



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS FOR MAY 23, 2017

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JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN IN-PERSON MEETING WITH CLOSED SESSION

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c)(1), (d), and (e)(1))

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date:	May 23, 2018
Time:	1:00 p.m.
Location:	455 Golden Gate Avenue, San Francisco, CA 94102, Redwood Room
Public Call-In Number:	1-877-820-7831; passcode 6677064 (Listen Only)

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

Members of the public seeking to make an audio recording of the open meeting portion of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to JBBC@jud.ca.gov.

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

Approval of Minutes

Approve minutes of the March 21, 2018, Judicial Branch Budget Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1)-(2))

In-Person 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 1 p.m. on May 22, 2018 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1)

Item 1

2019-20 Budget Change Proposal Concepts (Action Required)

Review of 2019-20 Budget Change Proposal Concepts.

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

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(D))

Item 1

Item 1

Innovations Grant Program (Cal. Rules of Court, Rule 10.75(d)(9))

Review of Requests from Grantees regarding Innovations Grant Programs.

Presenter(s)/Facilitator(s): Ms. Maureen Dumas, Principal Manager, Special Projects
Ms. Marcela Eggleton, Supervisor, Special Projects

Adjourn Closed Session



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

April 17, 2018

10:00 am to 3:00 pm

Redwood Room, San Francisco

Advisory Body Members Present:

Hon. David M. Rubin (Chair), Hon. James M. Humes, (Vice-Chair), Hon. Marla O. Anderson (phone), Hon. Kyle S. Brodie, Hon. Patricia M. Lucas, Ms. Kimberly Flener (phone), Mr. Michael M. Roddy, and Ms. Audra Ibarra.

Advisory Body Members Absent:

Hon. Gary Nadler.

Others Present:

Hon. Marsha G. Slough (phone), Mr. Rob Oyung (phone), Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Lucy Fogarty, Ms. Angela Guzman, Ms. Brandy Sanborn, Mr. Don Will, Ms. Bonnie Hough, Ms. Jamel Jones, and Mr. Ed Ellestad.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:06 am, and roll was taken. No public comments were received.

DISCUSSION AND POSSIBLE ACTION ITEMS

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

Action: The Judicial Branch Budget Committee approved the following 2019-20 IFRs for development into budget change proposal concepts:

IFR-19-01	Appellate Court Judicial Workload (combine with IFR -19-28)
IFR-19-04	Appellate Court Facility Maintenance Program
IFR-19-05	Judicial Branch Litigation Management Program

IFR-19-06	Continuing the Implementation of the <i>Strategic Plan for Language Access in the California Courts</i>
IFR-19-10	Digitizing Documents Phase One for the Superior and Appellate Courts
IFR-19-14	Case Management System (CMS) Replacement for Trial Courts – Phase III Request
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
IFR-19-20	Implementation of Phoenix Roadmap – Cloud Migration , Technical Upgrade and Functional Improvements (combine with IFR-19-21)
IFR-19-21	Phoenix HR Payroll Deployments (combine with IFR-19-20)
IFR-19-22	Trial Court Facility Maintenance and Operations
IFR-19-23	Statewide Security Systems and Equipment - Maintenance and Replacement
IFR-19-26	Stabilization of Civil Assessment Revenue
IFR-19-27	Support for Trial Court Operations
IFR-19-28	Funding for 10 of the 50 Judgeships Authorized by AB 159 (combine with IFR-19-01)
Added by JBBC	Placeholder - Civil Adjudication of Minor Traffic Infraction - Futures Commission Recommendation-Placeholder
Added by JBBC	Placeholder - Pretrial Detention Reform
Added by JBBC	Placeholder - Proposition 66 - Death Penalty Reform and Savings Act of 2016

In addition, the following IFRs have been approved to be developed into budget change proposal concepts for consideration by advisory bodies identified in the IFR (time permitting), however, these will be auxiliary submissions.

IFR-19-02	Appellate Court Appointed Counsel Projects
IFR-19-07	Habeas Corpus Resource Center Case Team Staffing
IFR-19-19	Court Appointed Counsel in Juvenile Dependency Proceedings

Finally one request was approved to be developed into budget change proposal concepts for consideration by advisory bodies identified in the IFR (time permitting), with the contingency that it will not be submitted if the funding for this request currently included in the budget remains intact.

IFR-19-17	Court Appointed Special Advocates (CASA) in Juvenile Dependency Court
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INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

**Info 1
Language Access Plan Implementation and the Court Interpreters Program**

Overview of the Language Access Plan Implementation and the Court Interpreters Program.

Presenter(s)/Facilitator(s): Hon. Mariano-Florentino Cuéllar, Justice, Supreme Court of California; Bob Lowney, Director, Judicial Council Court Operations Services

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 3:06 pm.

Approved by the advisory body on enter date.

DRAFT

Request or similar request was submitted in FY 2018-19.

Requests with funding for the same or similar items included in the FY 2018-19 budget.

#	Tracking #	Title	Description	# Positions	2019-20 \$ Estimate	Fund Source	Previous Submittal	Comments
1	19-01	Appellate Court Judicial Workload (additional of 2 Justices) and Funding for 10 of the 50 Judgeships Authorized by AB 159	Funding to add 2 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 and 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 (combined by JBBC).	2 justices and 10 judgeships	\$18.7 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied.
2	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 to support preventative and demand maintenance and minor facility modifications in all appellate court facilities.	0.0	\$1.26 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied.
3	19-05	Judicial Branch Litigation Management Program	Funding to support the defense and indemnity 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	This 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.
4	19-06	Continuing the Implementation of the <i>Strategic Plan for Language Access in the California Courts</i>	The proposal requests funds for 1) expansion of 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) development of statewide resources of court-ordered programs and a repository of providers.	1.0	\$13.69 million	GF	Y	A similar request was submitted in 2018-19 and \$4 million GF was approved for court interpreters on a one time basis pending the outcome of the Video Remote Interpreting spoken language pilot which was approved as part of the 2017-18 Budget Act and \$4 million was approved ongoing to provide funding for infrastructure and foundational items requested in the Judicial Branch Language Access Plan.
5	19-10	Digitizing Documents Phase One for the Superior and Appellate Courts	Funding for 6-8 participating courts to participate in a pilot project for digitizing mandatory court records, including paper and filmed case files for the Superior and Appellate Courts. The request includes 1.0 ongoing position (Senior Business Analyst) to function as the project manager to oversee activities for the digitization pilot, developed and maintain the project plan and assist subsequent court with document digitization efforts.	1.0	\$5.8 million	GF	Y	This request was submitted in 2018-19 and was deferred to the fall 2018. This funding is one time - with 1.0 position limited term.
6	19-14	Case Management System (CMS) Replacement for Trial Courts – Phase III Request	Funding to replace outdated and/or no longer supported case management systems at 10 courts with a modern case management system. The proposal also requests 1.0 position who will provide CMS expertise to judicial branch committees and technical workstreams.	1.0	\$22.3 million	GF	N	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 and was deferred to the fall 2018.

#	Tracking #	Title	Description	# Positions	2019-20 \$ Estimate	Fund Source	Previous Submittal	Comments
7	19-18	Establishing the Center for Self-Help Resources recommended by the Chief Justice's Commission on the Future of the California Courts	An ongoing augmentation beginning in 2019-20 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. This concept also requests funding to address the 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. However, if additional funds for self-help services, which are included in the Governor's proposed 2018-19 budget, remain intact, this request will be reduced by the ongoing augmentation amount of \$22 million General Fund.	7.0	\$23.7 million	GF	Y	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. There is a new component of this request from last year to establish a Center for Self Help within the Judicial Council to support the courts in providing self-help assistance.
8	19-20	Implementation of Phoenix Roadmap – Cloud Migration , Technical Upgrade and Functional Improvements and Phoenix HR Payroll Deployments	Funding to maintain the Phoenix enterprise resources management system, deploy the requisite upgrade of the Phoenix system's software and infrastructure, and add critical day-to-day business functional improvements. This request also includes funding for 11.0 positions in the Phoenix Program Center of Excellence and Shared Services Center to support required functional improvements to the system and to continue rollout of the statewide HR Payroll solution. The request would shift the funding for standard maintenance (hosting and system integration contracts) of the statewide system from the State Trial Court Improvement and Modernization Fund (IMF) of \$3.265 million to the General Fund of \$3 million.	7.0	\$9.9 million	GF	Y	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.
9	19-22	Trial Court Facility Maintenance and Operations	Funding to support facilities operations and maintenance costs in state trial court facilities.	0.0	\$31.4 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied.
10	19-23	Statewide Security Systems and Equipment - Maintenance and Replacement	Funding for to replace and or refurbish failing security systems including, camera surveillance, physical access controls, duress alarm systems, and systems used to interface with secure court holding areas. Additionally, would provide funds for maintenance and training efforts for the web-based continuity of operations planning tool used by both the courts and the JCC.	0.0	\$6 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied.
11	19-26	Fund Shift of Civil Assessment Revenues	Proposal to shift the deposit of revenues from the TCTF to General Fund of \$105-155 million to support the base court operations, including the \$48.3 million in Maintenance of Effort (MOE buyout), into the General Fund instead of the Trial Court Trust Fund (TCTF) to provide an ongoing General Fund appropriation to provide a stable funding source for the courts.	0.0	\$105-155 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied.
12	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. (Please note that \$ value is based on amounts estimated last fiscal year and will change.)	0.0	\$172 million	GF	Y	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.
13	19-30	Placeholder - Civil Adjudication of Minor Traffic Infraction - Futures Commission Recommendation	Placeholder requested by the JBBC	unknown	unknown	GF		
14	19-31	Placeholder - Pretrial Detention Reform	Placeholder requested by the JBBC	unknown	unknown	GF		
15	19-32	Placeholder - Proposition 66 - Death Penalty Reform and Savings Act of 2016	Placeholder requested by the JBBC	unknown	unknown	GF		

Total **\$415-\$466 million**

#	Tracking #	Title	Description	# Positions	2019-20 \$ Estimate	Fund Source	Previous Submittal	Comments
Auxiliary List - BCPs will be written by Judicial Council staff but JCC will not advocate for them								
1	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).	0.0	\$1.4 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied.
2	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	\$2.6 million	GF	Y	A similar request was submitted in 2018-19 and was denied.
3	19-19	Court Appointed Counsel in Juvenile Dependency Proceedings	Funding to support court-appointed dependency counsel workload.	0.0	\$22 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied.
Total					\$26 million			
Contingency List - BCP will only be developed if funding does not remain in the 2018-19 budget.								
1	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	This request was submitted for the 2018-19 and there is \$0.5 million in the Governor's Budget for this need.
Total					\$0.5 million			
Not Approved to Move Forward - Concepts were not drafted for these items								
1	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	This request was submitted for the 2018-19 Governor's Budget and was denied.
2	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	\$.450-.510 million	GF	N	
3	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	\$0.650 - \$1.3 million	GF	N	
4	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	\$1.18 million	GF	N	
5	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	\$1.0 - \$1.3 million	GF	N	
6	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	\$2.5 million	GF	N	
7	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	\$1.9 - \$2.9 million	GF	N	
8	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	
9	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	A similar request was submitted for the 2018-19 Governor's Budget and was denied.
10	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	
11	19-29	Deploy an Identity Management solution for the Judicial Branch	Funding to deploy an Identity Management solution that will provide a unique username and password to every judicial branch employee and judicial officer, attorneys, members of the public, and justice partners who access judicial branch computer systems and electronic services.	2.0	\$3.2 - \$2.1 million	GF	Y	This request was submitted for the 2018-19 Governor's Budget and was denied. * This is a new request, not originally included in the materials for 3/21/2018 JBBC meeting.
Total					\$48-\$52 million			

