



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS FOR MARCH 21 , 2018

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JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING RECORDED

Date: March 21, 2018
Time: 10:00 a.m. - 2:00 p.m.
Location: 455 Golden Gate Avenue, San Francisco, CA 94102, Sequoia Room
Public Call-In Number 1-877-820-7831 passcode 6677064 (listen only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least 30 minutes prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to JBBC@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Lucy Fogarty. Only written comments

received by 10:00 a.m. on March 20, 2018 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS X-X)

Item 1

2019-20 Initial Funding Requests (Action Required)

Review of 2019-20 Initial Funding Requests.

Presenter(s)/Facilitator(s): Hon. David M. Rubin, Chair

IV. ADJOURNMENT

Adjourn

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

March 15, 2018

Number of Requests	IFR Tracking #	Title	Description	# Positions	\$ Estimate	Fund Source	Previous Submittal	JCC Committees	Comments
1	IFR-19-01	Appellate Court Judicial Workload	Funding to add two new justices and necessary chambers staff to meet the substantial and growing workload demands in Division 2 of the Fourth Appellate District Court of Appeal	2.0	\$2.5 million	GF	Y	APJAC CAC JBBC	A similar request was submitted in 2018-19 and was combined into one BCP request titled, <u>Funding to Support New Judgeships and Justices</u> . The BCP was denied.
2	IFR-19-02	Appellate Court Appointed Counsel Projects	To support increased costs for contractual services in the Supreme Court's Court-Appointed Counsel Project (CAP-SF) and the Courts of Appeal Court Appointed Counsel Project Offices (Projects). The requested funding will aid CAP-SF and the Projects in meeting their obligations to ensure justice through competent and qualified defense counsel for indigent defendants.	0.0	\$1.4 million	GF	Y	APJAC CAC JBBC	This request was submitted for the 2018-19 Governor's Budget and was denied.
3	IFR-19-03	Appellate Court Security	Funding to support 7 California Highway Patrol Judicial Protection Section (CHP-JPS) officers at specified appellate court locations.	0.0	\$1.2 million	GF	Y	CSAC APJAC CAC JBBC	This request was submitted for the 2018-19 Governor's Budget and was denied.
4	IFR-19-04	Appellate Court Facility Maintenance Program	Funding to support an in-depth building assessment of the two state-owned, court managed appellate court facilities and to establish and support an Appellate Court Facility Maintenance Program which will include preventative and demand maintenance and minor facility modifications in all appellate court facilities.	0.0	\$1.3 million	GF	Y	APJAC CAC TCFMAC JBBC	This request was submitted for the 2018-19 Governor's Budget and was denied.
5	IFR-19-05	Judicial Branch Litigation Management Program	Funding to support the defense and indemnification of all Judicial Branch entities for government claims and litigation. The request will also propose provisional language to allow the Judicial Council one additional year to encumber funds, beyond existing Budget Act authority, which will provide greater flexibility to schedule contract payments.	0.0	\$5.8 million	GF	Y	LMC TCBAC JBBC	This was submitted in 2018-19 and was combined into one BCP request titled, <u>General Fund Support of Essential Statewide Programs and Services</u> . The BCP was denied.
6	IFR-19-06	Continuing the Implementation of the <i>Strategic Plan for Language Access in the California Courts</i>	1) expand interpreter services into all civil proceedings and fund interpreter salary increases; 2) trial court reimbursement for court interpreter supervisors and coordinators; 3) video remote interpreting (VRI) equipment for the courts; 4) other technological solutions to expand language access; 5) implementation of a court interpreter review process; 6) development of statewide resources of court-ordered programs and a repository of providers; and 7) a draw down from the Court Interpreter Fee Fund.	1.0	\$11.8 million	GF	Y	LAPITF TCBAC JBBC CIAP	A similar request was submitted in 2018-19; however, only one portion of the BCP was approved: \$4 million GF One time. The one-time request was approved pending the outcome of the Video Remote Interpreting spoken language pilot which was approved as part of the 2017-18 Budget Act.
7	IFR-19-07	Habeas Corpus Resource Center Case Team Staffing	Funding to support the permanent establishment of 34 positions phased in over two consecutive fiscal years to create four additional case teams to provide legal representation to inmates on California's death row and an amendment to Government Code § 68661.	34.0	\$3.4 million	GF	Y	HCRC Exec Dir JBBC	A similar request was submitted in 2018-19 and was denied.

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

March 15, 2018

Number of Requests	IFR Tracking #	Title	Description	# Positions	\$ Estimate	Fund Source	Previous Submittal	JCC Committees	Comments
8	IFR-19-08	Collaboration Platform for the Branch IT Community	Funding to acquire, configure, deploy and maintain an enterprise content collaboration platform to further enable innovation and collaboration for the branch IT community and its stakeholders.	2.0	TBD	GF	N	JCTC ITAC TCBAC JBBC	
9	IFR-19-09	Management of Digital Evidence in the Courts - Pilot	Funding to pilot services at 3-5 courts in support of managing digital evidence in the courts.	3.0	TBD	GF	N	ITAC TCBAC JCTC JBBC	
10	IFR-19-10	Digitizing Documents Phase Two for the Superior and Appellate Courts	Funding for a Sr. BSA to consult with the 10-15 participating courts and assist with the implementation of the digitizing documents playbook to digitize paper case files and implement an electronic complete case-flow, and provide on-going digitization/workflow automation consulting. The request would allow a vendor to prepare the physical documents for conversion, scanning into electronic digital format, and for providing quality assurance that the identified documents are digitized accurately.	1.0	\$2.2 million	GF	N	JCTC ITAC TCBAC JBBC	Phase 1 request was submitted as a spring budget change proposal for 2018-19.
11	IFR-19-11	Futures Commission Directives for the Expansion of Technology in the Courts	Funding for implementing pilot programs at 3-5 courts for intelligent chat, video remote hearings, and natural language voice-to-text translation services at 3-5 courts	3.0	TBD	GF	N	ITAC JCTC JBBC	
12	IFR-19-12	Pilot Next Generation Hosting concepts at one or more courts	Funding would be used to operationalize a set of branch-level recommendations developed by the Next Generation Hosting Workstream. These recommendations present guidelines to assist courts in making decisions on hosting court technology systems using modern, scalable and flexible models.	1.0	TBD	GF	N	JCTC ITAC TCBAC JBBC	
13	IFR-19-13	Modernization of Judicial Council Forms Technology/Intelligent Forms	Funding for the development of a pilot in three-to-five courts to deploy Intelligent Forms.	4.0	TBD	GF	Y	ITAC JCTC JBBC	
14	IFR-19-14	Case Management System (CMS) Replacement for Trial Courts – Phase IV Request	Funding to replace outdated and/or no longer supported case management systems with a modern case management system.	1.0	TBD	GF	N	JCTC TCBAC JBBC	This request will support case management system replacements in specific counties. Previous requests for CCMS V3 and Sustain Justice Edition Case Management replacement in specific counties were included in the 2016 and 2017 Budget Act, respectively. In addition, a spring budget change proposal was submitted for 2018-19.
15	IFR-19-15	Using Business Intelligence and Data Analytics (BI/DA) to Transform the Enterprise	Funding to pilot business intelligence and data analytics platform, tools and services to support the data analytics workstream for a limited number of courts.	4.0	TBD	GF	N	JCTC ITAC TCBAC JBBC	

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

March 15, 2018

Number of Requests	IFR Tracking #	Title	Description	# Positions	\$ Estimate	Fund Source	Previous Submittal	JCC Committees	Comments
16	IFR-19-16	Disaster Recovery Framework Implementation Pilot	Funding to pilot disaster recovery concepts as outlined in the disaster recovery workstream framework at one of more courts.	1.0	\$1.3 million	GF	N	ITAC JCTC TCBAC JBBC	
17	IFR-19-17	Court Appointed Special Advocates (CASA) in Juvenile Dependency Court	Funding to support the court-appointed special advocates grants program.	0.0	\$0.5 million	GF	Y	FJLAC TCBAC JBBC	This request was submitted for the 2018-19 Governor's Budget and there is \$0.5 million in the Governor's Budget for this need.
18	IFR-19-18	Expansion of Self-Help Funding and Establishment of the Center for Self Help Resources Recommended by the Chief Justice's Commission on the Future of the California Courts	Funding to establish a Center for Self-Help Resources within the Judicial Council in order to support the courts in providing self-help assistance. In addition, funding is also requested to expand the availability of attorneys and paralegal staff at self-help centers. Both requests will support recommendations of the Chief Justice's Commission on the Future of the California Courts.	7.0	\$23.7 million	GF	Y	TCPJAC CEAC ACPAF JBBC	A similar request was submitted for the 2018-19 Governor's Budget and \$19.1 million is included in the Governor's Budget to expand self-help services in trial courts.
19	IFR-19-19	Court Appointed Counsel in Juvenile Dependency Proceedings	Funding to support court-appointed dependency counsel workload.	0.0	\$22 million	GF	Y	TCBAC FJLAC JBBC	This request was submitted for the 2018-19 Governor's Budget and was denied.
20	IFR-19-20	Implementation of Phoenix Roadmap – Cloud Migration , Technical Upgrade and Functional Improvements	Funding to update and expand the Phoenix System to improve the administrative (financial , procurement, and HR system) infrastructure supporting trial courts.	4.0	\$9 million	GF	Y	JCTC TCBAC A&E	A similar request was submitted in 2018-19 and was combined into one BCP request titled, <u>General Fund Support of Essential Statewide Programs and Services</u> . The BCP was denied.
21	IFR-19-21	Phoenix HR Payroll Deployments	Funding for ongoing staff support additional support to courts that are requesting use of the service, as well as consulting backfill and travel funds. These funds will be used to deploy the Phoenix HR system to new courts.	3.0	\$0.9 million	GF	N	JBBC JCTC TCBAC	
22	IFR-19-22	Trial Court Facility Maintenance and Operations	Funding to support operations and maintenance of state trial court facilities	0.0	\$31.4 million	GF	Y	TCFMAC TCBAC JBBC	This request was submitted for the 2018-19 Governor's Budget and was denied.
23	IFR-19-23	Statewide Security Systems and Equipment - Maintenance and Replacement	Funding for to address statewide security system maintenance and repairs, refresh of system and equipment that have failed or become obsolete, and security system maintenance and training for the web based continuity of operations planning tool.	0.0	\$6 million	GF	Y	TCFMAC CSAC TCBAC JBBC	This request was submitted for the 2018-19 Governor's Budget and was denied.
24	IFR-19-24	Increasing Energy Efficiency in the Judicial Branch	Funding for energy efficiency projects that significantly and immediately reduce energy consumption.	0.0	\$30.8 million	GF	Y	TCFMAC TCBAC JBBC	A similar request was submitted for the 2018-19 Governor's Budget and was denied.
25	IFR-19-25	Trial Court Capital Outlay Plan	Funding to update the trial court capital outlay plan (TCCOP). This update will ensure a thorough review and any necessary update of the scores, scopes, and budgets of as many as 110 capital projects still to be considered for a future funding source.	0.0	\$5 million	GF	N	CFAC TCBAC JBBC	
26	IFR-19-26	Stabilization of Civil Assessment Revenue	Funding to transition the deposit of civil assessment revenues, including the \$48.3 million in Maintenance of Effort (MOE buyout), into the General Fund instead of the Trial Court Trust Fund (TCTF) and instead, provide a General Fund amount into the TCTF to replace the civil assessment revenues that will be paid into the General Fund.	0.0	TBD	GF	Y	TCBAC JBBC	This request was submitted for the 2018-19 Governor's Budget and was denied.

**Judicial Branch Budget Committee Meeting
2019-20 Initial Funding Requests**

March 15, 2018

Number of Requests	IFR Tracking #	Title	Description	# Positions	\$ Estimate	Fund Source	Previous Submittal	JCC Committees	Comments
27	IFR-19-27	Support for Trial Court Operations	Funding to support trial court operations, which will allow the courts to hire additional staff, retain existing staff, and improve the public's access to justice.	0.0	TBD	GF	Y	TCBAC JBBC	A similar request was submitted in 2018-19. The 2018-19 Governor's Budget has approved \$75 million in discretionary funding for trial courts statewide and \$47.8 million to be allocated to trial courts that are below 76.9 percent of their overall need according to WAFM.
28	IFR-19-28	Funding for 10 of the 50 Judgeships Authorized by AB 159	Funding to support 10 of the 50 trial court judgeships authorized by Assembly Bill 159 (Ch. 722, Stats. 2007), accompanying support staff, and county-provided sheriff security.	0.0	\$8.9 - 16 million	GF	Y	WAAC TCBAC JBBC	A similar request was submitted in 2018-19 and was combined into one BCP request titled, <u>Funding to Support New Judgeships and Justices</u> . The BCP was denied.

