$10 in FY 16-17 – no prior rate change since FY 07-08.

- The \$1.278 million will support a seven (7) percent increase in FY 22-23 in the non-capital Courts of Appeal Project Offices annual contracts, so they may meet their obligations to ensure justice through competent and qualified defense counsel for indigent defendants. The requested 7% increase funding will address and support significant increases in the cost of rent, technology enhancements, staff salaries and health benefits for the annual contracts of the Courts of Appeal's Court Appointed Counsel Project Offices. The last contract augmentation was 4.5 percent in FY 17-18 – no prior augmentation since FY 07-08.

Appellate Court IT Modernization and Application/Infrastructure Upgrades: The Supreme Court and Courts of Appeal are seeking \$3.571 million ongoing funding 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
- Upgrades to courtroom technology, including livestream and remote viewing
- Upgrades to 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 9 FTE ongoing staff distributed across the appellate courts, and approximately \$3.571 million in ongoing funding for software, hardware, cloud services, new security requirements, and maintenance of these technologies and services.