Requesting Entity: Judicial Council of California
Contact: Matt Kennedy/Leah Rose-Goodwin
Tracking Number: 19-01

Proposal Title: Funding to support 10 new judgeships and 2 appellate court justices

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund-	0	0	0	\$11,021,000	\$10,892,000	\$10,892,000
General Fund- Compensation of Superior Court Judges	0	0	0	\$2,764,000	\$2,764,000	\$2,764,000
General Fund- 0150037-Court Interpreters	0	0	0	\$600,000	\$600,000	\$600,000
General Fund- SCO-Trial Court Security Sub Account	0	0	0	\$1,960,000	\$1,960,000	\$1,960,000
General Fund-program 0135	0	0	0	\$2,365,000	\$2,260,000	\$2,260,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$18,476,000	\$18,476,000	\$18,476,000
One-Time	\$234,000	\$0	\$0
Total	\$18,710,000	\$18,476,000	\$18,476,000

Proposal Summary: The Judicial Council requests an augmentation of \$18.710 million in 2019-20 and \$18.476 ongoing to support new judges and justices; specifically, the request is for 10 of the 50 trial court judgeships (allocated per the table in the Justification section) authorized by Assembly Bill 159 (Ch. 722, Stats. 2007), accompanying support staff, and county-provided sheriff security. Additionally, the request provides for two new justices and their necessary chambers staff, 3 research attorneys, and 1 judicial assistant to meet substantial and growing workload demands in Division 2 of the Fourth Appellate District Court of Appeal.

Background Information:

Trial court judgeships

Securing adequate judicial resources for the courts is a top priority for the judicial branch and is critical to ensuring public access to justice. Reports on the critical shortage of judicial officers have been submitted to the Judicial Council since 2001 and have formed the basis of council requests to the Legislature to create and fund new judgeships.

The Judicial Council approved a Judicial Workload Assessment methodology in August 2001 for determining the need for judgeships in each court. In October 2001, a ranking methodology was adopted by the council to prioritize allocation of judgeships to the courts with the greatest need. In August 2004, the council refined the model to calculate judicial need on the basis of a three-year average of filings, rather than a single year of data, as had previously been the case.

Changes in the law, technology, and case processing practices necessitate that the workload models that are used to measure resource need be updated periodically. The judicial workload methodology was updated in 2009-10 and updated case weights used to measure judicial workload were approved by the Judicial Council in late 2011. Updating the parameters that are used to measure judicial workload ensures that the workload needs of the courts are represented as accurately as possible.

The council began efforts to seek the most critically needed 150 judgeships—although the total need was considerably greater—with Senate Bill 56 (Ch. 390, Stats. 2006). This legislation authorized the first fifty most critically-needed judgeships and the associated funding. In February 2007, the council updated the formula with more recent filings data, and AB 159 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, funding was delayed until July 2009 to shift the fiscal impact from 2007–08 to 2009–10; however, no funding was included in the 2009 Budget Act to support the 50 judgeships. To date, no funding has been provided for these 50 judgeships.

AB 159 also authorized the conversion of 162 vacant subordinate judicial officer (SJO) positions to judgeships, identified according to the council-approved methodology, at a rate of no more than 16 per year. Through 2017-18, 137 SJO positions have been converted to judgeships.

Judicial Need Reporting

In 2006, Government Code section 69614 was enacted, requiring the Judicial Council to report to the Legislature and the Governor on the need for new judgeships in each superior court using the uniform criteria for the allocation of judgeships described in subdivision (b). The latest report, *The Need for New Judgeships in the Superior Courts: 2016 Update of the Judicial Needs Assessment, (2016 Update)* is consistent with previous reports to the Judicial Council and the Legislature in that it shows a significant, critical need for new judgeships in the superior courts. The shortfall is considerably higher in some counties because: 1) prior to statutory adoption of the council's methodology for allocating judgeships, judgeships were sometimes allocated without using a common workload metric; 2) some counties have experienced higher filings growth than others; and 3) resource allocation has not kept pace with workload levels. The 2016 Update showed that fourteen courts have a need at least 20 percent higher than authorized resources, with two courts showing a need 50 percent higher. Due to lower case filings in the

current period, the overall statewide need for judges is lower than identified in the previous Judicial Needs Assessment; however, show that the branch still needs 188 judicial officers (as of the 2016 Judicial Needs Assessment). A new assessment will be run in fall 2018 and could be used to update the courts that are most in need of judgeships.

	PY – 4	PY – 3	PY – 2	PY-1	PY	CY
Authorized Judgeships*	1,682	1,695	1,715	1,726	1,732	1,734
Filled Judgeships Positions*	1,560	1,579	1,597	1,618	1,601	TBD
Vacant and Unfunded AB 159 Judgeships	50	50	50	50	50	50
Judicial Need (according to Judicial Needs Assessment)**	263.9	269.8	269.8	269.8	188.5	188.5

* As of July 1st of each fiscal year; year to year changes are due to Subordinate Judicial Officer conversions.

**Excludes Unfunded AB 159 Judgeships

Court of Appeal justices

There are currently 105 court of appeal justices in California, divided among the six appellate districts. In more than 25 years, only 17 new appellate justice positions have been created: 12 in 2001 and 5 in 1996. Prior to that, 11 were authorized in 1987, with funding provided in 1989.

Appellate courts have mandatory review of any appealable order or judgment from a superior court as well as writ review of non-appealable superior court decisions and discretionary review of decisions of the appellate division of a superior court. The principal function of the courts of appeal is to decide the merits of the issues presented by the appealing and responding parties to ensure the correct and uniform interpretation of the law throughout the state. Second only to adjudication is the function of construing statutes and guiding the development of the common law of California through written opinions in a fashion that provides guidance for trial courts when applying the law in future cases.

In addition to the responsibilities each court of appeal justice has for writing opinions to which he or she is assigned as the lead author, justices must read the briefs and conduct research as appropriate in each of the cases in which he or she is a member of the panel. Since appeals are decided by three-judge panels, each justice is a panel member for twice as many cases as he or she is assigned as lead author. Whether or not assigned to author an opinion, each justice on a panel is equally responsible for the decision and reasoning of the appellate decision. A dissenting justice may also issue a written opinion in a case.

The justices also review briefs and draft memoranda prepared for routine disposition of criminal and criminally-related cases (referred to as RDAs, routine disposition appeals), and for *Wende* appeals (*People v. Wende* (1979) 25 Cal.3d 436) in which assigned counsel formally advise the court that he or she can find no argument of any merit to present on appeal. In *Wende* appeals (which occur in criminal and juvenile delinquency matters), the court must conduct an independent review of the record to ascertain whether or not there are any appealable issues and, if so, ask counsel to brief them.

Furthermore, during the course of the year, each justice reviews hundreds of writ petitions, including habeas writs, voting whether to request opposition or further information, and whether to grant review of the petition.

In 1994, the Appellate Resources Working Group was appointed by then-Chief Justice Malcolm M. Lucas to assess the resource needs for the courts of appeal. The working group developed a methodology to determine the relative workload of the courts of appeal and determine the optimal workload per justice. This methodology uses a three-year average of appeals becoming fully briefed to reduce the effect of annual fluctuations.

The working group determined that the most appropriate method for assessing additional judicial need was to establish a weighting of the cases. In this weighting, *Wende* and RDAs (estimated to be 64 percent of criminal appeals and juvenile delinquency appeals) were given a weight of .33 because these matters typically take less time to prepare than other matters. Remaining appeals are given a weight of 1.0. These case weights were then used to assess the relative judicial workload in each of the six court of appeal districts. At the time, the working group determined that 98 case weights per year per justice, using this formula, would be optimal. That workload study, adopted by the Judicial Council in January 1995, was the basis for the new positions approved by the Legislature in 1996. As a result of changes in criminal and civil law over the intervening years that increased the complexity of the court's caseload, when the council sought and the Legislature and Governor authorized 12 new justices in 2000, the optimal number of case weights per year per justice was revised to 89.

Justification:

Trial court judgeships

The judicial branch is constitutionally required to accept all filings that come to the courts. However, trial court judgeships have not kept pace with workload growth, meaning that courts must triage the workload, giving priority to any case with a constitutionally-mandated deadline and deferring others without such requirements. The lack of judicial resources continues to significantly impair access to justice to vulnerable citizens throughout the state. The ramifications are serious and far-reaching and include a significant decrease in Californians' access to the courts, compromised public safety, an unstable business climate, and, in some courts, enormous backlogs that inhibit fair, timely, and equitable justice.

As a result of a continued lack of investment in new judgeships, some counties show a workload need that is considerably higher than the number of authorized resources; the 2016 Update shows that fourteen counties have a need 20 percent higher than authorized resources with two counties showing a need 50 percent higher (the Superior Courts of the counties of Riverside and San Bernardino.) (A 2018 Judicial Needs Assessment Update will be run in fall 2018, which will give the most up-to-date status of judge need statewide.)

While this request may not address need in all areas, it would provide additional judgeships in the following counties, all of which have been identified as having the most critical need for new judicial resources:

County	Judgeships
Riverside	2
San Bernardino	2
Kern	1
Fresno	1
Sacramento	1
San Joaquin	1
Shasta	1
Stanislaus	1

Court of Appeal justices

The workload in Division Two of the Fourth Appellate District is continuing to increase, and the justices cannot continue to handle this volume of cases. Based on information from the last three years for which data is available (2013-2014, 2014-2015, and 2015-2016), Division Two has an annual average of 1,190 appeals becoming fully briefed. Applying the weighted formula that results in 117 cases per justice far exceeding all of the other divisions and far in excess of the optimal annual number of weighted cases per justice, which is 89. A review of data back to 1991 shows that the three-year average of appeals becoming fully briefed is at an all-time high. Assuming a steady number of fully briefed appeals, two additional justices would reduce the weighted workload to 95, still the highest in the state and above the optimal number of 89 cases per justice but would provide some resources needed for relief.

The Fourth District has sought to alleviate this increased workload by transferring cases from division two to both divisions one and three. For a 30-month period from February 2009 to August 2011, 500 cases were transferred from Division Two to Divisions One and Three in the Fourth District Court of Appeal. This helped to address the delays, but began to create delays in the other divisions. In October 2013, the transfers resumed, with eight cases per month transferred to Division Three. In January 2014, an additional 10 cases per month began to be transferred to Division One, for a total of 18 cases per month transferred out of Division Two to help meet the workload demands. For five months, from March 2014 to July 2014, the number of cases transferred to Division Three increased from 8 to 24. In January 2015, a high of 47 cases were transferred. Overall, from October 2013 through July 2016, 761 cases were transferred, with 274 transferred in fiscal year 2014-2015 alone. Further, the workload in Division Three has dramatically increased due to the Prop 47 appeals.