Internal Committees
Judicial Council Technology Committee
Litigation Management Committee
Judicial Branch Budget Committee
Advisory Committees
Advisory Committee on Financial Accountability & Efficiency for the Judicial Branch
Court Interpreters Advisory Panel
Trial Court Budget Advisory Committee
Trial Court Facility Modification Advisory Committee
Language Access Plan Implementation Task Force
Administrative Presiding Justices Advisory Committee
Trial Court Presiding Judges Advisory Committee
Court Executives Advisory Committee
Family & Juvenile Law Advisory Committee
Information Technology Advisory Committee
Governing Committee of CJER
Advisory Committee on Providing Access & Fairness
Court of Appeal Clerks

Requests submitted in FY 2018-19
Requests with funding included in the FY 2018-19 Governor's Budget

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal

Contact: Bob Lowney

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-01

A. Working Title: Appellate Court Judicial Workload

B. Description of Funding Request: A General Fund augmentation of \$2.5 million beginning in 2019-20 and ongoing to add two new justices and necessary chambers staff to meet the substantial and growing workload demands in Division 2 of the Fourth Appellate District Court of Appeal. The workload in Division 2 is continuing to increase and the existing justices cannot handle the volume of cases. Based on information from the last three years for which data is available, Division 2 has an annual average of 1,190 appeals becoming fully briefed. After applying the weighted case formula, Division 2 receives 117 cases per justice, far exceeding all of the other divisions and far in excess of the optimal number of weighted cases per justice, which is 89. Adding two justices will reduce the weighted workload and prevent cases from being transferred from one division to another, which poses a hardship for litigants who would bear the expense and burden of traveling to a distant division. It will also allow local issues to be decided in the geographic area where the dispute arose.

C. Estimated Costs: The estimated cost for two new justice positions and the associated chambers staff is \$2.5 million.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Securing adequate judicial resources for the courts to timely and efficiently hear the matters that come before them supports the first four goals of the Judicial Branch's Strategic Plan: Goal I: Access, Fairness, and Diversity; Goal II: Independence and Accountability, Goal III: Modernization of Management and Administration, and Goal IV: Quality of Justice and Service to the Public. The extremely high number of cases per justice becoming fully briefed in Division 2 results in delays in having appeals decided and results in disparate treatment of litigants, denying the state's fundamental principle of equal access to justice.

E. Required Review/Approvals:

- Administrative Presiding Justices Advisory Committee
- Court of Appeal Clerks
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Administrative Presiding Justices Advisory Committee take on the lead advisory role as it makes decisions on the preparation, development, and implementation of the Courts of Appeal budget.

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal

Contact: Bob Lowney

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-02

A. Working Title: Appellate Court Appointed Counsel Projects

B. Description of Funding Request: A General Fund augmentation of \$1.4 million beginning in 2019-20 and ongoing to support increased costs for contractual services in the Supreme Court's Court-Appointed Counsel Project (CAP-SF) and the Courts of Appeal Court Appointed Counsel Project Offices (Projects). The requested funding will aid CAP-SF and the Projects in meeting their obligations to ensure justice through competent and qualified defense counsel for indigent defendants. Prior to 2017-18, CAP-SF and the Projects had not received an increase to their contracts since 2007-08; however, the 2017-18 Governor's Budget provided \$1.041 million General Fund (\$255,000 for CAP-SF and \$786,000 for the Projects) to support three years increased costs for contractual services.

CAP-SF serves as a legal resource center for private counsel appointed in capital appeals, habeas corpus, and clemency proceedings as well as providing direct representation in some of these matters. CAP-SF provides individual case services to appointed attorneys, provides training, and litigation resource material. In addition, CAP-SF assists unrepresented death row inmates by collecting and preserving records and evidence for later post-conviction use and by providing advocacy needed before counsel is appointed.

California's Court-Appointed Counsel Program fulfills the constitutional mandate of providing adequate representation for indigent appellants in the Courts of Appeal on non-capital cases. The objectives of California's appellate court-appointed counsel system are to: (1) ensure the right of indigent clients to receive the effective assistance of appointed appellate counsel as guaranteed to them by the U.S. Constitution; and (2) provide the Courts of Appeal with useful briefings and arguments that allow the Courts to perform its function efficiently and effectively.

C. Estimated Costs:

Supreme Court: The requested amount of \$315,000 reflects the increased cost to the Supreme Court for services provided by the California Appellate Project – San Francisco (CAP-SF). The requested funding will aid the Supreme Court in meeting their obligations to ensure justice through competent and qualified defense counsel for indigent defendants in capital appeals.

Courts of Appeal: The requested amount of \$1,095,000 reflects the increased cost to the Courts of Appeal for services provided by the five Appellate Projects (First District Appellate Project (FDAP), California Appellate Project-Los Angeles (CAP-LA), Central California Appellate Program (CCAP), Appellate Defenders, Inc. (ADI), and Sixth District Appellate Program (SDAP)).

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The 6th Amendment to the United States Constitution guarantees the effective assistance of counsel in criminal proceedings as a fundamental part of our judicial system. The State's courts are required to provide counsel to indigent defendants and must do so in all appeals that may come before them. The mission of the California

2019-20 Initial Funding Request

judiciary is to “in a fair, accessible, effective and efficient manner, resolve disputes arising under the law... protect the rights and liberties guaranteed by the Constitutions of California and the United States.” Goal I of the Strategic Plan, Access, Fairness, and Diversity, states that “California’s courts will treat everyone in a fair and just manner.

E. Required Review/Approvals:

- Administrative Presiding Justices Advisory Committee
- Court of Appeal Clerks
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Administrative Presiding Justices Advisory Committee take on the lead advisory role as it makes decisions on the preparation, development, and implementation of the Courts of Appeal budget.

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal

Contact: Bob Lowney

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-03

A. Working Title: Appellate Court Security

B. Description of Funding Request: A General Fund augmentation of \$1.2 million and a one-time augmentation of \$21,000 beginning in 2019-20 and ongoing to support 7 California Highway Patrol Judicial Protection Section (CHP-JPS) officers at specified appellate court locations during normal business hours. 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. Currently, Judicial Council of California has a reimbursable contract with CHP-JPS to provide security services for appellate courts which include but are not limited to, bailiff duties during oral argument; outreach oral argument away from an appellate court's location; training conferences; Supreme Court's rotational oral argument in San Francisco, Sacramento, and Los Angeles.

Currently, CHP-JPS deploys officers to nine separate physical appellate court locations. With the exception of the San Francisco and Los Angeles offices, only 1 CHP Officer is assigned to each of the remaining appellate court locations in Sacramento, Fresno, San Jose, Ventura, Santa Ana, Riverside, and San Diego. If the court officer in one of these seven locations is required to leave their post for any approved reasons, the only line of defense and/or security is an unarmed contracted security guard. The potential for lapse or lessening of security is magnified by an increase in active shooter attacks and incidents of workplace violence, especially at government facilities, a rise in instances of credible threats to Justices and appellate court staff, and general crime in the vicinity of each facility.

In addition to the one CHP officer assigned to each of the 7 Courts of Appeal, additional borrowed CHP officer coverage is provided at all appellate courts for:

- Oral argument, one officer is required to sit inside the courtroom and one officer is providing security outside the courtroom
- Specific events at the appellate court which present a greater than normal threat to occupant safety (protests, combative litigants, known threats, etc.)
- The assigned officer is required to attend mandatory Department or POST training
- The assigned officer is on scheduled vacation/leave
- The assigned officer is appearing in another court (subpoena)

CHP-JPS officers assigned to San Francisco or Los Angeles are borrowed to provide the additional coverage when available or the court uses local CHP area staff, as necessary. Utilizing local and borrowed CHP staff results in additional costs because the court is required to reimburse CHP for overtime, mileage, and travel expenses in addition to the officer's salary and benefit costs. Additionally, local CHP area staff are generally not

2019-20 Initial Funding Request

familiar with court building layout, justices, staff, and protective service assignments, which could result in security lapse.

- C. Estimated Costs:** \$1.2 million ongoing and \$21,000 one-time. Salary and benefits for one CHP officer are approximately \$173,000 annually.
- D. Relevance to the Judicial Branch Budget and Other Funding Requests:** The existence of adequate and consistent CHP-JPS security coverage in the appellate courts during working hours is imperative and would enhance security for the seven locations which only have one CHP-JPS officer assigned to them. There are other pending BCP requests that affect the Judicial Council and Courts of Appeal; however, this is the only request that addresses security in the appellate courts.
- E. Required Review/Approvals:**
- Court Security Advisory Committee
 - Administrative Presiding Justices Advisory Committee
 - Court of Appeal Clerks
 - Judicial Branch Budget Committee
- F. Proposed Lead Advisory Committee:** Budget Services proposes that the Court Security Advisory Committee take lead advisory role. The Court Security Advisory Committee makes recommendations to the council for improving court security, including personal security and emergency response planning.

2019-20 Initial Funding Request

Requesting Entity: Courts of Appeal
Contact: Bob Lowney
Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018
Document Tracking Number: IFR-19-04

A. Working Title: Appellate Court Facility Maintenance Program

B. Description of Funding Request: A \$1.3 million General Fund augmentation (\$24,000 one-time in 2019-20 and \$1.234 million in 2019-20 and ongoing) to perform an in-depth building assessment of the two state-owned, court managed appellate court facilities and to establish and support an Appellate Court Facility Maintenance Program which will include preventative and demand maintenance and minor facility modifications in all appellate court facilities. Preventative maintenance provides that equipment is regularly inspected and maintained before a break down occurs and demand maintenance addresses unique, unforeseen events. Minor facility modifications include projects that restore or improve the designed level of function of a facility or facility. The appellate courts occupy a total of just over 500,000 square feet of space in 9 facilities. Of the 9 locations, 4 are state owned facilities managed by the Department of General Services (DGS), 2 are state-owned, court managed facilities, and 3 are in leased space.

Appellate Court	Location	Type of Facility	Square Footage Occupied
First District	San Francisco	State-owned, DGS managed	83,000
Second District	Los Angeles	State-owned, DGS managed	119,000
	Ventura	Leased space	23,000
Third District	Sacramento	State-owned, DGS managed	56,000
Fourth District	San Diego	Leased space	50,000
	Riverside	State-owned, DGS managed	35,000
	Santa Ana	State-owned, court managed	52,000
Fifth District	Fresno	State-owned, court managed	51,000
Sixth District	San Jose	Leased space	39,000

In the past 10 years, there have been significant investments in new appellate court facilities; however, no ongoing funding was provided for a facility maintenance program. Any repairs or improvements must be paid out of the appellate courts general operating budget, which is already strained due to previous budget reductions. With limited funding, only the most urgently needed and/or safety-related projects can proceed, leaving unaddressed system replacements, including roofs, mechanical and electrical systems, etc., that often result in more costly repairs in future years. This request will create a Facility Maintenance Program to take a proactive approach towards identifying, maintaining, and funding critical building needs in the Appellate Courts. The first step will be to perform an assessment of the two state-owned, court managed facilities and provide \$1.234 million (\$2 per square foot for DGS managed space and \$4.12/sf for court managed space, as identified by industry standards) for preventative and demand maintenance and minor facility modifications. Once the assessment is completed, future requests will be submitted to support life-cycle replacement of certain items, like equipment, that has reached the end of its useful life. Further, as bonds are retired on the remaining

2019-20 Initial Funding Request

state-owned, DGS managed facilities, an assessment will need to be performed to determine the available remaining life-cycle of major building components.

