



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS
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TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

April 23, 2013

Hon. Sharon Quirk-Silva
Member of the Assembly
State Capitol, Room 5175
Sacramento, California 95814

Subject: AB 655 (Quirk-Silva), as introduced – Oppose

Dear Assembly Member Quirk-Silva:

We regret to inform you that the Judicial Council opposes AB 655, which authorizes each trial court to establish a Reporters' Salary Fund similar to the one currently used by the Los Angeles Superior Court (LASC).

The Judicial Council feels this bill creates an unnecessary statute that could be used to erode trial court discretion over management of its employees. Trial courts already have mechanisms for entering into agreements and contracts with cities and counties, under which the trial courts and local government could voluntarily create a Reporters' Salary Fund. The enactment of a statute authorizing all 58 trial courts to create a Reporters' Salary Fund likely will result in undue pressure on the courts to create the fund. This pressure may unnecessarily compromise or delay labor bargaining agreements.

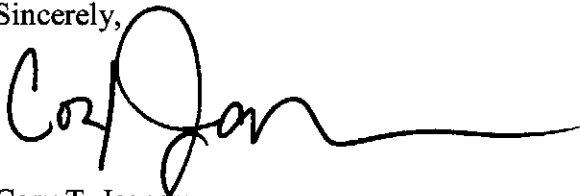
Further, as AB 655 is drafted, it is unclear whether or not the creation of a Reporters' Salary Fund truly is optional. The language in the proposed Government Code section 73008(a) states: "[n]otwithstanding any other law, there shall be set aside...[a Reporters' Salary Fund]." (emphasis added). The emphasized phrase suggests that despite the initial language allowing trial courts to establish a Reporters' Salary Fund, trial courts are actually required to do so. Even if this language

is clarified to reflect the author's and sponsor's intent to make the establishment of the Reporters' Salary Fund optional, the mere existence of the statute could well be the first step towards making the Reporters' Salary Fund mandatory.

Finally, while the aim of AB 655 is to allow trial courts to create funds like the one currently utilized in the LASC, the bill does not make it clear that the Reporters' Salary Fund may actually fund less than the total number of court reporters employed by the trial court. The fund in the LASC only funds 74 of the court's 503 reporters. Further, the bill states that deficiencies in the Reporters' Salary Fund shall be made up by the trial court's operations fund. While this language mirrors the LASC Reporter fund statute on paper, it does not appear to reflect current practice. The LASC's Reporters' Salary Fund costs that court nothing because revenue comprising the revolving fund is generated entirely from the cities and county. Outside of LASC's preexisting arrangement, it is anticipated that other trial courts creating a Reporters' Salary Fund will be forced to divert operations funds to make up deficits in the fund if their respective counties are unable or unwilling to provide those funds. In light of the significant ongoing budget reductions facing the trial courts, requiring the courts to divert additional funds from other court operations reduces their ability to manage their overall resources, provide services other than court reporters, and may unnecessarily hamper the public's access to justice.

For these reasons, the Judicial Council opposes AB 655.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cory Jasperson', with a long horizontal flourish extending to the right.

Cory T. Jasperson
Director

CJ/KN/lb

cc: Kristi Garcia, President, California Court Reporters Association
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor



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May 1, 2013

Hon. Mike Gatto, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 655 (Quirk-Silva), as introduced – Oppose
Anticipated Hearing: Assembly Appropriations Committee – May 15, 2013

Dear Assembly Member Gatto:

We regret to inform you that the Judicial Council opposes AB 655, which authorizes each trial court to establish a Reporters' Salary Fund similar to the one currently used by the Los Angeles Superior Court (LASC).

The Judicial Council feels this bill creates an unnecessary statute that could be used to erode trial court discretion over management of its employees. Trial courts already have mechanisms for entering into agreements and contracts with cities and counties, under which the trial courts and local government could voluntarily create a Reporters' Salary Fund. The enactment of a statute authorizing all 58 trial courts to create a Reporters' Salary Fund likely will result in undue pressure on the courts to create the fund. This pressure may unnecessarily compromise or delay labor bargaining agreements.