Transfers of cases to another division or another district are neither a long-term nor effective alternative. Transfers of cases from one district to another have long been disfavored because they pose a hardship to litigants who bear the expense and burden of traveling to a distant district to have their matter heard. There is also a strong argument that local issues should be decided in the geographic area in which the dispute arose and was decided at the trial court level. Additionally, there is a burden to the courts involved, including the increased workload in the receiving division and to the Chief Justice in having to consider and approve each transfer individually. Furthermore, the work of transferring cases is labor-intensive for both the clerk's office in division two as well as the clerk's office in the receiving division, to the extent that additional staff resources would be needed if the numbers of transfers were to increase.

The addition of two new justices will enable Division Two to process its workload more effectively and efficiently, benefiting the division, the courts of appeal as a whole, and the individuals and lawyers seeking to have their cases addressed in a timely manner. This request also includes one judicial assistant and three Senior Appellate Court attorneys to support the new justices. These positions are necessary to ensure maximum productivity for the new justice. The judicial assistant works under the direction of the appellate justice performing a variety of legal secretarial, administrative, paralegal, and support duties. The chambers attorneys (Senior Appellate Court Attorneys/research attorneys) duties include preparing memoranda on those appeals that have been assigned to chambers, reviewing and analyzing briefs, petitions, motions, and other pertinent documents filed in a particular case in order to determine factual accuracy, legal issues on appeal, and scope and complexity of issues raised.

Statutory change would need to accompany this increased funding, as the number of appellate justices is expressly set forth in statute. Government Code section 69104 would need to be amended as follows:

69104. The Court of Appeal for the Fourth Appellate District consists of three divisions. One division shall hold its regular sessions at San Diego and shall have 10 judges. One division shall hold its regular sessions in the San Bernardino/Riverside area and shall have ~~seven~~nine judges. One division shall hold its regular sessions in Orange County and shall have eight judges.

Fiscal Impact: This request will provide a General Fund augmentation of \$18.710 million in 2019-20 and \$18.476 million in 2020-21 and ongoing to support the 10 additional judgeships, accompanying staff, and the necessary court security complement in the trial courts and 2 new justice positions and chamber staff for Division 2 of the Fourth District Court of Appeal.

Outcomes and Accountability: The judicial and staff positions will provide the following outcomes:

Access to Justice

Access to the courts is fundamentally compromised by judicial shortages. Every Californian is constitutionally entitled to impartial and timely dispute resolution through the courts. The current shortage in resources means that civil proceedings and family law hearings are routinely rescheduled, with some courts reporting extraordinary delays from the time of filing to the time of trial. This keeps parents, children, victims, and defendants in limbo. In the face of these delays, individuals may simply turn away from the courts as a means of resolving their disputes.

Public Safety

Public safety is compromised when there is a judicial shortage. Matters such as protective orders, search warrants and other time sensitive matters must be heard immediately, which affects the timeliness with which other matters can be heard. Backlogs in criminal cases have serious repercussions, including that heavy caseloads put pressure to plea bargain because criminal cases must be dismissed if they are not heard within specified time frames. And because criminal matters take constitutional and statutory priority over all other legal matters, civil justice suffers as well.

Equality, Fairness

Significant backlogs in some courts inhibit fair, timely, and equitable justice. The ability to get to trial and have a critical criminal, family law, domestic violence, or civil matter addressed should not be based on the judicial resources in the county in which one happens to reside.

Timeliness

The judicial branch is responsible for providing a court system that resolves disputes in a just and timely manner and operates efficiently and effectively. The judicial branch is obligated to provide timely access to the courts to those seeking its services

Projected Outcomes:

Trial court judgeships

If the new judgeships were approved, the courts that are most in need in new judgeships would have a smaller gap between judicial need and authorized resources. For example, Riverside Superior Court has a resource gap of 57%, which is calculated by taking the number of judges needed based on workload metrics (44.8) and dividing by the number of authorized positions (78.0). With two new judgeships, that gap would decline to 53.5% . , as shown in the table below.

County	Authorized and funded Judicial Positions ¹	2016 Assessed Judicial Need	AJP-AJN (judges needed)	% need over AJP (resource gap)	New proposed judgeships	% need over AJP with new judgeships (resource gap)
Riverside	78.0	122.8	44.8	57%	2	54%
San Bernardino	88.0	134.1	46.1	52%	2	49%
Kern	43.0	56.8	13.8	32%	1	29%
Stanislaus	24.0	31.5	7.5	31%	1	26%
Fresno	49.0	61.8	12.8	26%	1	24%
San Joaquin	33.5	42.2	8.7	26%	1	22%
Shasta	12.0	16.7	4.7	39%	1	29%
Sacramento	72.5	82.9	10.4	14%	1	13%

Judicial vacancies, changes in court workload, and budget constraints all determine how a court might allocate new judicial resources. Some potential outcomes that would increase access to justice for court users and address critical areas of court workload might include:

- Opening previously-closed courtrooms
- Opening previously- closed courthouses
- Expanding collaborative justice programs so that more eligible persons can be served
- Balancing judicial workload so that judicial officers have an appropriate number of cases based on workload metrics.

Court of Appeal justices

Assuming the three-year average number of cases becoming fully briefed remains stable, the weighted cases per justice in Division 2 of the Fourth District Court of Appeal will be reduced to 95, still in excess of the optimal number of cases, but within a more acceptable range. Funding this request will allow the case transfers to halt or decrease significantly, eliminating delays that have resulted in other divisions in the Fourth District Court of Appeal.

Workload Measure	CY	BY	BY+1	BY+2	BY+3	BY+4
Number of cases becoming fully briefed in Division 2 of 4DCA	1,199	1,199	1,199	1,199	1,199	1,199
Weighted caseload per justice in Division 2 of 4DCA	122	95	95	95	95	95

Other Alternatives Considered:

Alternative #1: Do not provide funding to support new judgeships and justices.

Pros: No need for additional General Fund resources.

Cons:

- Those courts that had previously been determined to have the most critical need for new judgeships will have to continue to manage their larger than optimal caseload with an insufficient number of judicial and support staff. Specifically, the Superior Courts of Riverside and San Bernardino Counties will have to continue to operate with a judge deficit exceeding 50 percent over authorized positions.
- Public safety may be impacted, as under-resourced courts struggle to prioritize time-sensitive matters such as protective orders.
- Without full funding of two new appellate judgeships, cases will continue to need to be shifted to other districts, and will continue to experience delays and litigants will receive disparate treatment in comparison with other litigants across the state.

Alternative #2: Provide 50% of the funding needed or \$9.36 million General Fund in 2019–20 and \$9.24 million in 2019-20 ongoing to support funding for 5 judgeships, accompanying support staff, and court security compliment authorized by AB 159 and 1 justice and their necessary chambers staff in Division 2 of the Fourth Appellate District Court of Appeal.

Pros:

- Those courts that had previously been determined to have a critical need for new judgeships will be able to better address caseload backlog providing better access to justice to the public.
- Would reduce the number of cases transferred between Divisions in the Fourth Appellate District.

- There would be less fiscal impact to the General Fund than included in the request.

Cons:

- While any number of new judicial resources would help address the critical shortfall, the modest size of this request will mean that those courts that had previously been determined to have a critical need for new judgeships will have to continue to try to process their caseloads with an insufficient number of judicial and support staff. Five judgeships, out of a total need of 188, represents under 3 percent of the state’s judicial need.
- According to the ranking methodology, the five most-critically needed judgeships would be allocated to five courts (Kern, Fresno, Riverside, San Bernardino, San Joaquin). This means that three other courts would not receive any resources to address their need, whereas twenty courts show a need for judgeships.
- With one new justice, the case weight per justice in Division Two would be 104, far in excess of the optimal case weight of 89 but lower than current weight. The case weight of 104 even exceeds the optimal case weight initially established in 1995, before the increased case complexity required a lowering of the optimal case weight numbers to reflect the amount of time now required of appellate justices to properly consider, weigh, and issue opinions on the cases presented to them. Providing one new justice will still require the transfers of cases, with the concomitant downsides described above.

Alternative #3: Phase in the 10 judgeships (5 each year), accompanying staff, and court security compliment and 2 justices (1 each year) and their necessary chambers staff in Division 2 of the Fourth Appellate District Court of Appeal over two fiscal years which results in a General Fund augmentation of \$9.36 million in 2019-20, \$18.7 million in 2020–21 and ongoing.

Pros:

- Much-needed judgeships would still be allocated to branch in order to better address caseload backlog and provide better access to justice to the public.
- Workload in Division Two would be reduced.
- Reduces the fiscal impact to the General Fund in in 2019-20

Cons:

- Courts that had previously been determined to have a critical need for new judgeships will have to continue to manage their caseloads with an insufficient number of judicial and support staff for another year.
- With one new justice, the case weight per justice in Division Two would be 104, far in excess of the optimal case weight of 89 but lower than current weight in the first year.

Requesting Entity: Administrative Presiding Justices Advisory Committee
Contact: Bob Lowney and Deborah Collier-Tucker
Tracking Number: 19-04

Proposal Title: Appellate Court Facility Maintenance Program

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	0.0	\$0	\$1,258,000	\$1,234,000	\$1,234,000	\$1,234,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$1,234,000	\$1,234,000	\$1,234,000
One-Time	\$24,000	\$0	\$0
Total	\$1,258,000	\$1,234,000	\$1,234,000

Proposal Summary: Proposed augmentation of \$1.258 million General Fund (\$1.234 million General Fund beginning in 2019-20 and ongoing and a one-time augmentation of \$24,000 General Fund in 2019-20) to perform an in-depth building assessment of the two state-owned, court managed appellate court facilities and to establish an Appellate Court Facility Maintenance Program to support preventative and demand maintenance and minor facility modifications in all appellate court facilities. A Facility Maintenance Program is necessary to ensure the customers and staff of the Appellate Courts are provided a safe, secure, and accessible facility by providing funding to maintain, repair, and eliminate deterioration of buildings and building components.

Background Information: 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 system replacements unaddressed, including roofs, mechanical and electrical systems, etc., that often result in more expensive repairs in future years. Since there is no base funding available, these repairs can only be undertaken to the extent there are available savings from the operating budget.

Preventative maintenance provides that equipment is regularly inspected and maintained before a breakdown occurs; demand maintenance addresses unique, unforeseen events. Minor facility modifications include projects that restore or improve the designed level of function of a facility or facilities. 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 2008-09, the Legislature approved the construction of a new appellate court facility in Santa Ana. The BCP included \$415,000 General Fund for ongoing operations and maintenance. While funding was provided for the construction of the new facility, the Legislature removed the \$415,000 for ongoing maintenance and deferred it to a future fiscal year. As the facility was relatively new, operations and maintenance costs were minor and absorbed within the court’s operating budget. As this facility has aged, there are insufficient funds available to continue maintaining the facility.