- C. Estimated Costs:** An ongoing General Fund augmentation of \$1.234 million for preventative and demand maintenance and minor facility modifications and a one-time \$24,000 General Fund augmentation to perform an in-depth building assessment of the Santa Ana and Fresno facilities. At this time, staff support within the Facilities Services office is sufficient to address the additional workload associated with this request. As future facilities come under Judicial Branch management, additional staffing resources may be necessary.
- D. Relevance to the Judicial Branch Budget and Other Funding Requests:** California's courts are aging, and continued lack of investment in facility maintenance will lead to continued deterioration of buildings and other basic building components, leading to the inability of the appellate courts to discharge duties required by statute.

While this request seeks a General Fund augmentation, there may be direction given to utilize Appellate Court Trust Fund (ACTF) resources; however, due to declining revenues, the ACTF may be unable to support an ongoing augmentation.

Additionally, it is important to note that in 2008-09 a BCP approved by the Department of Finance for the one-time moving (\$1.628m ACTF) and ongoing operations and maintenance costs (\$70,000 in year 1, \$415,000 ongoing GF) was included in the Governor's Budget for the new Fourth Appellate, Santa Ana facility. The operations and maintenance costs were based on the then-DGS estimated cost per square foot of \$10.80, less the existing operations and maintenance resources in the Fourth District's budget. Operations and maintenance funding covers a wide variety of items such as, utilities, insurance, and building repairs. However, during budget negotiations, funding for the move was approved, but the operations and maintenance funding was deferred and would be considered in future fiscal years. To date, the Judicial Branch has not submitted another request for these costs.

E. Required Review/Approvals:

- Administrative Presiding Justices Advisory Committee
- Court of Appeal Clerks
- Trial Court Facility Modification Advisory Committee
- Judicial Branch Budget Committee

- F. Proposed Lead Advisory Committee:** Budget Services proposes that Trial Court Facility Modification Advisory Committee take the lead advisory role as it provides ongoing oversight of the judicial branch program that manages renovations, facilities operations, maintenance, and real estate for trial courts throughout the state.

2019-20 Initial Funding Request

Requesting Entity: Legal Services Office

Contact: Eric Schnurpfeil

Budget Services Liaison: Lucy Chin/Nadia Butler

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-05

A. Working Title: Judicial Branch Litigation Management Program

B. Description of Funding Request: A \$5.8 million General Fund augmentation beginning in 2019-20 to shift expenditures from the Improvement and Modernization Fund to support the defense and indemnification of all Judicial Branch entities for government claims and litigation. The request will also propose provisional language to allow the Judicial Council one additional year to encumber funds, beyond existing Budget Act authority, which will provide greater flexibility to schedule contract payments. Approximately \$5.4 million is traditionally budgeted annually from the General Fund and the State Trial Court Improvement and Modernization Fund (IMF) (see detail below). Shifting IMF expenditures to the General Fund will assist with extending the solvency of the IMF as well as centralize the Litigation Management Program into a consolidated pool of available funds to be used for all entities of the Judicial Branch.

C. Estimated Costs: \$5.8 million General Fund. This request will (1) consolidate the current expenditures from the following fund sources, adding to the existing \$200,000 General Fund allocation, and (2) increase the total amount of the consolidated fund by \$449,000 to allow for increases in litigation costs over the period since these funds were *initially* established at the following levels:

\$200,000 – General Fund

\$4,500,000 – IMF, Trial Court Litigation Management Fund

\$651,000 – IMF, Trial Court Transactions Assistance Program

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Litigation funding is currently divided into three categories: (1) Supreme Court, Courts of Appeal, and Judicial Council litigation and related risk reduction expenditures (General Fund), (2) Trial court litigation and related risk reduction expenditures (IMF-Trial Court Litigation Management), and (3) Trial court transactional assistance to pay for counsel for labor arbitrations, proceedings before the Public Employment Relations Board, as well as for outside counsel in specialized areas of the law and other risk reduction expenditures (IMF-Trial Court Transactions Assistance Program). There are no other requests that affect the Litigation Management Program or the branch's litigation needs. 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. Consolidating funding and broadening the use of the funds allows the Judicial Council to effectively manage resources and better serve the branch's litigation needs.

E. Required Review/Approvals:

- Litigation Management Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that Litigation Management Committee take on the lead advisory role as it makes decisions on the use of litigation funding for the Judicial Branch.

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Requesting Entity: Court Operations Services

Contact: Olivia Lawrence

Budget Services Liaison: Kris Errecart

Date Prepared: 3/7/2018

Document Tracking Number: IFR-19-06

- A. Working Title:** Continuing the Implementation of the *Strategic Plan for Language Access in the California Courts*
- B. Description of Funding Request:** The Language Access Plan Implementation Task Force (LAPITF) requests an augmentation of \$11.82 million of General Fund for 2019-20, of which \$9.5 million is ongoing funding. This includes funding necessary to implement the following provisions: 1) expand interpreter services into all civil proceedings and fund interpreter salary increases; 2) trial court reimbursement for court interpreter supervisors and coordinators; 3) video remote interpreting (VRI) equipment for the courts; 4) other technological solutions to expand language access; 5) implementation of a court interpreter review process; 6) development of statewide resources of court-ordered programs and a repository of providers; and 7) a draw down from the Court Interpreter Fee Fund. These efforts support the implementation of the Judicial Council's *Strategic Plan for Language Access in the California Courts*, adopted January 2015.
- C. Estimated Costs:** This proposal seeks \$11.8 million in General Fund for the expansion of language access in the courts for 2019-20, including the establishment of 1.0 FTE.
- D. Relevance to the Judicial Branch Budget and Other Funding Requests:** The *Strategic Plan for Language Access in the California Courts* (LAP) supports Goal I of the Judicial Council's strategic plan—Access, Fairness, and Diversity—which sets forth that:
- All persons will have equal access to the courts and court proceedings and programs;
 - Court procedures will be fair and understandable to court users; and
 - Members of the judicial branch community will strive to understand and be responsive to the needs of court users from diverse cultural backgrounds.
- The LAP also aligns with the operational plan for the judicial branch, which identifies additional objectives, including:
- Increase qualified interpreter services in mandated court proceedings and seek to expand services to additional court venues; and
 - Increase the availability of language access services to all court users.
- E. Required Review/Approvals:**
- Language Access Plan Implementation Task Force
 - Trial Court Budget Advisory Committee
 - Judicial Branch Budget Committee
 - Court Interpreters Advisory Panel
- F. Proposed Lead Advisory Committee:** Budget Services proposes that the Language Access Plan Implementation Task Force, chaired by Supreme Court Justice Mariano-Florentino-Cuéllar, is designated lead advisory body. It was established by the Chief Justice and the Judicial Council in March 2015 to

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develop the necessary systems for monitoring compliance with the council's January 2015 *Strategic Plan for Language Access in the California Courts*.

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Requesting Entity: Habeas Corpus Resource Center

Contact: Louis Stanford

Budget Services Liaison: Matt Kennedy

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-07

A. Working Title: Habeas Corpus Resource Center Case Team Staffing

B. Description of Funding Request: A General Fund augmentation of \$3.4 million in 2019-20, \$5.0 million in 2020-21, and \$5.5 million in 2021-2022 and ongoing for the permanent establishment of 34 positions phased in over two consecutive fiscal years to create four additional case teams to provide legal representation to inmates on California’s death row and an amendment to Government Code § 68661. Additional office and storage space would be required. This proposal is necessary to reduce the increasing backlog of inmates on California’s death row who have the right to counsel in state post-conviction proceedings, but currently must wait as long as 20 years for appointment of an attorney. Such undue delays in appointment of counsel substantially increase both the litigation costs of each case and the incarceration costs associated with the delay in providing a substantial number of condemned inmates relief from their death judgments.

C. Estimated Costs: The estimated costs are \$3.4 million in 2019-20, \$5.0 million in 2020-21, and \$5.5 million in 2021-22 and ongoing. This request also included 34.0 positions to be phased in over two fiscal years.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The delays in appointment of state habeas counsel have now ballooned to 358 inmates on death row without habeas counsel. The average delay in appointment of counsel is about 10 years, while the California Supreme Court is now appointing counsel in cases with judgments dating back 20 years. The 6th Amendment to the United States Constitution guarantees the effective assistance of counsel in criminal proceedings as a fundamental part of our judicial system. The State’s courts are required to provide counsel to indigent defendants and must do so in all appeals that may come before them. The mission of the California judiciary is to “in a fair, accessible, effective and efficient manner, resolve disputes arising under the law... protect the rights and liberties guaranteed by the Constitutions of California and the United States.” Goal I of the Strategic Plan, Access, Fairness, and Diversity, states that “California’s courts will treat everyone in a fair and just manner.

E. Required Review/Approvals:

- Habeas Corpus Resource Center Executive Director
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the HCRC Executive Director take on the lead advisory role as he makes decisions on budget and operations affecting the HCRC.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Mark Dusman

Date Prepared: 2/23/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-08

A. Working Title: Collaboration Platform for the Branch IT Community

B. Description of Funding Request: The Judicial Council is requesting a General Fund augmentation (amount \$TBD) to acquire, configure, deploy and maintain an enterprise content collaboration platform to further enable innovation and collaboration for the branch IT community and its stakeholders.

The Branch's IT Community faces a significantly increased emphasis on collaboration and is greatly challenged by the geographic separation of the 58 trial courts. The need for more effective and efficient collaboration arises with the growth of ITAC's use of workstreams, several state and local technology pilot programs, the implementation of the Judicial Council's Innovation Grants, in addition to the successful use of cross-court innovation around case management, digitized service delivery, self-represented litigants, and various web-based solutions. In each of these areas, success is dependent on the ability to quickly and efficiently leverage knowledge, expertise and experience across and between courts, the Judicial Council, state, local and national justice partners, external vendors, and other stakeholders such as self-help providers and academics.

This year the Information Technology Advisory Committee (ITAC) is sponsoring a workstream to further enhance and build upon the tremendous success of the branch's IT Community collaboration and innovation. One of the objectives of the workstream will be to "Identify, prioritize, and report on collaboration needs and tools for use within the branch and to evaluate and prioritize possible technologies to improve advisory body and workstream meeting administration; pilot recommended solutions with the committee."

As part of its directive, the IT Community workstream will recommend technologies that will enable and enhance this level of sharing during the innovation and development phases of technology initiatives. The technologies today are grouped by the industry into what is often referred to as content collaboration platforms (CCP). A content collaboration platform is a core enabling component of digital workplace transformation. Innovative organizations consider CCPs a priority for enabling better productivity, external document sharing, team collaboration, internal/operational efficiencies, and data infrastructure modernization. Gartner, Inc summarizes the capabilities of these technologies:

- "Workforce productivity — Enabling general-purpose, nonroutine working experiences on documents, from different locations and across multiple devices. It includes enhanced syncing and access capabilities. Content creation is often a key requirement for productivity.
- Extended collaboration — Supporting file sharing between people or in a team, inside and outside of the organization, with support for commenting, versioning, notification, data protection, and rights management capabilities.

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- Centralized content protection — Supplying a locked-down document collaboration environment with support for policy enforcement, data protection, audit trail, e-discovery, and data residency.
- Lightweight workflow — Enabling automation of simple tasks related to document flows, involving document management and team collaboration capabilities.”

The requested funding would be needed to acquire the tools and practices recommended by the IT Community workstream. Once selected the platform tools would need to be implemented. The successful use of these types of resources are highly dependent on the development of a specific, well-planned strategy for using and maintaining the platform. The additional FTEs requested would be responsible for working with the various stakeholders to define that strategy, configuring the tools to accommodate those requirements, testing, piloting and deploying the solution. Ongoing maintenance would be required to maintain the technical components of the platform as well as to continue to deploy the solution to new collaboration teams and workstreams as they are formed.

- C. Estimated Costs:** At this time, the cost to implement a content collaboration platform are unknown. At this time, the cost to acquire and support a cloud-based or on-premises solution is unknown. It is critical to select a solution that will meet the requirements for security, privacy, accessibility, and cost-effectiveness, as well as the ability to scale to a level that will support the 58 trial courts, the 6 appellate courts, and the California Supreme Court.

Ongoing funding will also be needed for 2 FTE for the Judicial Council: 2 Senior Business Systems Analysts to help onboard the courts to the solution and to provide ongoing consulting and management of the digital evidence provider.