Further, as AB 655 is drafted, it is unclear whether or not the creation of a Reporters' Salary Fund truly is optional. The language in the proposed Government Code section 73008(a) states: "[n]otwithstanding any other law, there shall be set aside...[a Reporters' Salary Fund]." (emphasis added). The emphasized phrase suggests that despite the initial language allowing trial courts to

Hon. Mike Gatto

May 1, 2013

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establish a Reporters' Salary Fund, trial courts are actually required to do so. Even if this language is clarified to reflect the author's and sponsor's intent to make the establishment of the Reporters' Salary Fund optional, the mere existence of the statute could well be the first step towards making the Reporters' Salary Fund mandatory.

Finally, while the aim of AB 655 is to allow trial courts to create funds like the one currently utilized in the LASC, the bill does not make it clear that the Reporters' Salary Fund may actually fund less than the total number of court reporters employed by the trial court. The fund in the LASC only funds 74 of the court's 503 reporters. Further, the bill states that deficiencies in the Reporters' Salary Fund shall be made up by the trial court's operations fund. While this language mirrors the LASC Reporter fund statute on paper, it does not appear to reflect current practice. The LASC's Reporters' Salary Fund costs that court nothing because revenue comprising the revolving fund is generated entirely from the cities and county. Outside of LASC's preexisting arrangement, it is anticipated that other trial courts creating a Reporters' Salary Fund will be forced to divert operations funds to make up deficits in the fund if their respective counties are unable or unwilling to provide those funds. In light of the significant ongoing budget reductions facing the trial courts, requiring the courts to divert additional funds from other court operations reduces their ability to manage their overall resources, provide services other than court reporters, and may unnecessarily hamper the public's access to justice.

For these reasons, the Judicial Council opposes AB 655.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cory Jaspersen', with a long, sweeping horizontal line extending to the right.

Cory T. Jaspersen
Director

CJ/KN/lb

cc: Members, Assembly Appropriations Committee
Hon. Sharon Quirk Silva, Member of the Assembly
Ms. Kristi Garcia, President, California Court Reporters Association
Mr. Chuck Nicol, Principal Consultant, Assembly Appropriations Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Paul Dress, Consultant, Assembly Republican Office of Policy



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CORY T. JASPERSON
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June 19, 2013

Hon. Noreen Evans, Chair
Senate Judiciary Committee
State Capitol, Room 4085
Sacramento, California 95814

Subject: AB 655 (Quirk-Silva), as amended June 14, 2014 – Oppose
Hearing: Senate Judiciary Committee – June 25, 2013

Dear Senator Evans:

We regret to inform you that the Judicial Council opposes AB 655, which creates the general authority for trial courts to establish a Reporters' Salary Fund to be used solely to contribute to the salaries and benefits of official court reporters.

The Judicial Council is concerned that, by encouraging courts to set up a special fund to pay salaries and benefits for court reporters, this bill applies pressure to trial courts to treat certain classifications of employees differently than others. In turn, litigants may have greater or lesser access to court reporter services depending on whether their trial court was in the position to create a fund thereby fostering unequal access to justice for court users. With the recent adoption of a new funding formula to provide equity in funding for all trial courts, the council is seeking to provide greater equality of access for litigants, not lesser.

Furthermore, the bill creates an unnecessary statute that could have the unintended consequence of eroding trial court discretion over management of its employees. Trial courts have the ability to create such funds if the court deems it necessary. The enactment of a statute authorizing all 58 trial courts to create a Reporters' Salary Fund likely will result in undue pressure on the courts from

affected employee groups to create such a fund to protect their salaries and benefits. This pressure may unnecessarily compromise labor negotiations or delay bargaining agreements.