In 2015-16, the Courts of Appeal transferred funds to the Court Facilities Architectural Revolving Fund (CFARF) for the Fourth and Fifth District appellate court facilities with one-time year-end savings to support a small portion of deferred maintenance projects. A total of \$1.1 million was transferred to the CFARF (\$607,000 for Fourth District and \$480,000 for Fifth District) to address projects such as, the replacement of failing boilers, fire alarm systems, security cameras, and light fixtures, upgrades to elevator controls for ADA compliance, and other building maintenance projects. These funds addressed some, but not all of the most critical projects, and it is not expected that the Courts of Appeal will have year-end savings to support this workload in the future.

Justification: The Courts of Appeal are primarily funded from the General Fund, approximately \$227.4 million is included in the 2017 Budget Act. Additionally, approximately \$6.5 million is provided from the Appellate Court Trust Fund. Excluding non-discretionary spending (rent and Court-Appointed Counsel costs), approximately \$8.3 million is available annually to support all operating expenses and equipment costs for all six districts. Budget reductions and the increased cost of goods and services have further constrained the flexibility of the Courts of Appeal budget. In order to maintain the appellate court facilities, critical positions have been left vacant to support these unfunded costs. As workload at the appellate courts continues to increase, keeping these positions vacant is no longer an option.

Fiscal Impact: This request will create a Facility Maintenance Program, taking a proactive approach towards identifying, maintaining, and funding critical building needs in the Appellate Courts. This request includes \$1.2 million in ongoing funding and is comprised of two components: (1) \$4.12 per square foot for the two court managed facilities, which is based on BOMA (Building Owners and

Managers Association) standards and includes preventative and routine maintenance, and (2) \$2 per square foot for the remaining 7 appellate court facilities for minor facility modifications and demand maintenance not covered by the building owner. The appellate courts occupy a total of just over 500,000 square feet of space in 9 facilities.

Facility Type	Square Feet	Cost per sf	Total
Building Assessment			\$24,000
State Owned, Court Managed	103,000	\$4.12	\$424,000
Leased Space/DGS Managed	405,000	\$2.00	\$810,000
Total			\$1.258 million

Currently, no facility assessment exists for either of the state-owned, court-managed facilities (Santa Ana and Fresno), and there is no life cycle replacement plan in place. Santa Ana currently budgets \$3.13/sq. ft. for routine maintenance. This is funded out of the operations budget and is based on what is affordable for the court, not what is required or necessary. As operating costs have increased, Santa Ana is unable to maintain the budget for routine maintenance. Fresno is using a combination of in-house staff and Judicial Council contracted maintenance providers. Fresno currently budgets \$2.77/sq. ft. for routine maintenance and repairs. With both courts utilizing funds from their operations budgets, only the most urgently or safety-related projects can be approved, resulting in shorter system lifespans or costlier repairs. This request will provide \$24,000 to perform an in-depth assessment of the two state-owned, court-managed facilities to document the current condition and create project and cost estimates for identified deficiencies. Additionally, this request will provide \$424,000 (\$4.12 per square foot) to support projects identified in the assessment.

While the three leased facilities (Ventura, San Diego, San Jose) have modest tenant improvement funding built into their leases, the amount is not sufficient to support the projects required to maintain the appellate courtrooms. Any courtroom-specific requests must be absorbed within existing resources.

In the state-owned, DGS managed facilities, DGS addresses mechanical/facility needs when a failure occurs, but does not provide assistance/funding to support courtroom-related and other specific appellate court needs. For example, as the appellate courts move to televised oral arguments, significant upgrades must be made to the courtrooms to accommodate the equipment and supporting system infrastructure. The appellate courts do not have sufficient resources to support these minor facility modification projects, nor will DGS perform the work on their behalf. This request includes \$810,000 (\$2 per square foot) to support this workload.

Budget reductions and the increased cost of goods and services have further constrained the flexibility of the Courts of Appeal budget. In order to maintain the appellate court facilities, critical positions have been left vacant to support these unfunded costs. As workload at the appellate courts continues to increase, keeping these positions vacant is no longer an option.

Further, as bonds are retired on the remaining state-owned, DGS managed facilities, an assessment will need to be performed to determine the remaining life-cycle of major building components. Historically, funding and responsibility for the Supreme Court and Court of Appeal facilities have been provided by the state, unlike the trial courts which did not become part of state funding until the Trial Court Funding

Act of 1997. As the appellate court facilities have always been part of the state's property portfolio and managed by the Department of General Services, the Judicial Branch Facility Program, established specifically for trial court facilities, has not included any of the appellate court facility needs in the deferred maintenance assessments. Due to the unique nature of the management of appellate court facilities and relatively small square footage in relation to the trial court space, merging the appellate court facility needs with the existing trial court deferred maintenance list is not preferred. Further, the Judicial Branch Facility Program (staffing and projects) is funded primarily from the two trial court construction funds (State Court Facilities Construction fund and the Immediate and Critical Needs Account) which, per statute, is dedicated specifically for trial court facility needs.

Outcomes and Accountability: Once the assessment is completed on the state-owned, court-managed facilities, the Courts of Appeal will be able to identify an equipment life-cycle replacement and routine maintenance schedule. Upon approval of funding, the Courts of Appeal will have funds available for preventative and demand maintenance, as well as, minor facility modifications. This will allow the Courts of Appeal to shift resources from current operating equipment and expense line items to personal services and begin filling positions they have had to keep vacant to support facility needs.

Other Alternatives Considered:

Alternative #1: Do not approve additional funding to establish an Appellate Court Facility Maintenance Program to support preventative and demand maintenance and minor facility modifications in all appellate court facilities.

Pros: No impact to the General Fund.

Cons:

- Increases the reduction of preventative maintenance services to critical life-safety levels, redirecting remaining funds to only responding to emergency and urgent requirements.
- Allows for further degradation of appellate court facilities and will likely result in more expensive future deferred maintenance needs.

Alternative #2: Provide \$448,000 General Fund (\$424,000 beginning in 2019-20 and ongoing and a one-time augmentation of \$24,000) to perform an assessment of the state-owned, court-managed facilities and to support preventative and demand maintenance and minor facility modification projects in those facilities.

Pros: Provides relief to only the state-owned, court-managed facilities.

Cons:

- Results in additional General Fund resources.
- Leaves the other 7 court facilities without sufficient resources to maintain equipment and perform necessary building maintenance critical to maintain life-safety levels.
- Allows for further degradation of appellate court facilities and will likely result in more expensive future deferred maintenance needs.

Alternative #3: Provide \$1.1 million General Fund (\$1.1 million beginning in 2019-20 and ongoing and \$24,000 one-time) to provide \$2 per square foot to perform an assessment of the state-owned, court-

managed facilities and to support preventative and demand maintenance and minor facility modification projects in those facilities.

Pros: Provides some relief to appellate court facilities.

Cons:

- Results in additional General Fund resources.
- May not provide sufficient resources to maintain equipment and perform necessary building maintenance critical to maintain life-safety levels.
- Allows for further degradation of appellate court facilities and will likely result in more expensive future deferred maintenance needs.

Alternative #4: Provide a one-time augmentation of \$24,000 General Fund to perform an assessment of the state-owned, court-managed facilities.

Pros: Establishes a baseline assessment for equipment and building needs for only the two state-owned, court-managed facilities.

Cons:

- Results in minor one-time additional General Fund resources.
- Increases the reduction of preventative maintenance services to critical life-safety levels, redirecting remaining funds to only responding to emergency and urgent requirements.
- Allows for further degradation of appellate court facilities and will likely result in more expensive future deferred maintenance needs.

Requesting Entity: Legal Services
Contact: Eric Schnurpfeil
Concept No.: 19-05

Proposal Title: Judicial Branch Litigation Management Program

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2018-19	Proposed Total 2019-20	Proposed Total 2020-21
General Fund	0.0	\$0	\$5,800,000	\$5,800,000	\$5,800,000	\$5,800,000

Detailed Funding By Fiscal Year:

	Proposed Total 2018-19	Proposed Total 2019-20	Proposed Total 2020-21
Ongoing	\$5,800,000	\$5,800,000	\$5,800,000
One-Time	\$0	\$0	\$0
Total	\$5,800,000	\$5,800,000	\$5,800,000

Proposal Summary: Proposed augmentation of \$5.8 million General Fund ongoing augmentation beginning in 2019-20 and on-going to support the defense and indemnity (as permitted) of all Judicial Branch entities, bringing the total General Fund allocation for Judicial Branch litigation costs and expenses to \$5.8 million. This request also includes provisional language to allow the Judicial Council to encumber funds through June 30, 2021, to provide greater flexibility to schedule contract payments. Approximately \$5.4 million has historically been budgeted annually from the General Fund and the State Trial Improvement and Modernization Fund (IMF) (see detail below). Shifting IMF expenditures to the General Fund will extend the solvency of the IMF as well as centralize the Litigation Management Program into a single pool of available funds to be used for all entities of the Judicial Branch permitting the Judicial Branch more flexibility to respond to litigation demands and increasing exposures.

Historical expenditure authority (\$5,351,000):

\$200,000 – General Fund

\$4,500,000 – IMF, Trial Court Litigation Management Fund (LMP)¹

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

Background Information: While the overall program is dedicated to the defense and indemnification of all Judicial Branch entities for government claims and litigation, as well as various risk reduction expenditures, the individual fund allocations are restricted to defined parties. Litigation funding is currently divided into three categories: (1) Supreme Court, Courts of Appeal and Judicial Council government claims and litigation (\$200,000 from General Fund), (2) Trial Court government claims and litigation (\$4.5M from IMF-Trial Court Litigation Management) and, (3) Trial Court transactional

¹ See n.1, below.

assistance for labor arbitrations and proceedings before the Public Employee Relations Board and for retention of outside counsel in specialized areas of law/risk avoidance (\$651,000 from IMF-Trial Court Transactions Assistance Program). Providing an augmentation to the General Fund, increasing total funding to address rising costs of litigation, broadening the use of the funds, and permitting the Judicial Council to encumber funds through June 30, 2021, will provide Legal Services the flexibility to better serve the branch's litigation needs.

Justification: Consolidating all litigation funds for the defense and indemnification of all Judicial Branch entities will allow for greater flexibility in the overall handling of government claim and litigation matters. The augmentation of \$5.8 million General Fund will consolidate all litigation resources into one fund source, provide a modest increase in resources to support increased litigation costs, and will specifically allow Legal Services to maximize resources to support all types of litigation, ensuring that ongoing litigation expenses can be paid and eliminating unnecessary administrative work to transfer available resources between fund sources. The proposed consolidation will provide Legal Services the flexibility and resources to better serve the branch's litigation needs. Further, increasing the period of availability for an additional year allows Legal Services to accommodate unique settlements and payment structures. Moreover, the Judicial Branch litigation appropriations are being strained by the rising costs of litigation and the additional burden of trial court facilities-related claims and litigation following the transfer of courthouses from the counties.