- D. Relevance to the Judicial Branch Budget and Other Funding Requests:** Goal 2 of the Judicial Branch Strategic Plan for Technology - Optimize Branch Resources states, “the judicial branch will maximize the potential and efficiency of its technology resources by fully supporting existing and future required infrastructure and assets, and leveraging branchwide information technology resources through procurement, collaboration, communication, and education.” Providing a platform which would enable innovation through efficient and effective sharing and collaboration is an area of focus prescribed in the plan. ITAC, in support of this goal is sponsoring a workstream on IT Community which has a state objective to “identify, prioritize, and report on collaboration needs and tools for use within the branch.”

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

- F. Proposed Lead Advisory Committee:** Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as the JCTC oversees the council’s policies

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concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Kathleen Fink

Date Prepared: 3/6/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-09

A. Working Title: Management of Digital Evidence in the Courts - Pilot

B. Description of Funding Request: A General Fund augmentation (amount \$TBD), beginning in 2019-20 and ongoing and 3.0 positions, to pilot services at 3-5 courts in support of managing digital evidence in the courts.

Body cameras, video surveillance, personal cell phones, social media: these are all contributing to the exponential growth in digital evidence and questions on how to manage it in the courts. Courts are already experiencing digital evidence in increasing volume and in various standards and formats. Add to that the need to maintain security and chain of custody while making the evidence available to the appropriate parties and the potential for the introduction of malware via submitted digital evidence, and this becomes a situation the courts must address quickly.

The digital evidence workstream, as one of the results of its analysis, will recommend a secure, cost-effective solution to provide a cloud-based repository and streaming service that courts will be able to use to store and manage digital evidence. A pilot of the service will assess the effectiveness of the solution and will generate information on next steps, best practices, and costs for onboarding additional courts. As more courts use the service, it will generate business intelligence for the judicial branch on how digital evidence is impacting the courts, for example, the volume and types of digital evidence, as well as new types of digital evidence that may appear.

C. Estimated Costs: At this time, the cost to acquire and support a cloud-based repository and secure streaming service is unknown. It is critical to select a solution that will meet the requirements for security, privacy, accessibility, and cost-effectiveness, as well as the ability to scale to a level that will support the 58 trial courts, the 6 appellate courts, and the California Supreme Court.

Ongoing funding will also be needed for 3.0 positions for the Judicial Council: 2.0 Senior Business Systems Analysts to help onboard the courts to the solution and to provide ongoing consulting and management of the digital evidence provider. 1 Enterprise Architect is needed for solution design and ongoing consulting – this headcount can be shared by the Business Intelligence program.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: This request will support Court Technology Strategic Goal # 1 – Promote the Digital Court, by implementing a branchwide solution for managing digital evidence. Courts currently maintain most digital evidence in physical format such as flash drives, DVD's, and memory chips. Electronic storage will enable courts to securely receive, store, present, and transmit digital evidence as needed.

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E. Required Review/Approvals:

- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Council Technology Committee
- Judicial Branch Budget Committee

Proposed Lead Advisory Committee: Budget Services proposes that the Information Technology Advisory Committee take on the lead advisory role as the ITAC promotes, coordinates, and acts as executive sponsor for projects and initiatives that apply technology to the work of the courts. Further, ITAC's Digital Evidence Workstream is specifically tasked with assessing the current challenges the courts face in managing digital evidence and recommending statewide solutions to meet those challenges.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Robert Oyung

Date Prepared: 2/21/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-10

A. Working Title: Digitizing Documents Phase Two for the Superior and Appellate Courts

B. Description of Funding Request: A one-time General Fund augmentation (amount of \$2 million for 10-courts to \$3 million for 15-courts) and an ongoing General Fund augmentation of \$175,000 for 1.0 position (a JCC Senior Business Systems Analyst). The Sr. BSA will consult with the 10-15 participating courts and assist with the implementation of the digitizing documents playbook to digitize paper case files and implement an electronic complete case-flow, and provide on-going digitization/workflow automation consulting. The request would allow a vendor to prepare the physical documents for conversion, scanning into electronic digital format, and for providing quality assurance that the identified documents are digitized accurately. The proposed approach would enable “back scanning” of all existing files and be used to increase the capacity of a court’s electronic storage infrastructure to hold all the converted documents and to purchase scanning devices to convert any new incoming paper documents to electronic format.

C. Estimated Costs: The California court system is the largest in the nation, with more than 19,000 court employees. It serves a population of about 39 million people – 12.5 percent of the nation. During fiscal year 2014-2015, over 6.8 million cases were filed statewide in the Superior Courts, alone. The Courts of Appeal had approximately 23,000 filings and the Supreme Court had 7,868 filings over the same time. Case files are associated with each one of those filings, and each case file contains multiple documents over the life of the case (docket, briefs, motions, pleadings, etc.). Court operations center on the receipt, creation, processing and preservation of these court documents. The majority of historical records and much of the current volume consists of paper or filmed (microfilm or microfiche) documents. Management of those paper and film case files is very labor intensive, and even storage of those files competes with valuable courtroom space. In some courts, equipment to view microfilm and microfiche is becoming obsolete and is increasingly difficult and expensive to maintain and repair. If these readers are not available, viewing of these documents will not be possible without converting them to another form. If stored externally, the cost represents a significant expense. Electronic case files lessen the burden of processing these case documents and will greatly reduce the need for physical storage space facilities (file rooms, multi-level filing cabinets, boxes of records in archival storage). As the courts migrate from older legacy-case management systems, they can take advantage of electronic documents and electronic document processing, but they need a mechanism to convert existing paper and filmed case files into electronic format. Electronic case files will eliminate the need for physical storage facilities and would allow for greater public access and convenience. To assess demand for the digitizing paper and/or film pilot directly, a survey (<https://www.surveymonkey.com/results/SM-97YWNCNW8/browse/>) was developed, and sent to all California trial and appellate courts. 31-courts responded and of those, 29 wanted to participate in a pilot. Of the 29 wanting to participate in a pilot, 22 were committed, willing to re-engineer their business processes, provide staffing for the pilot and provide documentation of their experiences so that future implementations would go more smoothly (DigitizingPaperSurvey.xlsx). Each court

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measured or provided estimates for the quantity of paper and filmed files, for both active and archived cases. All told, the 29 courts reported more than 300,000 linear feet of active case paper files (more than 56 miles). To estimate the cost associated with this request, 20 scanning vendors were contacted and 7 responded with detailed pricing estimates ranging from \$105/box to \$368/box (ScanningVendors.xlsx). The average cost per 15" box of files was \$203. Using this average scanning cost for 22,000 linear feet of paper files amounts to \$4.5 million. There will be an additional \$650,000 in costs for a limited amount of bulk scanning equipment and for desktop scanning equipment so that pilot courts can scan files as they come in according to their modified workflow. As the number of active case linear feet are estimates, there is a 10% contingency of \$500,000. The calculation used to determine the 10 to 15-court cost estimate: the single court cost estimate for scanning costs: \$155,172, (1/29th of \$4.5M) with a single court equipment cost estimate of: \$22,413. (1/29th of \$650K), and a single court contingency cost estimate of \$17,241 (1/29th of \$500K), for a total single court cost estimate of: \$194,828.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: In 2017, the Judicial Council Information Technology Operations & Programs Division submitted a BCP for 2018-19, requesting a one-time General Fund augmentation of \$5.889 million and an on-going amount of \$175,000 for 1.0 position (Senior Business Systems Analyst), to fund a pilot program for digitizing paper and/or filmed case files for the Superior and Appellate Courts. This pilot program would include between 6 and 8 of these courts, targeting the scanning of 22,000 linear feet of files. The data from this pilot will be analyzed and used to refine the cost estimates, processes and techniques for the remaining courts and may be used for budgeting, business process re-engineering and/or future funding requests, as appropriate. The outcome of that request is pending at the time of submission of this 2019-20 Initial Funding Request "Promoting the Digital Court" and "Optimizing Branch Resources" are two of the goals in Court Technology Governance and Strategic Plan that digitizing paper and film documents support. A document management system is the second highest priority of "Promoting the Digital Court" following a modern case management system. Digitizing paper and filmed case files also supports the trial courts. (Please refer to benefits above.) This request will also enable the courts to better utilize their modern case management systems, including the V3 and the Sustain Justice Edition courts that the Judicial Council worked with on Budget Change Proposals for their case management system replacement.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take the lead advisory role. The JCTC oversees the council's policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working

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groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Fati Farmanfarmaian

Budget Services Liaison: Mary Jo Ejercito

Date Prepared: 2/22/2018

Document Tracking Number: IFR-19-11

A. Working Title: Futures Commission Directives for the Expansion of Technology in the Courts.

B. Description of Funding Request: A General Fund augmentation (amount \$TBD) to provide funding for implementing pilot programs at 3-5 courts for intelligent chat, video remote hearings, and natural language voice-to-text translation services at 3-5 courts in support of Futures Commission recommendations directed by the Chief Justice. Judicial Council Information Technology will be responsible for supporting these services. Funding would include one-time funding for software and services, and ongoing funding for full-time staff resources to enable Information Technology to operationalize the solutions, with the goal of expanding them and eventually making them available to all courts.

The Chief Justice has directed the Information Technology Advisory Committee (ITAC) to report on the feasibility and resources necessary to pilot three technology innovations recommended by the Futures Commission: remote appearances for most noncriminal court proceedings; voice-to-text language interpretation services at court filing, service counters, and in self-help centers; and intelligent chat technology to provide self-help services. Where pilot projects are implemented, the committee has been directed to report back to the Judicial Council on outcomes and make recommendations for statewide expansion.

The workplans for each initiative envision a two-phased pilot approach in which quick, small-scale, investigative proofs-of-concepts will be deployed in three to six months prior to conducting larger and more formalized pilot projects. This strategy allows ITAC and the project evaluation teams to quickly learn about potential uses and deployment of the technologies in controlled environments. The first phase of the projects is expected to be funded through existing budget and provide quick but limited information. Funding to support the second phase of each project will provide for more formalized and extensive piloting, provide data for statewide recommendations, and ongoing support to productize and operationalize the programs.

Examples of this may include:

- Establishing a technical lab environment at the Judicial Council to test various voice-to-text language services to gauge alignment of the technical tools to deliver accurate and useful translation within a complex environment; thereafter, to test the voice-to-text service in a specific subject at a court location.
- After collecting findings from mock remote video hearings at various courts and assessing the viability of broadened expansion, the pilot would likely include delivering remote video programs in 3-5 courts as recommended.

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- Conducting a series of individual proofs of concepts using intelligent chat to assess technology readiness, benchmarks for success, and learnings; thereafter, to deliver the intelligent chat service as part of the council’s online digital service implementation in select self-help subject areas.

These three programs will provide the branch with proven methods and tools for improving remote and modernized access to the courts for Californians. Expanding the use of technology in this manner will increase access to justice, supporting a key tenet of the Chief Justice’s access 3D initiative.

- C. Estimated Costs:** At this time, the cost to implement the pilot programs in the three areas identified is unknown. The first phase proof of concept efforts for each initiative is being conducted this year (2018) and will include an assessment of what funding would be necessary to achieve the more robust pilot program.

Following the proof of concept phase, the cost for more formal piloting at 3 to 5 courts, is expected to include:

- One-time software and services costs – to be determined as part of the feasibility report
- Ongoing FTE costs – 1 FTE Business Systems Analyst (BSA) for each pilot area (three in total) to coordinate, implement, and support the pilot and future deployment. The pilot programs and support for their broadened productizing and operationalization will require continued support that is the responsibility of the Judicial Council Information Technology office.

- D. Relevance to the Judicial Branch Budget and Other Funding Requests:** The final report of the Commission on the Future of California’s Court System (Futures Commission) sets forth recommendations for legal and structural reforms for the judicial branch of government to improve access to justice and to better serve current and future generations of Californians. One of those recommendations is to expand technology in the courts. This aligns with and contributes to “Promoting the Digital Court” and “Optimizing Branch Resources,” two of the goals in the *Judicial Branch Strategic Plan for Technology*. Contributing to the support of these goals, as well as responding to the specific directives of the Chief Justice, are key branch priorities with regards to technology.

There has been innovation grant funding relative to video hearings and avatars starting in FY17, which was provided to individual courts. This program will leverage these projects—and any other—existing pilot efforts to minimize costs. No other similar requests for funding are known, at this time.