Further, even while AB 655 only creates the option for trial courts to establish a Reporters' Salary Fund, the very existence of the statute could be the first step towards making Reporters' Salary Funds mandatory.

Finally, AB 655 is silent as to where revenue for a Reporters' Salary Fund would come from. AB 655 only specifies that a trial court has the authority to create a fund. By putting the onus on the trial court to create the fund and by not specifying where the revenue for the fund will come from, the pressure is on the trial courts to come up with this revenue. In light of the significant ongoing budget reductions facing the trial courts, a statute implying that the courts should divert additional funds from court operations to fund one classification of employees reduces the courts' ability to manage their overall resources and may unnecessarily hamper the public's access to justice.

For these reasons, the Judicial Council opposes AB 655.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Jaspersen', with a long horizontal flourish extending to the right.

Cory T. Jaspersen
Director

CTJ/KN/lmb

cc: Members, Senate Judiciary Committee
Hon. Sharon Quirk-Silva, Member of the Assembly
Ms. Kristi Garcia, President, California Court Reporters Association
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy



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July 16, 2013

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

Subject: AB 655 (Quirk-Silva), as amended June 14, 2013 – Oppose and Fiscal Impact Statement
Hearing: Senate Appropriations Committee – August 12, 2013

Dear Senator de León:

We regret to inform you that the Judicial Council opposes AB 655, which creates the general authority for trial courts to establish a Reporters' Salary Fund to be used solely to contribute to the salaries and benefits of official court reporters.

The Judicial Council is concerned that, by encouraging courts to set up a special fund to pay salaries and benefits for court reporters, this bill applies pressure to trial courts to treat certain classifications of employees differently than others. In turn, litigants may have greater or lesser access to court reporter services depending on whether their trial court was in the position to create a fund thereby fostering unequal access to justice for court users. With the recent adoption of a new funding formula to provide equity in funding for all trial courts, the council is seeking to provide greater equality of access for litigants, not less.

Fiscal Impact

Cost Pressure on Trial Court Management and Labor Bargaining Agreements: The bill places cost pressures on the trial courts and may erode trial court discretion over management of its employees. The enactment of a statute authorizing all 58 trial courts to create a Reporters' Salary Fund likely

will result in undue pressure on the courts from affected employee groups to create such a fund to protect their salaries and benefits. This pressure may unnecessarily compromise labor negotiations or delay bargaining agreements.

Impact on Trial Court Reserve Funds: AB 655 is silent as to where revenue for a Reporters' Salary Fund would come from. AB 655 only specifies that a trial court has the authority to create a fund, which shall "be used solely to contribute to the salaries and benefits of official reporters." By putting the onus on the trial courts to create the fund while not specifying where the revenue for the fund will come from, pressure is applied to the courts to come up with the revenue. Given recent changes in the law pertaining to limitations on trial court fund balances, the courts may not have the ability to maintain the revolving fund anticipated by AB 655. Trial courts cannot maintain carryover funds from one year to the next in excess of one percent of their expenditures. AB 655's Reporters' Salary Fund is not among the types of funds statutorily exempted from this limitation on the amount of funds that may be held. Therefore, if a trial court were to create a Reporters' Salary Fund, the balance would count toward the very limited amount courts are authorized to carry, further reducing the amount of discretionary funds trial courts can maintain for general court operating expenses.

In light of the significant ongoing budget reductions facing the trial courts, a statute creating pressure on courts to direct additional funds from court operations and assign a portion—potentially significant—of reserve funds for one classification of employees reduces the courts' ability to manage their overall resources and will unnecessarily hamper the public's access to justice.

For these reasons, the Judicial Council opposes AB 655.

Sincerely,



Cory T. Jaspersen
Director

CTJ/KN/lmb

cc: Members, Senate Appropriations Committee
Hon. Sharon Quirk-Silva, Member of the Assembly
Ms. Jolie Onodera, Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Ms. Ronak Daylami, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Ms. Madelynn McClain, Budget Analyst, Department of Finance