Fiscal Impact: This request will result in an ongoing General Fund augmentation of \$5.8 million. Currently, \$5.2 million is budgeted annually from the IMF to support litigation related costs. This request will shift those expenditures to the General Fund and increase the total amount available for litigation by \$449,000, for a total ongoing General Fund augmentation of \$5.8 million. Consolidation of these funds, as well as an augmentation, will give the Litigation Management Program more flexibility in managing litigation; avoid the need for accounting for three separate funds and requests for transfer of money between funds; avoid the need for micro-managing case budgets to ensure that the individual funding sources are not depleted; avoid the need for cumbersome and time-consuming paperwork to request amendments to contracts and to shift funds at year-end when encumbrances cannot be "rolled over" for use in subsequent fiscal years; assist the Judicial Branch to address rising costs of litigation and the additional burden of trial court facilities-related claims and litigation following the transfer of courthouses from the counties. Currently, resources within the IMF are insufficient to support these litigation costs ongoing. Continuation of these expenditures from the IMF will result in negative fund balances in future years.

Outcomes and Accountability: Litigation expenses (attorney fees, costs, judgments, settlements, pre-litigation costs and fees) are monitored each fiscal year, and a detailed annual report is provided to the Litigation Management Committee. The three-year summary of litigation expenses below, listing total expenditures combining General Fund, Litigation Management Program Fund, and TCTAP Fund, reflects the trend that resulted in significant litigation budget shortfall for the last two fiscal years.² The allocation for FY 2017-18 was exhausted by April 2018 requiring supplemental transfers totaling \$933,000, thereby increasing the overall allocation from \$4.5 million to \$5.433 million. It is forecasted that the full (supplemented) allocation will be exhausted.

² See n.1, below.

Fiscal Years	Amount
FY14	\$4,120,378
FY15	\$5,753,483
FY16	\$5,565,663
FY17 (as of 4/30/18)	\$4,843,480 (forecasted expenditure of \$5.4 million)

Other Alternatives Considered:

Alternative #1: Consolidate the three funding sources into General Fund, with total amount of funding unchanged and without the additional augmentation of \$449,000 General Fund. Provide \$5.4 million General Fund to shift funding currently provided from the IMF to the General Fund.

Pros:

- Provides relief to the IMF and stabilizes funding.
- Provides flexibility in managing the litigation program.

Cons:

- May not have sufficient funding to support the rising costs of litigation and the additional burden of trial court facilities-related claims and litigation following the transfer of courthouses from the counties.
- Results in additional General Fund resources.

Alternative #2: Continue current funding practice, maintaining current total funding of \$5,351,000 (\$200,000 General Fund and \$5,151,000 IMF) to support (1) Supreme Court, Courts of Appeal, and Judicial Council claims and litigation (General Fund), (2) trial court claims and litigation (IMF, Trial Court Litigation Management Fund), and (3) trial court arbitrations, Public Employment Relations Board matters, and outside consultants on risk management issues (IMF, Trial Court Transactions Assistance Program). This request would maintain the status quo.

PRO: No impact to the General Fund.

CONS:

- Continue to have inefficiencies and loss of flexibility in managing matters, particularly in fiscal years of strained resources in which individual funds may be depleted by year-end.
- May not have sufficient funding to support the rising costs of litigation and the additional burden of trial court facilities-related claims and litigation following the transfer of courthouses from the counties.
- Does not provide needed relief to the IMF from these expenses.

Alternative #3: Provide \$2.9 million General Fund beginning in 2019-2020 and ongoing. This option would continue to rely on the Judicial Council allocating \$2.9 million from the IMF, but bring the total program expenditure authority to \$5.8 million.

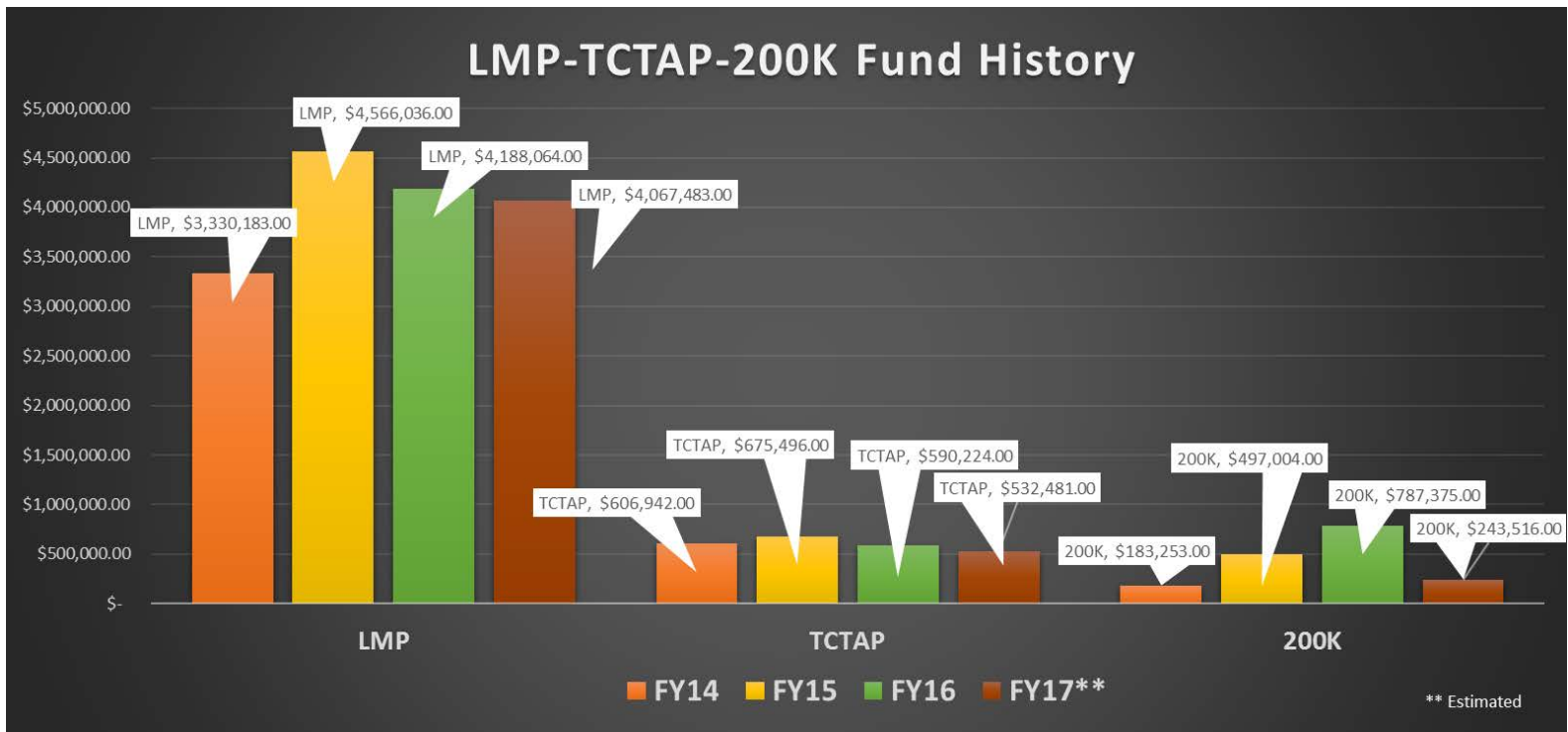
PROS:

- Provides some relief to the IMF fund.
- Allows for increased litigation exposure from facilities litigation and rising litigation costs.

CONS:

- Continues reliance on the IMF.
- Does not consolidate all litigation expenses to one funding source.
- Results in additional General Fund resources.

² See attached chart showing 4-year history of litigation expenditures, broken down by fund source.



FY14		FY16	
LMP	\$ 3,330,183.00	LMP	\$ 4,188,064.00
TCTAP	\$ 606,942.00	TCTAP	\$ 590,224.00
200K	\$ 183,253.00	200K	\$ 787,375.00
	\$ 4,120,378.00		\$ 5,565,663.00
FY15		FY17**	
LMP	\$ 4,566,036.00	LMP	\$ 4,067,483.00
TCTAP	\$ 675,496.00	TCTAP	\$ 532,481.00
200K	\$ 497,004.00	200K	\$ 243,516.00
	\$ 5,738,536.00		\$ 4,843,480.00

Requesting Entity: Court Operations Services
Contact: Olivia Lawrence
Tracking Number: 19-06

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

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	1.0	\$149,000	\$32,000	\$181,000	\$169,500	\$169,500
General Fund			\$13,516,000	\$13,516,000	\$13,527,500	\$13,527,500
Total				\$13,697,000	\$13,697,000	\$13,697,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$13,697,000	\$13,697,000	\$13,697,000
One-Time			
Total	\$13,697,000	\$13,697,000	\$13,697,000

Proposal Summary:

The Language Access Plan Implementation Task Force (LAPITF) requests an ongoing augmentation of \$13.697 million General Fund for 2019-20, and 1.0 FTE. This includes funding necessary for the following: 1) expand interpreter services into all civil proceedings and fund interpreter salary increases; 2) to increase trial court reimbursement for court interpreter supervisors and coordinators; 3) video remote interpreting (VRI) equipment for the courts; and 4) continued development of statewide resources for programs and a repository of providers.

Background Information:

Comprehensive language access across our system of justice requires resources and funding. The California judicial branch has supported the need for language access services in the courts, and adopted a comprehensive plan to provide recommendations, guidance, and a consistent statewide approach to ensure language access for all limited English proficiency (LEP) court users. The Language Access Plan (LAP) consists of eight goals and 75 recommendations, including priorities in three phases. The LAP also aligns with the United States Department of Justice’s (US DOJ) recommendations for California to expand its language access efforts. Further, it aligns with recent legislation in California (Assembly Bill 1657; Stats. 2014, ch. 721) that sets priorities for the provision of court interpreters in civil proceedings. Advancing

the council's language access plan directly benefits the 7 million LEP residents of California, speaking more than 200 languages statewide. These Californians continue to face significant obstacles to meaningful access to our justice system. The courts also face unique challenges, particularly in courtrooms with high volume calendars in which the vast majority of litigants are self-represented (e.g., traffic, family law, as well as small claims, where parties must represent themselves).

Several milestones were reached since the plan has been developed including the launch of a web-based Language Access Toolkit, and securing \$7 million in additional, ongoing funds in the 2016-17 budget for trial courts to continue expanding access to interpreters in civil cases, and an additional \$4 million one-time is included in the proposed 2018-19 budget to further the effort to expand interpreter services into all civil proceeding, pending the results of the Video Remote Interpreting Spoken Language Pilot, and an ongoing \$4 million is also included in the proposed 2018-19 budget to fund essential infrastructure items such as electronic and stationary signage, court interpreter credential review, language access training, equipment, and additional staff to administer the program and distribute funding. Fundamental to California's LAP is securing funding so the expansion of language access services will take place without impairing other court services.

Justification:

With approximately 7 million limited-English proficient (LEP) residents and potential court users, speaking more than 200 languages, dispersed across a vast geographic area, California is home to the most diverse population in the country. These Californians continue to face significant obstacles to meaningful access to our justice system, particularly in courtrooms with high volume calendars in which the vast majority of litigants are self-represented (such as traffic, family law, and small claims). Courts must confront these challenges with limited resources, and although funding has been increased for the courts, the branch is not funded to the level required to provide all the services Californians need.