E. Required Review/Approvals:

- Information Technology Advisory Committee
- Judicial Council Technology Committee
- Judicial Branch Budget Committee

- F. Proposed Lead Advisory Committee:** Budget Services proposes that ITAC take on the lead advisory role, as the Chief Justice specifically directed the committee to take immediate action in these three areas.

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Requesting Entity: Judicial Council Information Technology Office

Contact: Donna Keating

Date Prepared: 3/02/18

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-12

A. Working Title: Pilot Next Generation Hosting concepts at one or more courts.

B. Description of Funding Request: A General Fund augmentation (amount \$TBD) beginning in 2019-20 to pilot Next Generation Hosting concepts at one or more courts. Funding would be used to operationalize a set of branch-level recommendations developed by the Next Generation Hosting Workstream. These recommendations present guidelines to assist courts in making decisions on hosting court technology systems using modern, scalable and flexible models. The models range from on premise local solutions to regional court data centers to cloud computing. The pilot would allow courts to test framework guidelines, to use and refine common service level definitions and expectations, and to take advantage of the latest hosting technologies available to the branch. Courts may leverage master service agreements negotiated with providers for hosting support for critical applications including; court case management systems, jury systems, financial and email systems and web services. This request will enable the courts to leverage the workstream recommendations to pilot solutions that better utilize modern, agile, flexible and cost-effective hosting solutions that are appropriate for their court's technology environments and needs.

C. Estimated Costs: At this time, the cost to pilot Next Generation Hosting Solutions is unknown. As the assessment moves forward we will be better able to gauge the resources needed for this effort. At this point in time, funding for the pilot is expected to include:

- One time hardware, software, and services for the pilot
- One FTE for JCC: One Business Systems Analyst to work with pilot courts to provide hosting guidance, to maintain and refine the framework, and to coordinate procurement of services including; developing RFP's, selecting vendors and executing contracts.
- No on-going funding is requested for pilot courts. Courts wishing to continue their pilot implementation would fund any on-going costs.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: While next generation hosting is expressly called out under Goal Three, Optimize Infrastructure, it has a direct impact on the branch's ability to accomplish two more of its strategic technology goals: Promote the Digital Court and Optimize Branch Resources. A modern, flexible, scalable, and cost-effective hosting foundation is critical to providing services that extend and enhance public access to the courts, that enable data-sharing among the courts, and that promote collaboration across the judicial branch, to name just a few objectives. The hosting framework made recommendations based upon the Court Technology Strategic and Tactical Plan and the best likelihood for achieving the defined goals and objectives. The Workstream also partnered with ITAC's Disaster Recovery Workstream to ensure report findings were in alignment with related initiatives in the Tactical Plan.

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E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as JCTC oversees the council's policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

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Requesting Entity: ITAC Intelligent Forms Workstream

Contact: Camilla Kieliger/Mark Gelade

Budget Services Liaison: Mary Jo Ejercito

Date Prepared: 2/28/2018

Document Tracking Number: IFR-19-13

- A. Working Title:** Modernization of Judicial Council Forms Technology/Intelligent Forms
- B. Description of Funding Request:** The Judicial Council requests a General Fund augmentation of (amount TBD) for the development of a pilot in three-to-five courts to deploy Intelligent Forms. This would also include \$403,000 support four new positions for pilot development and operational preparedness for production deployment of intelligent Forms.

The Judicial Council, as the official publisher of Judicial Council forms, is the entity properly charged with the responsibility for providing legally accurate and accessible legal forms. The proposed project would transform the way forms are filled and exchanged and allow entities to send properly formed data files to the Judicial Council forms server, and produce/receive an authenticated and filled out form in return.

In California, litigants frequently file their cases and interact with courts through the use of statewide court forms. Some areas of law, such as family law, probate, protective orders, and name changes are largely form-driven. Judicial Council forms help litigants, especially self-represented litigants, to file court documents. Forms assist law enforcement with enforcing restraining orders. Forms also simplify reviewing and processing documents for clerks, court staff and judicial officers. A 2014 report by the Task Force on Trial Court Fiscal Accountability included Judicial Council fillable forms as an example of judicial branch efficiencies. Court forms are the most frequent point of contact that the public has with the Judicial Council of California. Form downloads and views dwarf all other resources offered by the Judicial Council website.

Judicial Council forms have traditionally been used to produce paper documents. While paper-based forms serve an important purpose, new technologies like e-filing, e-service, and new court case management systems will require better data portability between forms, these new systems and other court technology solutions.

Further, according to [Pew Research Center \(2017\)](#), 77% of US adults own a smartphone, and 12% rely exclusively on their smartphones to access the internet. In the younger generation, those between 18 and 29 years old, 92% own smartphones. Perhaps most importantly, [twenty percent](#) of adults living in households earning less than \$30,000/year are smartphone-only internet users. It is axiomatic that these lower-income households are the most likely to be self-represented. A recent study entitled *Serving Self-Represented Litigants Remotely: A Resource Guide (2016)* found that SRLs expect courts, legal services, and the bar to use technology. There is not only an expectation, but also a growing *need*, for people to interact with public entities remotely. The current model does not meet those needs and expectations.

Fundamental to increasing access to justice is dependable and accessible forms that can be used remotely and at no charge.

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The Information Technology Advisory Committee established the Intelligent Forms Workstream to examine the use of court forms and investigate options for modernizing the electronic format and delivery of Judicial Council forms. The project proposed by the Intelligent Forms Workstream would:

- Authenticate all Judicial Council forms
- Populate authenticated forms with data
- Host all Judicial Council forms on a separate forms server
- Create and publish form Application Programming Interfaces (APIs)
- Accept structured data through a web request
- Respond to the requester with an authenticated and populated form

The project is also fundamental to developing true e-filing. E-filing is more than simply transmitting case documents to the court to be processed by the Clerk. True e-filing not only handles the document transmission but also integrates the documents and corresponding case information into the Court's Case Management System (CMS). This provides for a much quicker, more automated, and more efficient process. To enable this process, the underlying documents must be standardized and published with adequate and consumable metadata and a data mapping schema.

Finally, forms must be usable by people with disabilities. The legacy Judicial Council forms must be updated to comply with current accessibility legislations, rules, and standards. Future forms development must be accessible to comply with federal and state laws, as well as information technology best practices.

- C. Estimated Costs:** Out-of-pocket costs to implement this project are presently unknown but will be determined once a Request for Information (RFI) is processed by July, 2018 and a specific tool set and strategy is selected.

The costs will be influenced by the strategies and specific technologies selected. The costs, however, will include:

- Consulting assistance to design accessibility upgrades
- Consulting assistance to design APIs
- Consulting assistance to integrate form data with Electronic Filing Managers (EFMs) and CMSs
- Integration guides to courts and vendors
- Costs to operate the solutions
- On-going costs to manage and monitor these capabilities. Staffing resources will ensure that a statewide forms modernization initiative continues to progress and builds upon findings and lessons-learned from the initial pilot. Significant technical and analyst resources will be required to potentially re-engineer operational processes, as well as fine-tune technical approaches and these are envisioned as long-term business transformation objectives.

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Staffing augmentation costs are as follows:

	Total Costs, including Benefits
BSA (2)	\$ 268,516
Analyst	\$ 134,258
Total	\$ 402,774

Relevance to the Judicial Branch Budget and Other Funding Requests: The *Strategic Plan for California's Judicial Branch* and the *Judicial Branch Strategic Plan for Technology* both list access to justice as Goal 1. In 2013, Chief Justice Cantil-Sakauye launched Access 3D, which led to the establishment of the Commission on the Future of California's Court System in July 2014. The Commission's charge was to study and recommend initiatives to effectively and efficiently serve California's diverse and dynamic population by enhancing access to justice.

Remote access to reliable, legally accurate and accessible forms is foundational to access to justice. It further enhances the move towards a "digital court," and has the potential to significantly increase efficiency as data migrates from the face of a paper form that must be manually input to seamless integration through e-filing and remote interaction.

D. Required Review/Approvals:

- Information Technology Advisory Committee (ITAC)
- Judicial Council Technology Committee
- Judicial Branch Budget Committee

E. Proposed Lead Advisory Committee: ITAC should be the lead committee, coordinating existing and future workstreams Self-Represented Litigants (SRLs) e-services, next generation hosting, data exchange, forms modernization) that can effectively collaborate on the form server solution proposed.

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Requesting Entity: Judicial Council Information Technology Office

Contact: David Koon

Date Prepared: 2/28/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-14

A. Working Title: Case Management System (CMS) Replacement for Trial Courts – Phase IV Request

B. Description of Funding Request: A General Fund augmentation (amount \$TBD) to replace outdated and/or no longer supported case management systems with a modern case management system. Additionally, this request also includes 1 Sr. BSA FTE to support the migrations and provide on-going CMS consulting.

This funding request is the fourth funding request to provide trial courts with modern case management systems in support of the “Digital Court” goal specified in the Judicial Branch’s “Strategic Plan for Technology” as well as the Chief Justice’s “Access 3D” vision which includes allowing court users the ability to conduct their business online. Many courts are in the process of deploying new case management systems for all case types. However, some courts have only been able to deploy a new case management system for certain case types which has left one or more case types on their legacy systems. These legacy systems do not have the ability to integrate with document management systems and e-filing services. Obtaining funding for these courts to migrate the remaining case types to a new case management system continues the effort to provide the trial courts with the foundation needed to support the “Digital Courts” strategic goal.

C. Estimated Costs: A survey will need to be sent to the trial courts to identify those courts which have only partially been able to replace their legacy case management systems. It is expected that by late April 2018, the courts will be identified from the survey and will then help to determine the cost for deploying a new case management system to additional case types. The one-time costs which will be requested for the trial courts are likely to include but not be limited to: software, hardware, implementation services, network infrastructure, temporary staffing for backfill positions and possibly hosting costs.

The annual on-going cost estimates for one FTE Sr. BSA to be included in this funding request to assist with project monitoring of these CMS migrations and provide on-going CMS consulting are presented below:

Number of FTE's	FTE Position	Annual Salary + Benefits ⁽¹⁾
1	Sr. BSA	\$ 141,897
⁽¹⁾ Calculated at mid-step plus 45% benefit factor		

2019-20 Initial Funding Request

D. Relevance to the Judicial Branch Budget and Other Funding Requests: “Promoting the Digital Court” by implementing modern and supportable case management systems was approved as the highest priority in the Court Technology Governance and Strategic Plan. The Judicial Council Technology Committee and Judicial Council staff have previously worked with courts on a path forward to replace the V3, Sustain Justice Edition, and nine other trial courts legacy case management systems. This funding initiative will address those courts which have moved some case types to a new case management system but are in need of assistance to move additional case types off of legacy systems.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee:

Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as JCTC oversees the council’s policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Information Technology Office

Contact: John Yee

Date Prepared: 3/02/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-15

A. Working Title: Using Business Intelligence and Data Analytics (BI/DA) to Transform the Enterprise

B. Description of Funding Request: A General Fund augmentation (amount \$TBD) to pilot a business intelligence and data analytics platform, tools and services to support the data analytics workstream for a limited number of courts (3-5) and 2-4 Judicial Council offices (JBSIS, Criminal Justice Services, etc.).

In 2018-19, a project was launched to investigate the use cases, the available technology and capabilities and how to take advantage of the data collected and provide insight into patterns and trends that can help improve services and operations for the public, the courts, and the branch.

Today, business intelligence and data analytics are being performed through local custom grown solutions. To meet the reporting needs of the courts and offices, many of the solutions were limited to using the available tools and technology. These solutions tend to be inefficient, and overly burdensome, requiring staff to fill in the gaps of information and processes. Individual pockets of BI/DA increase the number of solutions, increases the technology footprint, and increases the overall cost of support for the courts and the branch.

As the complexity of court and business operations continue to grow, more data will be collected, more processes will be created, and more custom grown solutions will be developed to meet the growing needs of the courts and the branch. Working within the existing resources, additional human capital would be needed to support the growth. A modern approach is needed.

Data is a valuable digital asset. The courts, the offices, the departments collect lots of data. To reap the benefits, data needs to be mined, analyzed and turned into information, insight and intelligence. Advances in data science, data analytics, machine learning and artificial intelligence provide a modern approach to business intelligence.

The goals of the pilot are to deploy a modern business intelligence and analytics platform, tools and services to support the courts and the offices. An initial set of use cases and scenarios will be used to help establish and develop the architecture, design, implementation, and best practices. Through pilot's activities, it will also help identify and refine any policies and procedures as needed.

C. Estimated Costs:

At this time, estimated costs are currently unknown. A project has been launched that will assess the technologies and options resulting in a request for proposal during the 2018-19 fiscal year.

2019-20 Initial Funding Request

- Procurement of software licenses and/or services
- On-going software maintenance and support
- On-going infrastructure procurement, maintenance and support (if deployed on premise)
- Staffing
 - 4 FTE for JCC:
 - 2 BSA to coordinate and implement processes, policies, and data governance,
 - 1 ADA to evaluate, configure, and consult on tools,
 - 1 Enterprise Architect for solution design and ongoing consulting - this headcount can be shared by the Digital Evidence program.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The Business Intelligence and Data Analytics workstream aims at all four goals in the Court Technology Governance and Strategic Plan.

- “Promoting the Digital Court”
Provide the courts and offices with new capabilities to improve operations and to help better serve the general public through understanding, recognition of patterns, trends and insight.
- “Optimizing Branch Resources”
Analyzing and assessing utilization of court and branch resources to help identify and shift needs
- “Optimize Infrastructure” -
Help analyze and identify where infrastructure is over or underutilized.
- “Promote Rules and Legislative Changes”
Potential use to determine the impact and effectiveness of rules and legislative changes

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Information Technology Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as the JCTC oversees the council’s policies concerning technology and is responsible in partnership with the courts for coordinating with the Administrative Director and all internal committees, advisory committees, commissions, working groups, task forces, justice partners and stakeholders on technological issues relating to the branch and the courts.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Information Technology Office

Contact: Michael Derr

Date Prepared: 3/6/2018

Budget Services Liaison: Mary Jo Ejercito

Document Tracking Number: IFR-19-16

A. Working Title: Disaster Recovery Framework Implementation Pilot

B. Description of Funding Request: The Judicial Council Information Technology Office proposes a general fund augmentation in 2019-20 of \$1.3 million and ongoing funding in the amount of \$180k to pilot disaster recovery concepts as outlined in the disaster recovery workstream framework at one of more courts. Funding would include one-time hardware, software, and services for the pilot and ongoing funding for one FTE within the Judicial Council Information Technology Office to provide guidance to the courts on the subject of disaster recovery. It is proposed that this position would fall within the Business Systems Analyst job family. Courts participating in the pilot would be required to take over ongoing funding for hardware, software and services implemented via this pilot.

C. Estimated Costs: Estimated costs for this pilot are \$1.3 million, which includes:

One-Time

- Modern backup infrastructure for participating courts that would provide the capability to replicate backups to an alternate site and/or the cloud
- Provisions for cloud-based data storage in support of court backups
- Provisions for failover of virtual servers to an alternate hosting location in a manner that facilitates site recovery
- Cloud connectivity of sufficient bandwidth to support backup and recovery functions

Ongoing:

- Establishment of an FTE staff resource within the Judicial Council to provide guidance to the courts on the subject of disaster recovery

D. Relevance to the Judicial Branch Budget and Other Funding Requests: This funding request is in direct support of the Court Technology Governance and Strategic Plan.

- “Optimizing Branch Resources”
Analyzing and assessing utilization of court and branch resources to help identify and shift needs
- “Optimize Infrastructure” -
Help analyze and identify where infrastructure is over or underutilized.

Specifically, it will serve to facilitate compliance with the Judicial Branch security framework, which specifies that effective controls be in place for contingency planning.

E. Required Review/Approvals:

- Information Technology Advisory Committee
- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

2019-20 Initial Funding Request

F. Proposed Lead Advisory Committee: Budget Services proposes that the Information Technology Advisory Committee take on the lead advisory committee role as ITAC role is the sponsor for the Disaster Recovery Framework workstream, from which this pilot initiative originated.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Center for Families, Children & the Courts

Contact: Don Will

Date Prepared: 3/7/2018

Budget Services Liaison: Kris Errecart

Document Tracking Number: IFR-19-17

SECTION 1 – Initial Funding Request:

- A. Working Title:** Court Appointed Special Advocates (CASA) in Juvenile Dependency Court
- B. Description of Funding Request:** A \$500,000 General Fund augmentation beginning in 2019-20 and ongoing to support the court-appointed special advocates grants program. CASA programs are nonprofit organizations which provide trained volunteers who are assigned by a juvenile court judge to a child in foster care. The program is well-utilized by the juvenile courts, with nearly all programs unable to meet all of the requests for volunteer assignments made by the courts. The number of volunteers that CASA's are able to provide can serve only about 12 percent of the total dependency population or 20 percent of the out-of-home foster care population. Since all CASA volunteers must be supervised by professional staff, growth of CASA programs to meet the full need of the courts is limited by the programs' ability to pay professional staff. The 2006 Budget Act provided an additional \$64,000 (3 percent) specifically to the CASA grants program. Since then, CASA programs have expanded from 39 to 50 courts, and have increased the number of children they serve by approximately 35 percent, from 8,000 to 11,000. With approximately 55,000 children in court-supervised out-of-home foster care, this represents an unmet need of 44,000 children or 80 percent. Increasing the Judicial Council grant program by \$500,000 will allow programs to increase their volunteer supervisor hours and serve up to an estimated 20 percent more children statewide.
- C. Estimated Costs:** A General Fund augmentation of \$500,000 to support the court-appointed special advocates grant program. If approved, this augmentation would provide a total of \$2.713 million for CASA programs, which represents 29 percent of the funding need.
- D. Relevance to the Judicial Branch Budget and Other Funding Requests:** The CASA grants program is a statutory responsibility for the Judicial Council. Legislation (AB 4445, Stats. 1988, ch. 723) amended Welfare and Institutions Code to require the Judicial Council to establish guidelines encouraging the development of local CASA programs that assist abused and neglected children who are the subject of judicial proceedings. The legislation also called for the establishment of a CASA grant program to be administered by the Judicial Council and required CASA programs to provide local matching—or in-kind funds—equal to program funding received from the Judicial Council. The California Blue Ribbon Commission on Children in Foster Care recommended in 2009 that every child in dependency court be assigned a CASA volunteer.
- E. Required Review/Approvals:**
Family and Juvenile Law Advisory Committee
Trial Court Budget Advisory Committee
Judicial Branch Budget Committee

2019-20 Initial Funding Request

- F. Proposed Lead Advisory Committee:** Budget Services proposes that the Family and Juvenile Law Advisory Committee take on the lead advisory role as it is designated by the Executive and Planning Committee to formulate the methodology for the Judicial Council CASA grants programs.

2019-20 Initial Funding Request

Requesting Entity: CFCC

Contact: Bonnie Rose Hough

Budget Services Liaison: Kris Errecart

Date Prepared: March 9, 2018

Document Tracking Number: IFR-19-18

A. Working Title:

Expansion of Self-Help Funding and Establishment of the Center for Self Help Resources
Recommended by the Chief Justice's Commission on the Future of the California Courts

B. Description of Funding Request:

The Judicial Council requests an ongoing augmentation beginning in 2019-2020 to implement a key recommendation of the Chief Justice's Commission on the Future of the California Courts to establish a Center for Self-Help Resources within the Judicial Council in order to support the courts in providing self-help assistance. Tasks of Center staff would include:

- Coordinating and convening self-help providers throughout the state, providing technical assistance, expertise and support regarding services, best practices and use of technology.
- Maintaining, updating, and expanding the California Courts Online Self-Help Center to provide 24/7 assistance to self-represented litigants including interactive self-help educational programs.
- Developing an online small claims advising program for courts unable to support in-person small claims assistance, integrating website e-filing, online chat, and telephone support.
- Creating a virtual clearinghouse of self-help resources covering all applicable case types.

The Council further requests an ongoing augmentation of \$22 million General Fund to address other recommendations of the Commission to provide funds to the trial courts to expand the availability of attorneys and paralegal staff at self-help centers in trial courts to address critical unmet needs.

C. Estimated Costs:

Proposed ongoing augmentation of \$23.7 million General Fund for the transfer to the Trial Court Trust Fund. \$22 million will support self-help centers in trial court facilities, proposed staff augmentation in the amount of \$1.3 million and 7 positions to provide coordination and technical support to the courts, and \$440,000 for consulting and professional services of which \$200,000 will be ongoing.

D. Relevance to the Judicial Branch Budget and Other Funding Requests:

Self-help services have proven to be a cost-effective way for the branch to ensure that judicial officers get the information they need to make informed decisions that litigants are prepared for hearings, and that cases can be successfully concluded. Providing support at the Judicial Council will help ensure that the funding allocated to the courts to provide self-help services is spent as efficiently as possible and that resources can be shared throughout the entire court system.

E. Required Review/Approvals:

- Trial Court Presiding Judges Advisory Committee

2019-20 Initial Funding Request

- Court Executives Advisory Committee
- Advisory Committee on Providing Access and Fairness
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee:

Budget Services proposes that the Advisory Committee on Providing Access and Fairness take on the lead advisory role as it is charged with developing resources for services for self-represented litigants and a number of committee members have strong background in self-help centers and services.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council of California

Contact: Don Will

Date Prepared: 3/7/2018

Budget Services Liaison: Kris Errecart

Document Tracking Number: IFR-19-19

A. Working Title: Court Appointed Counsel in Juvenile Dependency Proceedings

B. Description of Funding Request: An augmentation of \$22.0 million General Fund beginning in 2019-20 and ongoing to support court-appointed dependency counsel workload. The total need, based on the current workload model to achieve the Judicial Council's statewide caseload standard of 141 clients per attorney, is \$205.7 million; however, existing funding of \$136.7 million is provided in the annual Budget Act specifically for this purpose. This request represents 32 percent of the remaining outstanding need of \$69 million to fully fund the adequate and competent representation for parents and children required by Welfare and Institutions Code section 317. Inadequate funding and subsequent high caseloads lead to high attorney turnover and lack of retention of qualified advocates for children. Effective counsel will ensure that the complex requirements in juvenile law for case planning, notice, and timeliness are adhered to, thereby reducing case delays, improving court case processing and the quality of information provided to the judge, and ultimately shortening the time children spend in foster care.

C. Estimated Costs: \$22.0 million General Fund beginning in 2019-20 and ongoing to support court-appointed dependency counsel. If approved, the augmentation would increase the total funding to \$158.7 million, which represents 77 percent of the funding need.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Court-Appointed Dependency Counsel became a state fiscal responsibility through the Brown-Presley Trial Court Funding Act (SB 612/AB 1197; Stats. 1988, ch. 945) which added section 77003 to the Government Code and made an appropriation to fund trial court operations. Welfare and Institutions Code section 317(c) requires the juvenile court to appoint counsel to represent all children in dependency proceedings¹ absent a finding that the particular child will not benefit from the appointment. The court must also appoint counsel for all indigent parents whose children have been placed out of the home or for whom out-of-home placement is recommended, and may appoint counsel for all other indigent parents.

The statewide funding need for court-appointed counsel is based primarily on the number of children in court-ordered child welfare supervision. The Judicial Council has established a caseload standard of 141 clients per full time equivalent attorney and a total funding need of \$205.7 million to achieve this standard. Previous Budget Change Proposals were submitted in 2016-17, 2017-18, and 2018-19; however they were denied.

E. Required Review/Approvals:

- Trial Court Budget Advisory Committee

¹ Under section 317.5, each child "who is the subject of a dependency proceeding is a party to that proceeding." (§ 317.5(b).)

2019-20 Initial Funding Request

- Family and Juvenile Law Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Trial Court Budget Advisory Committee take on the lead advisory role as it oversees the budgeting and allocation of dependency counsel funding.