To better meet the needs of the state's LEP court users and the courts that serve them, the Judicial Council approved the. The goal of the Judicial Council and the Language Access Plan Implementation Task Force, is to complete all phases of the plan over a 5-year period. While several milestones were reached in the plan's first year, implementation of the next set of LAP recommendations will require funding and permanent positions to complete.

Much improvement has resulted from the initial launch of the LAP and the Judicial Council seeks to do more. There are four initiatives that would advance the goals of the judicial branch's Language Access Plan:

1. Expand interpreter services into all civil proceedings and fund interpreter salary increases (\$11 million)

The Governor's Proposed Budget for 2018-19 proposes \$4 million in one-time monies for the court interpreter reimbursement fund (TCTF Program 0150037) to assist trial courts with ongoing expansion of court interpreter services into all civil matters. If allocated, this one-time funding will greatly assist trial courts with expansion efforts through June 2019. An additional \$11 million of ongoing funding is being requested to augment the interpreter reimbursement fund currently projected to run into deficit in FY 2019-20 due to the ongoing civil expansion and interpreter salary increases negotiated in 2017 and 2018.

2. Trial court reimbursement for court interpreter supervisors and coordinators (\$2 million)

With the courts' expansion of interpreter services into civil proceedings under the Language Access Plan, the courts are now faced with increased volume of interpreter services to oversee. As a general rule, courts do not receive reimbursement for the administrative costs of interpreter services. In order for the courts to fully expand language access services and fully implement the Language Access Plan, additional funding is paramount for infrastructure support to pay for associated non-reimbursable services related to the language access expansion such as court interpreter supervision, coordination or scheduling staff.

3. Video Remote Interpreting (VRI) equipment and Senior Analyst (\$497,000)

A VRI Pilot for spoken language is currently underway in three courts (Merced, Sacramento, and Ventura). The pilot commenced in January 2018, and is anticipated to run for six months. San Diego State University (SDSU) Research Foundation is evaluating the effectiveness of VRI, and findings and recommendations will be developed for the Judicial Council in Fall 2018. Prior to submission of the BCP in September 2018, we anticipate that we will have a preliminary report from SDSU that will indicate whether or not the VRI pilot is demonstrating that VRI may be an effective and appropriate means of service delivery for LEP court users. If the preliminary results from SDSU indicate that VRI is appropriate in certain circumstances, the Judicial Council will request \$316,000 for VRI equipment for courts. This funding will furnish an estimated 15 courthouses with VRI equipment (includes 1 courtroom, 1 defendant station, 1 help desk station, and 1 interpreter station).

Additionally, the establishment of a permanent Senior Analyst position is necessary to support the workload associated with the implementation of the next VRI phase (\$181,000).

4. Development and ongoing maintenance of statewide resources for court-ordered programs and a repository of providers (\$200,000)

This funding request is directly tied to the implementation of the Strategic Plan for Language Access in the California Courts, Recommendations Nos. 11, 30, and 33¹ and will assist to:

- (1) Develop statewide, online, multilingual content that will satisfy statutorily required and other court-ordered programs such as batterer intervention classes, parenting classes and anger management classes.

¹ **Recommendation No. 11** contains a statement indicating that LEP court users should not be required to participate in court-ordered programs and services if those programs are not available in the language of the court user or if language services are not provided in order to enable access to the program;

Recommendation No. 30 calls for the Judicial Council to "consider adopting policies" that will promote the use of remote technologies to promote the sharing of bilingual human resources among courts to meet the needs of LEP court users in non-courtroom proceedings; and

Recommendation No. 33 requires courts to ascertain whether court-appointed professionals can provide "linguistically accessible services" before ordering court users to avail themselves of those programs, services and professionals. This recommendation also calls for courts to enter into contracts with providers who can provide linguistically-accessible services.

- (2) Develop a database of providers who either provide services in-language or who are willing to obtain language assistance in conjunction with the services they offer.

Fiscal Impact:

This request will provide \$13.697 million to assist the courts with language access expansion expenditures, including higher court interpreter costs due to ongoing civil expansion efforts as detailed below.

- Court Interpreter Costs: \$11.0 million to support only court interpreter services that will not be utilized for other language access expenditures incurred by the courts and consists of two components: (1) the average cost per interpretation using actuals from FY 2015-16 and FY 2016-17 and (2) funding to cover court interpreter salary increases in order to better serve California's 7 million LEP court users.
- An additional \$2.0 million in support for interpreter supervisors is also sought to help offset court costs for language access expansion to all case types. The necessary increase in court interpreter staff statewide necessitates corresponding supervisors. While the costs of court interpreter staff are reimbursed, there is no mechanism to offset the added costs associated with supervisory staff.
- A total of \$697,000 (includes \$181,000 for staffing) to advance Video Remote Interpreting into those courts that have expressed critical need for this technology, primarily smaller courts in remote geographic locations, and for the creation of a database of multi-lingual content and resources for court-ordered programs and providers.

Outcomes and Accountability:

The four LAP initiatives contained in this proposal all have measurable and tangible results for the courts and LEP court users. The Language Access Plan Implementation Task Force (LAPITF) continues to issue regular reports regarding LAP progress to court leadership and public audiences for the purpose of accountability and to demonstrate the concrete and active steps courts are taking to expand language access services, including projects and outcomes related to the various recommendations contained in the LAP.

- **Court Interpreter Services.** Funding will allow more courts to provide interpreters in multiple languages in growing numbers of civil cases and case types. Expansion of court interpreter services in civil matters is consistent with the direction of the US DOJ and the findings set forth in Government Code section 68092.1 that it is imperative that courts provide interpreters in all parties who require one, and that both the legislative and judicial branches of government continue in their joint commitment to carry out this shared goal. Courts will continue to report on interpreter usage, by case type, and the Judicial Council will be able to more effectively calculate the continuing unmet need.
- **Trial Court Reimbursement for Court Interpreter Supervisors and Coordinators.** With the exception of direct interpreter services provided to LEP court users, the expansion of language access services is not reimbursable or funded for the courts. Each court currently absorbs the vast majority of the infrastructure and oversight expenses associated with the provision of interpreter

services. Providing a dedicated funding stream specifically for the offset of these expenditures will free existing resources initially allocated for other court costs, and ensure that courts continue their efforts to successfully expand language access as mandated. Resources and expenditures can be monitored using the Judicial Council's Phoenix Financial System on a regular basis.

- **Expansion of Video Remote Interpreting Capabilities.** The Court Interpreter Data Collection System (CIDCS) tracks interpreter services expenditures statewide. Implementation of VRI equipment in phases is projected to lower interpreter travel time and case continuances, all measurable through CIDCS. Even partially implemented, the use of VRI will immediately:
 - Increase the number of LEP parties, and case types, courts can serve with qualified court interpreters within existing statewide resources, currently \$103 million.
 - Increase access to credentialed (certified and registered) interpreters, especially in language of lesser diffusion (other than Spanish).
 - Help ensure that qualified in-person interpreters are scheduled for high stake or lengthy matters when needed.
 - Decrease the wait time, and number of rescheduled court events, due to difficulty securing the in-person services of a qualified interpreter; preventing additional missed work by LEP parties.
- The benefits of the **development and ongoing maintenance of statewide resources for court-ordered programs and a repository of providers** are twofold:
 - This database will serve as an important tool for the courts to readily identify statewide resources available to litigants where providers include services in the litigant's language.
 - These resources are projected to increase LEP litigant compliance in court-ordered programs such as batterer intervention classes, parenting classes, and anger management classes.

Other Alternatives Considered:

Alternative #1: Do not approve additional funding to advance the Strategic Plan for Language Access in the California Courts.

Pros:

- No impact to the General Fund.

Cons:

- Courts and the Judicial Council will be limited in their ability to expand language access services for LEP court users due to lack of funding for other essential language access services to increase access for LEP users.
- Failure to establish a mechanism to help offset language access expansion expenditures not already a part of their annual budgeted allocations places an undue burden on courts.
- The expansion of language access would be restrained if courts are left with no alternative other than to absorb the vast majority of the infrastructure and oversight expenses associated with the provision of interpreter services.

- The maximized use of existing interpreters will not be realized without the implementation and expansion of VRI.
- Courts will continue to struggle without a tool to assist them with finding resources to direct litigants where services will be provided in their language.

Alternative #2: Approve funding only for civil expansion for court interpreters.

Pros:

- Courts will be able to continue to provide interpreters in civil matters at the current level, and will be able to begin further expanding the case types in which they provide court interpreters for limited-English proficient (LEP) court users in civil.

Cons:

- Impact to the General Fund.
- Courts and the Judicial Council will be limited in their ability to expand language access services for LEP court users due to lack of funding for other essential language access services to increase access for LEP users.
- Failure to establish a mechanism to help offset language access expansion expenditures not already a part of their annual budgeted allocations places an undue burden on courts.
- The expansion of language access would be restrained if courts are left with no alternative other than to absorb the vast majority of the infrastructure and oversight expenses associated with the provision of interpreter services.
- The maximized use of existing interpreters will not be realized without the implementation and expansion of VRI.
- Courts will continue to struggle without a tool to assist them with finding resources to direct litigants where services will be provided in their language.

Alternative #3: Approve 50 percent funding for each of the items containing in this proposal.

Pros:

- Courts will be able to continue to provide interpreters in civil matters in at least a slightly expanded level, potentially into more case types.
- Courts would at least be provided a minimal amount of relief with expenditures related to the expansion of language access.
- Courts would be marginally supported within the constraints of a reduced allocation for the expansion of VRI.

Cons:

- Impact to the General Fund.
- Courts and the Judicial Council will be limited in their ability to expand language access services for LEP court users due to lack of funding for other essential language access services to increase access for LEP users.

Requesting Entity: Judicial Council Information Technology Office
Contact: Robert Oyung/Heather Pettit
Tracking Number: 19-10

Proposal Title: Digitizing Court Records Phase One for the Appellate and Superior Courts

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	1.0	\$154,000	\$5,734,000	\$5,888,000	\$175,000	\$175,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$175,000	\$175,000	\$175,000
One-Time	\$5,713,000	\$0	\$0
Total	\$5,888,000	\$175,000	\$175,000

Proposal Summary: The Judicial Council is requesting a one-time General Fund augmentation of \$5,888,000 million in 2019-20 and an ongoing augmentation of \$175,000 for a Senior Business Systems Analyst to conduct phase one (of between 6 and 8 courts) of a multi-phase program for digitizing mandatory court records, including paper and/or filmed case files for the Superior and Appellate Courts. The target for phase one is the equivalent of 28,000 linear feet of paper case files. After this phase, the data will be analyzed to refine the cost estimates, processes and techniques so that funding needed for remaining courts can be requested in the future, as appropriate. This request includes 1.0 position (Senior Business Systems Analyst) to function as the project manager to oversee activities for the digitization effort, develop and maintain the project plan and assist subsequent courts with document digitization efforts.

Background Information:

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 FY 2014-15, 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 major part of the historical records and much of the current volume consists of paper or filmed (microfilm or microfiche) documents. Management of 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 readers are not available, viewing documents will not be possible without converting them to another format. If stored externally, the cost represents a significant expense.