2019-20 Initial Funding Request

Requesting Entity: Judicial Council Branch Accounting and Procurement

Contact: Bobby Brow

Date Prepared: 2/1/2018

Budget Services Liaison: Michael Sun

Document Tracking Number: IFR-19-20

A. Working Title: Implementation of Phoenix Roadmap – Cloud Migration, Technical Upgrade and Functional Improvements

B. Description of Funding Request: The Judicial Council requests \$9.0 million General Fund in 2019-20, \$6.8 million in 2020-21, and \$7.6 million in 2021-22 and ongoing to update and expand the Phoenix System and platform to improve the administrative infrastructure supporting trial courts. The Phoenix System is the financial and procurement system for the 58 trial courts, and the payroll system for 13 trial courts. This request will also provide funding to the Judicial Council to support 4.0 positions to be phased in over three years. This request will update the Phoenix system to stay ahead of the end-of-life of the current on-premise version of SAP, and add functional requirements required by the trial courts.

The last major upgrade of the Phoenix system was completed in 2008-09. The Program is nearing the end of support on its current platform, and there aren't sufficient resources available to improve it to a more efficient and desired state. It is necessary to update the current technology and advisable to invest in new functionality that the trial courts require according to recent studies of their needs. These studies included review of past requirements and requests, a comprehensive stakeholder survey, and requirement workshops with key stakeholders across the state. The highest priority improvements include Document Management, Budget Preparation, Enhanced Procurement, and Talent Management Functions.

Included in this request is \$3.5 million to cover costs currently being provided by the State Trial Court Improvement and Modernization Fund (IMF).

C. Estimated Costs: Currently, approximately \$3.7 million is expended annually from the State Trial Court Improvement and Modernization Fund (IMF) to support the Phoenix Program. This request will eliminate the expenditures from the IMF and request General Fund for the costs to update and expand the Phoenix Program, as well as for the ongoing maintenance/hosting of the system (which is currently funded from the IMF). If this request is approved, the system update will result in annual maintenance/hosting savings of approximately \$265,000. The table below indicates the requested General Fund amounts by fiscal year.

2019-20 Initial Funding Request

General Fund Request:

	2019-20	2020-21	2021-22	Total
Requested Positions (year of phase in)	2.0	1.0	1.0	4.0
Ongoing Expenses	3,757,000	4,733,000	5,811,000	14,301,000
1-Time Expenses	5,222,000	2,044,000	1,777,000	9,043,000
Total	8,979,000	6,777,000	7,588,000	

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The Phoenix system is the enterprise financial and procurement system for all 58 Trial Courts, and the payroll system for 13 courts, and as such requires constant maintenance and further innovation to adequately support the administrative needs of the courts, and the branch as a whole.

The Phoenix Program has enjoyed great success and continues to receive positive feedback across the state as a valued partner of the courts and good steward of public resources.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as it must review and approve all technology related requests. The Phoenix Program, although more broadly serves an administrative function, is also a technology provider, as it encompasses the deployment and maintenance of the Phoenix Financial, Procurement, and HR Payroll System.

2019-20 Initial Funding Request

Requesting Entity: Branch Accounting and Procurement (Trial Court Administrative Services)

Contact: Bobby Brow

Date Prepared: March 8, 2018

Budget Services Liaison: Michael Sun

Document Tracking Number: IFR-19-21

A. Working Title: Phoenix HR Payroll Deployments

B. Description of Funding Request: According to JC Directive 131, Phoenix HR Payroll is an optional service to individual Trial Courts, subject to available resources. The Phoenix Program has been able to deploy HR Payroll services to six courts over the last seven years, and is in the process of deploying services to 2 more this year, without any additional investment in existing resources. However, the Program has reached maximum capacity and requires additional funding to provide support to courts that are currently requesting services. At least 4 Trial Courts are interested in deployment projects over the next 2 years. To provide the services, some consulting backfill and travel funds are required, as well as a total of 7.0 ongoing staff to support the additional work of the Program. This will also position the Phoenix Program to deploy to and support 2 to 3 more deployments over the following several years.

C. Estimated Costs: Preliminary estimates are \$875,000 in 2019-20, and \$1.39 million in 2020-21. The table below shows these costs (new costs and position counts for each year).

	<i>Additional 19-20</i>	<i>Additional 20-21</i>	<i>2-year Total</i>
<i>One-Time</i>	<i>490,000</i>	<i>490,000</i>	<i>980,000</i>
<i>Ongoing</i>	<i>385,000</i>	<i>515,000</i>	<i>1,285,000</i>
<i>Total</i>	<i>875,000</i>	<i>1,390,000</i>	<i>2,265,000</i>
<i>Positions</i>	<i>3</i>	<i>4</i>	<i>7</i>

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The Phoenix system is the enterprise financial and procurement system for all 58 Trial Courts, and the payroll system for 13 courts. The Phoenix Program has enjoyed great success and continues to receive positive feedback across the state as a valued partner of the courts and good steward of public resources.

E. Required Review/Approvals:

- Judicial Council Technology Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Judicial Council Technology Committee take on the lead advisory role as JCTC must review and approve all technology related requests. The Phoenix Program, although more broadly serves an administrative function, is also a technology provider, as it encompasses the deployment and maintenance of the Phoenix Financial, Procurement, and HR Payroll System.

2019-20 Initial Funding Request

Requesting Entity: Facilities Services

Contact: Mimi Morris

Budget Services Liaison: Mike Sun

Date Prepared: 3/6/2018

Document Tracking Number: IFR-19-22

A. Working Title: Trial Court Facility Maintenance and Operations

B. Description of Funding Request: The Judicial Council of California (JCC) requests ongoing funding from the General Fund to support operations and maintenance of state trial court facilities. Senate Bill 1732, the Trial Court Facilities Act of 2002 (Statutes of 2002, Ch. 1082), established the Court Facilities Trust Fund (CFTF) to support the operations and maintenance (O&M) of court facilities. The statute requires counties to make quarterly remittance to the state in the form of County Facilities Payments (CFPs). The basis of the CFP is the counties' costs of operating each facility for the years from 1996 to 2000, inflated to the date of transfer. Prior to 2009-10, General Fund augmentations were approved to augment CFPs under the State Appropriation Limit (SAL) authorized pursuant to Government Code Section 772022 (a) (1) (B) (IV). In 2009-10, SAL augmentations were suspended. Since 2009-10, no additional funding has been provided to the JCC to account for cost escalation or the growth in square footage resulting from newly constructed trial court facilities authorized under SB 1732 and 1407.

Government Code Section 70351 states, "... It is further the intent of the Legislature that funding for the ongoing operations and maintenance of court facilities that are in excess of the county facilities payments be provided by the state."

This funding is requested to provide for the O&M costs that are in excess of the CFPs and which are legally required to be provided by the state.

The ongoing augmentation will supplement the CFPs provided by counties, allowing the JCC to provide a level of service that sustains court facilities at an optimal industry service level which will enable courts to discharge their statutory duties. The current "run to failure" level of care in maintaining deficient and aging fire, life and safety systems, heating, ventilation and air conditioning equipment, elevators, escalators, security cameras, access control, and duress alarm systems is unsustainable.

C. Estimated Costs: The general fund augmentation of \$31.4M includes \$14.1M for maintenance and \$17.3M for utilities.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The program budget has remained relatively flat over the past five years; however, in the same period an additional 3 million square feet of new courthouse space has been absorbed into the maintenance program without additional funding. California's courts are aging and the continued lack of re-investment in facilities due to shortfalls in funding can lead to early deterioration of buildings and other building components—and increased repair costs of approximately 4.5-7.5% annually per the Building Owners and Managers Association (BOMA).

2019-20 Initial Funding Request

E. Required Review/Approvals:

- Trial Court Facility Modification Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that Trial Court Facility Modification Advisory Committee take the lead advisory role as it provides ongoing oversight of the judicial branch program that manages renovations, facilities operations, maintenance, and real estate for trial courts throughout the state.

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19-23

2019-20 Initial Funding Request

Requesting Entity: Facilities Services

Contact: Mimi Morris

Date Prepared: March 6, 2018

Budget Services Liaison: Michael Sun

Document Tracking Number: IFR-19-24

A. Working Title: Increasing Energy Efficiency in the Judicial Branch

B. Description of Funding Request: Energy costs have been increasing by 4-7% per year over the last 10 years. This trend is expected to continue for the next decade due to increased demand for energy. The increased cost is burdensome for the judicial branch which spent over \$49 million on energy costs in 2016-17. At the 2016-17 levels, a 5% cost increase results in an additional \$2.5 million in energy costs per year. The JCC needs to address the increasing costs by reducing energy consumption at the site level. This proposal requests funding for Energy Efficiency projects (LED Lighting, Plug Load Management, and Retro-Commissioning) that significantly and immediately reduce energy consumption. Existing resources are stretched thin given the increasing energy costs and deferred maintenance obligations in the portfolio. During 2016-17 and 2017-18 the JCC funded pilot projects of LED lamp replacements in 100 JCC-owned buildings. The project's costs were over \$13 million and was authorized by the Trial Court Facility Modification Advisory Committee (TCFMAC). This project is expected to result in energy savings of \$5.4 million annually and was funded through a combination of utility provider programs, utilization of the California Conservation Corp, and facility modification funds. Ongoing use of these facility modification funds for energy efficiency projects takes valuable funding away from other high priority operations and maintenance projects critical to providing safe and effective court facilities for the citizens of California.

C. Estimated Costs: Requesting \$30.8 million from the General Fund. The following table provides detail on the cost estimates.

Table 1. Estimated Cost per Project Type

<i>Energy Efficiency Project</i>	<i>Project Cost</i>	<i>Number of Facilities</i>	<i>Gross Square Feet</i>	<i>Alternative Funding</i>
<i>LED Lighting</i>	\$14,155,512	234	14,847,446	\$0.00
<i>Plug Load Management</i>	\$1,176,175	479	28,890,036	\$0.00
<i>Retro-Commissioning</i>	\$15,430,037	323	25,813,872	\$0.00
Total	\$30,761,724	-	-	\$0.00

Table 2. Project Type Estimated Savings and Environmental Impacts

<i>Energy Efficiency Project</i>	<i>Simple Payback (years)</i>	<i>Annual Cost Avoidance</i>	<i>KWH Saved</i>	<i>Metric Tons of CO₂ Equivalent Removed</i>	<i>Eq. Gallons of Gasoline Consumed Avoided</i>	<i>Eq. Number of Homes Electricity Use for 1 Year</i>
<i>LED Lighting</i>	6.17	\$2,293,674	12,742,632	9,483	1,067,096	1,421
<i>Plug Load Management</i>	4.10	\$286,690	1,592,722	1,185	133,378	178
<i>Retro-Commissioning</i>	2.46	\$6,266,902	34,816,122	25,911	2,915,579	3,884
TOTAL	3.48	\$8,847,266	49,151,476	36,579	4,116,053	5,483

2019-20 Initial Funding Request

D. Relevance to the Judicial Branch Budget and Other Funding Requests:

Currently, the Judicial Branch invests in energy efficiency and other sustainability projects through funds dedicated solely to operations and maintenance of trial court facilities operations. Under the oversight of the Trial Court Facility Modification Committee, these funds are prioritized to address facility improvement projects concerning: security, court operations, and deferred maintenance; and are not for the sole use of energy efficiency or sustainability projects for the courts. Although they can be used to fund sustainability projects, use of those funds would reduce funding available for high priority projects that sustain basic court facility operations.

The Judicial Branch will utilize the requested funding for energy efficiency projects and programs for the courts. The new funding will target only those projects that meet or exceed a payback of greater than 50% of the Effective Useful Life of the project, thus ensuring that the project will lower energy costs long after the project has paid for itself in energy savings.

Early investment in energy efficiency and sustainability projects will help reduce utility costs to combat utility charges, estimated to increase 4-7% annually.

E. Required Review/Approvals:

- Trial Court Facility Modification Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services recommends that the Trial Court Facility Modification Advisory Committee be the lead committee as it makes recommendations to the Judicial Council concerning facility modifications.