Electronic case files lessen the burden of processing case documents and has the potential to 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.

In 2014, the Judicial Council approved the “Technology Governance and Funding Model”, “Strategic Plan for Technology”, and “Tactical Plan for Technology”. The plans established a common, shared roadmap and common goals, giving courts the opportunity to innovate and leverage solutions as a branch, or in a multi-court consortium. There were four key technology goals identified through the work of the task force and this BCP directly aligns with the first three goals.

- Promote the Digital Court
- Optimize Branch Resources
- Optimize Infrastructure

The highest priority and first goal in the Strategic Plan for Technology is establishing the foundation for digital courts throughout California, with the objective of increasing access to the courts, administering timely and efficient justice, gaining case processing efficiencies, and improving public safety.

The process of digitizing court records is a foundational component of the larger process of re-engineering the courts’ business processes for the digital court. The digital court minimizes the use of paper so that files associated with a case can either be received electronically from the start, or, if submitted on paper, scanned into electronic document form. Once in electronic form, copies can be routed to the appropriate places, attached to virtual case files that can be simultaneously reviewed by multiple parties, and selected information can be provided to the public via web sites. Court staff would no longer need to search the file room and make copies to provide them to the appropriate parties or contend with damaged or lost files. The result of this digital transformation is a more efficient court, providing greater access to the public with fewer court resources. To realize these benefits, existing case files in paper or on film need to be digitized.

Justification:

Part of the 2014-2018 Strategic Plan for Technology (<http://www.courts.ca.gov/documents/jctc-Court-Technology-Strategic-Plan.pdf>) is to Promote the Digital Court. Digitizing paper and film files is a necessary and foundational part of realizing the larger goal of transforming a court that relies on paper files into a digital court.

The benefits of a digital court include:

For the court:

- Better utilization of the workforce with faster routing and simultaneous review of documents
- Elimination of file contention and a reduction of misplaced files
- An increase in the speed of access to files, especially during a courtroom session
- Allows the courtroom to process all cases in the same manner; judges will not have to go back and forth from existing manual case files to newly created digital case files on the same calendar.
- Elimination of manual ticklers and tracking for work flow processes, allowing the use of functions available in modern case management systems.
- Improved Court disaster recovery and continuity of operations capability
- Simplification of the document purging process
- Significant reduction of the physical space required to store documents
- Cost savings from the elimination of support for obsolete microfiche and microfilm viewers
- Environmentally more responsible

For the Public:

- Reduced need to come to the Courthouse to obtain copies of documents
- Self-service at a time and place of their convenience
- A reduction of copy fees
- Environmentally more responsible

In pursuit of the goal of the Digital Court, over 30 courts are leveraging a branchwide Master Services Agreement (MSA) to implement new case management systems that have capabilities to utilize electronic documents. The main barrier to implementing electronic documents for a Digital Court is that it is labor intensive to maintain both paper and electronic versions of a document. The court is required to maintain a version of the court record that are currently on historical paper documents, creating additional processing time as they transition from paper to the digital court record. One large court with approximately 700 employees estimated that they had 100 people spending 25% of their time processing paper documents.

Several courts have implemented electronic documents in selected case types and have gained operational benefits with the elimination of processing and maintaining paper case files, eliminating file contention where only one person can view a physical file at a given time, and providing the public and justice partners with fast electronic access to case file documents. Many courts are still operating with paper case files and, often, historical files are stored on deteriorating microfilm and microfiche. 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. The request would allow for a vendor to prepare the physical documents for conversion, scan them into electronic digital format, and provide quality assurance that the documents were converted accurately. The proposed approach is to primarily focus on active case files. In decreasing order of priority, the files to be scanned would be:

1. Active cases
2. Cases that need to be retained 10+ years or longer
3. Deteriorating microfilm and microfiche
4. All other cases.

To assess demand for the digitizing paper and/or film program directly, a survey (<https://www.surveymonkey.com/results/SM-97YWNCNW8/browse/>) was sent to all California trial and appellate courts. Thirty-one courts responded and of those, 29 wanted to participate in this effort. Of the 29 wanting to participate in phase one, 22 were committed, willing to re-engineer their business processes, provide staffing for phase one and documentation of their experiences so that future implementations would go more smoothly (DigitizingPaperSurvey.xlsx). Each court 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).

Fiscal Impact:

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. The average cost per 15" box of files was \$203, or \$162.57 per linear feet. Given the 28,000 linear feet of paper case files targeted for this phase, the estimated total scanning cost would be \$4.552 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 initial courts can scan files as they come in according to their modified workflow. As the number of active case linear feet are estimates, there's also a 10% contingency of \$500,000.

The focus of phase one will be on active cases rather than back-scanning historical cases. Costs for this effort would include services to perform paper and/or film scanning, incremental electronic storage infrastructure, and an initial limited number of desktop scanners. This request includes 1.0 position (Senior Business Systems Analyst) at a cost of \$175,000 to function as the project manager for the implementation of the program, oversee activities for the digitization for phase one, develop and maintain the project plan and assist subsequent courts with document digitization efforts. The staffing cost is based on a mid-step salary, and includes a standard complement for Operating Expense and Equipment (\$32,000 in 2019-20 of which \$11,000 is one-time and \$21,000 is ongoing). To complement the program and to realize the benefits of a digital court, it is necessary to re-engineer the business processes of the courts so that, preferably, court documents are submitted in electronic form from the start. Processes must be developed and implemented to electronically route, sign, index, store, retrieve, archive and eventually purge documents. To realize this, the requested Senior Business Systems Analyst would function as the project manager for phase one of the program, oversee the activities relating to digitization, develop and maintain the playbook, project plan and assist subsequent courts with document digitization efforts. When courts commit to participating in phase one to digitize paper and film files, they will commit to re-engineer these business processes as a condition of joining the program. To assist them, they may leverage the work of courts that have already made this transition.

When new paper documents are received, those documents must be scanned. Existing active case files, in either paper or film form, must be scanned so that these files can be electronically managed with processes mentioned above.

Outcomes and Accountability:

The outcomes will vary by court, as each court will have different volumes of records. However, the objective will be to have all participating courts digitize the records that will have the greatest operational impact for their environment. In some cases, that would be to digitize active files in preparation for

executing a “day-forward” strategy. Rather than scanning all historical paper files, a “day-forward” strategy focuses on identifying case files that will be needed within the next 3-4 months and scanning those first. Then future scanning only includes any new paper documents coming into the court and any historical files that are needed for upcoming court calendars. In other cases, it may be to digitize historical records to preserve the diminishing quality of the court record. In either case, the courts will be able to eliminate physical storage by purging the physical documents after they are digitized. Once in electronic format, those documents will be more easily accessible by court staff, the public, and other government agencies. For example, providing the public with access to court documents through a web portal will reduce staff time currently required to answer questions from the public and pulling the files, allowing staff resources to be redirected to perform other tasks.

The Interbranch Agreement, which will be used to facilitate the transfer of funds to the courts, has specific reporting requirements that courts must adhere to. Each court will be responsible for monitoring day-to-day project activities and will make periodic reports regarding program performance and financial status. Accounting records will be supported by appropriate documentation. The courts will provide information regarding all fund expenditures to the council. The information requested may include, but is not limited to, performance and financial reports. Performance reports will contain a comparison of actual accomplishments to the objectives, for the reporting period. Results will be quantified wherever possible.

Projected Outcomes:

Workload Measure	2016-17 Past Year	2017-18 Past Year	2018-19 Current Year	2019-20 Budget Year
Courts need to Digitize 1. Active Cases 2. Cases that need to be retained for 10+ years or longer. 3. Deteriorating microfilm and microfiche. 4. All other cases.	NA	NA	NA	Develop project plan and coordinate courts’ digitization efforts – the outcome is that the project plan is developed and trial courts’ digitization is coordinated for 6-8 courts
Digitizing paper, microfilm, and current paper processes linear feet:	NA	NA	NA	Actual linear feet of paper files scanned – the outcome is that 28,000 linear feet for 6-8 courts is scanned into the appropriate electronic format.

Other Alternatives Considered:

Alternative #1: Approve a one-time augmentation of \$3.426 million and \$175,000 and 1.0 position on-going for the digitization of 14,000 linear feet of paper case files for the Superior and Appellate Courts.

Pros:

- Digitizing paper and film case files is a necessary foundational step to enable the digital court. The benefit of the digital court will not be realized when the active case files are still on paper or film. The courts participating in this program will commit to re-engineering processes and procedures to realize the benefits of the digital court – benefitting both the court and the public.
- A Business systems analyst will function as project manager for the digitization program, develop and maintain the project plan and help subsequent courts with document digitization efforts.

- Digitizing paper and film case files for a limited number of phase one courts manages the risk that benefits are not as great as predicted and/or costs are not as low as originally estimated.
- Requires a lesser commitment of General Fund resources.

Cons:

- There is a one-time and on-going impact on the General Fund.
- There is a delay in realizing the benefits of the digital court for those courts not participating in phase one.

Alternative #2: Do not approve the one-time and on-going augmentation request for the digitization of paper and filmed case files for the Superior and Appellate Courts.

Pros:

- No impact to the General Fund.

Cons:

- Courts will only be able to digitize documents as resources become available. Courts will duplicate efforts to establish local conversion processes and will need to establish individual contracts with vendors. This process will be slow and have the branch limping towards the goal of a digital court, significantly delaying the benefits for both the court and the public as it will not result in a coordinated statewide effort
- Courts with modern case management systems (CMS) will have to maintain two processes for new cases and existing paper cases. Full functionality of the new CMS may not be available for paper case files and courts would be required continue to track and process manually, reducing workflow efficiencies available with the modern CMS.
- Filmed documents will continue to deteriorate and existing viewing equipment will continue to fail and be difficult to replace. If filmed documents deteriorate too far, they may be lost.

Alternative #3: Approve a one-time augmentation \$12.0 million and \$175,000 and 2.0 position on-going for the digitization of paper and filmed case files for the Superior and Appellate Courts.

Pros:

- This funding will allow us to expand the planned phase to a total of 12-16 courts.
- Will provide more courts with the ability to digitize their documents sooner rather than later.

Cons:

- There is a one-time and on-going impact on the General Fund.
- There is a delay in realizing the benefits of the digital court for those courts not participating in phase one.
- This will require a larger commitment of General Fund resources than is proposed.

Requesting Entity: Judicial Council Information Technology Office.
Contact: David Koon
Tracking Number: 19-14

Proposal Title: Case Management System (CMS) Replacement for Trial Courts

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	2. Sr BSA's ⁽¹⁾	\$308,000	\$63,000	\$371,000	\$350,000	\$350,000
General Fund	N/A	N/A	N/A	\$21,939,000	\$7,353,000	\$3,214,000
				\$22,310,000	\$7,703,000	\$3,564,000

(1) Sr. Business Systems Analyst has \$21,000 in one-time OE&E in FY 19-20 plus \$42,000 in annual on-going OE&E.