2019-20 FY Initial Funding Request

Requesting Entity: Facility Services
Contact: Pella McCormick
Budget Services Liaison: Mike Sun

Date Prepared: 3/8/18
Document Tracking Number: IFR-19-25

- A. Working Title:** Trial Court Capital Outlay Plan
- B. Description of Funding Request:** Funds are requested to update the judicial branch’s Trial Court Capital-Outlay Plan (TCCOP). Because the (a) passage of more than a decade since the first iteration of the TCCOP was submitted to the state Department of Finance, (b) ongoing population shifts in various regions of the state, and (c) consolidation and relocation of many trial court operations owing to budget reductions the superior courts were forced to make as a result of the state’s past fiscal crisis, an update is warranted to the facilities master plans and condition assessments upon which the capital projects of the TCCOP are based. Performing this TCCOP update ensures a thorough review and any necessary update of the scores, scopes, and budgets of as many as 110 capital projects still to be considered for a future funding source.
- C. Estimated Costs:** The cost of developing a TCCOP based upon updated facilities master plans and condition assessments is estimated at \$5 million. The estimated timeframe to complete this effort is between 12 and 18 months.
- D. Relevance to the Judicial Branch Budget and Other Funding Requests:** In December of 2003, the Judicial Council staff completed a facility master plan for each of the 58 courts. Each facility master plan proposes solutions to the capital needs of each court. Capital projects include building new court facilities, renovating existing, and expanding existing court facilities. The individual projects identified in the facility master plans were prioritized and consolidated into a statewide plan. A prioritization methodology was adopted and used for 201 capital projects.

A simplified prioritization methodology was adopted in 2006 and a new list of trial court capital projects was developed. The judicial branch’s TCCOP currently reflects five priority groups: Immediate, Critical, High, Medium, and Low. The methodology and the TCCOP have been the framework for all trial court capital project funding requests.

In September of 2008, the passage of Senate Bill 1407 (Perata; Stats. 2008, ch. 311) established special revenues—based on the collection of fees, penalties, and assessments from court users—to support up to \$5 billion in lease-revenue bonds for trial court facility improvements and enabled the branch to make great strides toward improving the trial courts across the state. However, since 2009, approximately \$1.4 billion in SB 1407 funds have been loaned or redirected from the State Court Facilities Construction Fund’s Immediate and Critical Needs Account to offset trial court funding cuts, or swept to offset the state General Fund deficit. Consequently, the judicial branch no longer has sufficient funding to do everything that the Judicial Council has directed since SB 1407 was enacted. As part of the TCCOP update, 10 of the 110 capital projects that will be analyzed will be projects that can no longer be funded under SB 1407.

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This proposal would provide the necessary resources to prepare capital projects of the TCCOP for consideration of future sources of funding.

E. Required Review/Approvals:

- Court Facilities Advisory Committee
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Court Facilities Advisory Committee be the lead committee as it makes recommendations to the Judicial Council concerning the judicial branch capital program for the trial courts.

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Requesting Entity: Trial Court Budget Advisory Committee

Contact: Donna Newman

Date Prepared: 2/22/2018

Budget Services Liaison: Donna Newman

Document Tracking Number: IFR-19-26

A. Working Title: Stabilization of Civil Assessment Revenue

B. Description of Funding Request: A General Fund augmentation (amount \$TBD) beginning in 2019-20 and ongoing to transition the deposit of civil assessment revenues, including the \$48.3 million in Maintenance of Effort (MOE buyout), into the General Fund instead of the Trial Court Trust Fund (TCTF) and instead, provide a General Fund amount TBD into the TCTF to replace the civil assessment revenues that will be paid into the General Fund.

Civil assessment revenues, as imposed pursuant to Penal Code (PC) 1214.1, are currently deposited into the TCTF, net of cost recovery pursuant to PC 1463.007. Per Judicial Council policy, the remitted civil assessment revenues are allocated to the trial courts one hundred percent, net the civil assessment buyout amount. The civil assessment buyout amount of \$48.3 million is maintained in the TCTF to replace the reduced MOE payments made by the counties, and supports the trial courts' base allocations.

C. Estimated Costs: The amount of this request has not been determined; however, it is estimated to be approximately \$155 million annually. The General Fund augmentation to the TCTF would remain a set amount to ensure fund stability, while the civil assessment revenues remitted into the General Fund would vary based on revenues collected. Any excess remitted over the set TCTF augmentation would be to the General Fund's benefit, while the General Fund would take on the risk of any decreases in civil assessments revenue below the TCTF augmentation.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: Under the current civil assessment statute, there is a perceived conflict of interest between the imposition of the civil assessment by a court and the funding a court receives. The proposed funding swap in this request helps remove that conflict of interest by breaking the direct link between the imposition of the assessment and the court's funding source. Currently, courts are funded by the Trial Court Trust Fund either through base allocations; or fees that are returned dollar for dollar. This proposal would have Civil Assessments deposited into the General Fund, in turn the General fund would allocate a set amount to the courts. Removing this perceived conflict of interest will help the Judicial Council better pursue its policy goals of achieving a more equitable fines and fees system, without the perception that courts are imposing fines and fees to help support their court specifically.

In her March 2016 state of the judiciary address to the state Legislature, Chief Justice Cantil-Sakauye, stated that California's fines and fees structure "has morphed from a system of accountability to a system that raises revenue for essential government services." This proposal is a step toward removing the perception that courts are assigning fines and fees in order to raise revenue to support

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court operations. Further, providing funding from the General Fund rather than the unpredictable revenue from Civil Assessments will provide some stability of funding to the courts.

E. Required Review/Approvals:

- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Trial Court Budget Advisory Committee act as the lead committee as it makes allocation recommendations for court allocations. In addition, there is a Revenue and Expenditure Subcommittee that reviews Trial Court Trust Fund allocations and the Funding Methodology Subcommittee which reviews and refines the Workload-based Allocation and Funding Methodology.

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Requesting Entity: Trial Court Budget Advisory Committee

Contact: Suzanne Blihovde/Michele Allan

Budget Services Liaison: Suzanne Blihovde

Date Prepared: February 20, 2018

Document Tracking Number: IFR-19-27

A. Working Title: Support for Trial Court Operations

B. Description of Funding Request: An ongoing General Fund augmentation (amount \$TBD) beginning in 2019-20 and ongoing to support trial court operations, which will allow the courts to hire additional staff, retain existing staff, and improve the public's access to justice. The request consists of the following (with requested funding amounts to be determined by the Trial Court Budget Advisory Committee if this IFR is recommended to move forward): 1) Funding needed by the trial courts, based on the Workload-Based Allocation and Funding Methodology (WAFM) estimate, to reduce the gap between the funding needed to support trial court operations and the funding available, and to continue to support progress towards 100 percent of funding; 2) Discretionary funding not allocated via WAFM for inflationary increases to offset the rising cost of operations, 3) Funding for a cost of living increase for all trial court employees, consistent with the salary increases provided for executive branch staff in recent years, which would be utilized to provide any of the following (or any combination thereof): the reduction or elimination of budget reduction-related concessions such as furloughs, reduced work weeks, previously enacted or planned future layoffs; a cost of living increase, enhanced employee benefits, or to address other personnel matters as deemed appropriate by each trial court in negotiations with their related employee representatives; and 4) Funding to address the structural imbalance in the Trial Court Trust Fund.

C. Estimated Costs: At this time, the costs associated with this proposal are unknown; however, the previous request for 2018-19 had estimated costs of \$178 million ongoing. Updated costs for this request would need to be reevaluated through the Trial Court Budget Advisory Committee (TCBAC), if this IFR is recommended to move forward.

D. Relevance to the Judicial Branch Budget and Other Funding Requests: California's state court system serves a population of 38.8 million people. Securing adequate funding for all courts is the top priority for the Judicial Council and is necessary to ensure public access to justice.

To maintain necessary services for trial courts and to prevent debilitating impacts on public access to justice, user fees and fines have been increased, local court fund balances were spent down, and statewide funds committed to court projects, including \$691 million for courthouse construction, were diverted to court operations.

The lack of resources continues to impair the trial courts' ability to provide timely resolution of legal disputes and equitable justice that could be partially remedied with the additional funding. The funding gap and inflationary cost increases continue to cause significant decreases in Californians' access to the courts, negative impacts to the business climate, and, in some courts, significant backlogs that inhibit fair, timely, and effective justice. Although the impact has not been quantified, the reduced access to the civil justice system is hurting California's economy and harming businesses that cannot get their civil disputes addressed in a timely manner.

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The Administration has provided general salary increases to its employees to attempt to maintain employees at a salary level that keeps pace with the rate of inflation. The request related to employee compensation is for the same consideration be provided to trial court employees, with the goal of achieving competitive salaries with which the trial courts can retain and attract a quality work force to serve the members of the public.

E. Required Review/Approvals: Required Review/Approvals:

- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: The Trial Court Budget Advisory Committee should be designated as lead as this committee makes recommendations to the council on the preparation, development, and implementation of the budget for the trial courts and provides input to the council on policy issues affecting trial court funding. In addition, there is a Funding Methodology Subcommittee established under TCBAC that focuses on the ongoing review and refinement of WAFM as well as a Revenue and Expenditure Subcommittee that reviews Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund allocations.

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Requesting Entity: Judicial Council of California

Contact: Leah Rose-Goodwin

Budget Services Liaison: Leah Rose-Goodwin

Date Prepared: 2/27/18

Document Tracking Number: IFR-19-28

A. Working Title: Funding for 10 of the 50 Judgeships Authorized by AB 159

B. Description of Funding Request: A General Fund augmentation, estimated between \$8.9 million and \$16 million, to support 10 of the 50 trial court judgeships authorized by Assembly Bill 159 (Ch. 722, Stats. 2007), accompanying support staff, and county-provided sheriff security.

While the latest Judicial Needs Assessment (2016) shows that the branch needs just over 188 judgeships based on workload metrics, efforts to secure funding for the 50 previously-authorized judgeships have been unsuccessful. The only significant change in judgeships was the reallocation of four vacant judgeships in the 2017-18 Public Safety Omnibus trailer bill (Chapter 17, Statutes of 2017) which reallocated two vacant judgeships each from the Superior Courts of California, County of Alameda and County of Santa Clara to the Superior Courts of California, County of Riverside and County of San Bernardino.

There remains a critical judicial shortage in the trial courts with the greatest need. The allocation of the 10 judgeships would be based on the methodology outlined in Government Code section 69614 (b), which states that judges shall be allocated, in accordance with the uniform standards for factually determining additional judicial need in each county, as updated and approved by the Judicial Council, pursuant to the Update of Judicial Needs Study, based on the following criteria: (1) Court filings data averaged over a period of three years; (2) Workload standards that represent the average amount of time of bench and nonbench work required to resolve each case type; (3) A ranking methodology that provides consideration for courts that have the greatest need relative to their current complement of judicial officers. The allocation would also take into consideration, if enacted, AB 2446 (Oberholte), which calls for the funding of 10 of the 50 trial court judgeships authorized by Assembly Bill 159 (Ch. 722, Stats. 2007 plus funding for accompanying staff.

C. Estimated Costs: Estimated cost of \$8.9 million to \$16 million General Fund for 10 trial court judgeships and a complement of court staff needed as identified in the RAS/WAFM model and including a court interpreter complement, and county-provided sheriff security. The range of the cost estimate comes from using a court staff complement of either 3 FTE (used in previous BCP requests) or 8.87 FTE (the full staff complement using the RAS model estimate of staff need as a ratio to judicial need).

D. Relevance to the Judicial Branch Budget and Other Funding Requests: The Judicial Council began efforts to seek the most critically needed 150 judgeships with Senate Bill 56 (Ch. 390, Stats. 2006). This legislation authorized the first fifty most critically-needed judgeships and the associated funding. In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted authorizing the second set of 50 judgeships, to be allocated as determined by the council. Initially, funding for these 50 judgeships would have allowed appointments to begin in June 2008. Because of budget constraints,

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funding was delayed until July 2009, however, no funding was included in the 2009 Budget Act to support the judgeships. Over the past four fiscal years, the council has approved the submission of Budget Change Proposals for critically needed new judgeships, however, to date, no funding has been provided.

E. Required Review/Approvals:

- Workload Assessment Advisory Committee (committee staff will provide the most updated judicial need numbers and judgeship prioritization list, based on its judicial workload study)
- Trial Court Budget Advisory Committee
- Judicial Branch Budget Committee

F. Proposed Lead Advisory Committee: Budget Services proposes that the Trial Court Budget Advisory Committee (TCBAC) take on the lead advisory role as this committee makes recommendations to the council on the preparation, development, and implementation of the budget for the trial courts and provides input to the council on policy issues affecting trial court funding.