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$350,000	\$350,000	\$350,000
One-Time	\$21,960,000	\$7,353,000	\$3,214,000
Total	\$22,310,000	\$7,703,000	\$3,564,000

Note: The funding amount being requested in this BCP for the 10 trial courts will need to be validated/refined as part of developing the FY 19-20 BCP.

Proposal Summary:

A one-time General Fund augmentation of \$22 million in fiscal year 2019-20, \$7.4 million in 2020-21, \$3.2 million in 2021-22, \$470,000 in 2022-23, and \$120,000 in 2023-24. This one-time funding will be used by 10 courts (Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono, Nevada, Solano and Shasta Courts) for the procurement and deployment of a modern, commercial, off-the-shelf case management system to replace their legacy case management systems (CMS). This funding request also includes additional on-going funding of approximately \$350,000 annually for 2.0 positions (Senior Business Systems Analyst) at the Judicial Council who will be responsible for providing case management system expertise/analysis to judicial branch committees and technical workstreams that are looking to leverage automation within the modern case management systems. While part of the responsibility of these 2 positions will initially be to provide project monitoring of the CMS deployment of these 10 courts, this work will shift after deployments to include processing and administration of the four CMS master service agreements, providing user group support for CMS vendor meetings, assisting courts with questions or escalated issues involving the CMS master service agreements. The funding amount being requested for the 10 trial courts will need to be validated/refined as part of developing the 2019-20 BCP.

Background Information:

The 2016 Budget Act included \$25.0 million over three years to replace CCMS V3 in four courts and the 2017-18 Governor's Budget included \$5.0 million over two years to replace SJE in nine courts. A CMS budget change proposal (BCP) was submitted in Spring 2018 for 2018-19 for nine trial courts to replace their legacy case management systems. The State Department of Finance (DOF) deferred consideration for the 2018-19 CMS BCP to 2019-20. This concept is a resubmission of the 2018-19 CMS BCP for the nine courts in that BCP with the addition of Nevada Superior Court for a total of 10 courts to replace their legacy CMS.

Today the 10 courts in this BCP still have outdated or unsupported case management systems developed with older technology and lack sufficient funds to replace them. These legacy systems do not have the ability to integrate with document management systems and e-filing services - foundations for modern case management systems. Obtaining funding to replace these outdated or unsupported systems with a modern case management system is the next step towards the first goal in the *Court Technology Strategic Plan* (Goal 1: Promote the Digital Court). The Judicial Council Technology Committee and Judicial Council staff have previously worked with courts on a path forward to replace the V3 and Sustain Justice Edition case management system. This is the funding needed for the next phase of courts in need of a replacement for their outdated legacy systems.

Justification:

The highest priority identified in the Strategic Plan for Technology is establishing the foundation for "Digital Courts" throughout California. Most courts across the state have begun the process of migrating to a new technology platform for their case management systems but the 10 courts in this request have not been able to do so. Without funding, these 10 courts cannot take advantage of advancing technology for a new case management system. Having a more modern CMS will make it possible to for these ten courts to implement e-filing and provide a public portal to access case information allowing for greater access to justice. Similarly, justice partners will benefit from having greater access to case information as well as potentially leveraging additional automated interfaces with the new CMS.

This request warrants consideration as it is the next phase in taking steps toward achieving the Digital Court goal. This request also supports the Chief Justice's Access 3D vision for the courts and supports other Judicial Branch goals of administering timely and efficient justice, and improving public safety. For example, by having a modern case management system, these 10 courts could potentially leverage a recently developed automated data exchange to help streamline the process of getting data into the CCPOR application

For the courts forced to remain on legacy systems, there will be limited to no enhancements and the courts run the risk of being dependent upon a system that is end-of-life. For the benefit of the courts and the public they serve, it is imperative that the courts migrate to a system based on modern technology.

Fiscal Impact:

To estimate the vendor costs (e.g. licensing and professional services) of a new CMS for the nine courts in the FY 2018-19 CMS BCP, the courts used the pricing for the Tyler case management system vendor under an older MSA which expires in September 2018, with a 20% increase added to the licensing and

maintenance costs due to the age of the older MSA. This approach was used as the Judicial Council is in the process of negotiating four statewide master service agreements who responded to an RFP. The cost estimates for the Nevada Court which were not initially included in the 2018-19 CMS BCP were based off a court of similar size which had been included in the 2018-19. The cost estimates for each of the 10 courts will need to be validated/refined as part of the 2019-20 BCP process. Specifically, the costs associated with the software and professional services for the procurement of CMS software and deployment services will need to be refined as it is expected that the Judicial Council will have four master service agreements in place which will provide updated CMS pricing to utilize in estimating costs for each court.

Outcomes and Accountability:

An Interbranch Agreement (IBA) with each court will be used to facilitate the transfer of funds to the courts. The IBA contains provisions concerning reporting requirements that courts must adhere to. Each court will be responsible for monitoring day-to-day project activities and will make periodic reports regarding program performance and financial status. Accounting records will be supported by appropriate documentation. The courts will provide information regarding all fund expenditures to the council. The information requested may include, but is not limited to, performance and financial reports. Performance reports will contain a comparison of actual accomplishments to the objectives, for the reporting period. Results will be quantified wherever possible.

Projected Outcomes:

The outcomes resulting from this project will be a modern CMS which will provide the courts with access to modern features such as a document management system, provide on-line access to case information to the public and justice partners as well as operational efficiencies such as automating the capture of minute orders during courtroom proceedings. The specific outcomes will vary by court as each court will utilize different modules and features of a new CMS to best serve their constituency. A new CMS will also provide the courts with operational efficiencies. For example, providing the public with access to case data through a web portal will reduce staff time currently required to answer questions from the public at the counter or over the phone and allow staff resources to be redirected to perform other tasks.

Other Alternatives Considered:

Alternative 1: Status Quo/Do Nothing – Remain on Legacy Systems

As an alternative to the recommended solution, the 10 courts would not receive funding for the replacement of their case management systems, and will continue to use the legacy case management systems. The courts will be required to pay for the continued operation of their antiquated systems with reduced efficiencies and inadequate public access. These courts would also continue to have the risk of significant degradation to court operations upon a failure of these legacy case management systems.

Pros:

- No additional General Fund resources would be committed.
- Courts would not need to change current business practices.
- Does not require staff to be trained on new system
- Cost associated with deploying a new CMS would be avoided.

Cons:

- Legacy systems are no longer supported or maintained. The Court runs a serious risk of losing functionality when institutional knowledge is no longer made available through already limited resources.
- Inability to efficiently adapt to the diverse needs of the population served.
- Ongoing costs are drastically higher than alternatives and will continue to increase as resources become more limited and shared costs become inherited solely by the Court.
- Alternative funding options, such as two-percent automation, are ineffective options due to the urgent need in comparison with the necessary time to build funds utilizing this method.
- Continued data security risks and non-compliance with current and future standards.
- Hindrance in data mining ability, which will increase as institutional knowledge is lost with an aging workforce.
- Continued limitations on the public's access to justice services within the county.
- Potential for issues with justice partners as the Court's technological capabilities fall short of the current systems employed by justice partners
- Current systems are 32 bit applications while the newer operating systems are 64 bit.
- Current systems cannot readily integrate with modern document management solutions without extensive enhancements at significant cost.
- Current systems cannot readily enable data sharing due to the hierarchical database technology used.

Alternative 2: Provide General Fund in the amount of \$27.85 million in 2019-20, \$27.85 million in 2020-21, \$29.405 million in 2021-22, \$23.250 million in 2022-23, and \$23.654 million in 2023-24. This alternative assumes a trial court leads the development of a customized case management system solution for the ten courts and that the solution is hosted in a cloud hosting provider such as Amazon Web Services. The funding in the first three years are primarily focused on the development of the customized case management system. Funding in the fourth and fifth years includes a combined total of approximately \$11 million in one-time professional services to deploy the newly developed case management system to the nine courts. In addition to the one-time development and deployment costs, this alternative includes a significant on-going funding component. This on-going component is needed to support the maintenance and operations of the customized case management system as well as the hosting costs associated with it. For example, in 2022-23 it is estimated that on-going funding of \$17.586 million will be needed for maintenance and operations and that \$17.991 million will be needed in 2023-24

Pros:

- Completely custom to meet most court requirements
- System can be built to match business processes requiring less change management to court processes.

Cons:

- Significantly longer time (estimated 5 additional years) for design and development of custom product.
- The cost is much greater to develop and maintain a customized case management system for nine courts than a commercial off the shelf (COTS) solution.

- Developing a customized case management system has much greater project risk than using a COTS solution.
- Requires significant continued investment to incorporate development changes such as new releases and to remain current on the hosting stacks for nine courts.
- Duplicates efforts when off the shelf products exist.

Requesting Entity: Center for Families, Children and the Courts
Contact: Bonnie Rose Hough
Tracking Number: 19-18

Proposal Title: Establishing the Center for Self Help Resources recommended by the Chief Justice’s Commission on the Future of the California Courts

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund (JCC Self Help Center)	7.0	\$1,271,270	\$440,000	\$1,711,270	\$1,511,270	\$1,511,270
General Fund (Funding for self-help in trial courts)			\$22,000,000	\$22,000,000	\$22,000,000	\$22,000,000
Total	7.0	\$1,271,270	\$22,440,000	\$23,711,270	\$23,511,270	\$23,511,270

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$23,511,270	\$23,511,270	\$23,511,270
One-Time	\$200,000		
Total	\$23,711,270	\$23,511,270	\$23,511,270

Proposal Summary:

The Judicial Council requests an ongoing augmentation beginning in 2019-20 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 overseeing and reporting on self-help center funding provided to the courts. Staff would coordinate and convene self-help providers throughout the state, providing technical assistance, expertise and support regarding services, best practices and use of technology. Staff would be responsible for 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. 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 would be developed. A virtual clearinghouse of self-help resources would be created and maintained for the use of the courts.

This concept also requests funding to address the 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. However, if additional funds for self-help services, which are included in the Governor's proposed 2018-19 budget, remain intact this request will be reduced by the ongoing amount of \$22 million General Fund.

Background Information: The Judicial Council requests an ongoing augmentation to address a key recommendation of the Chief Justice's Future's Commission, which is to establish of a Center for Self-Help Resources within the Judicial Council in order to support the trial courts in providing self-help assistance. The tasks of the new center would include the following:

- Coordinating and convening self-help providers throughout the state, and facilitating relationships with local courts.
- Connecting with established community organizations that currently provide services to SRLs [self-represented litigants] and others.
- Developing and publishing best practices and guidelines for providing SRL assistance in all civil cases.
- Providing substantive and technical assistance to courts implementing programs and technology for self-help tools.
- Providing ongoing expertise to support court self-help centers.
- Maintaining, updating, and expanding the California Courts Online Self-Help Center to provide 24/7 assistance to SRLs.
- Developing and maintaining interactive self-help programs such as the early education programs recommended in this report.
- Developing and maintaining online support for e-filing modules as they are implemented by the courts, including online chat or telephone support.
- 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.
- Developing training programs and materials for non-lawyer facilitators to help SRLs in self-help centers or elsewhere.
- Creating a virtual clearinghouse of self-help resources covering all applicable case types.
- Maintaining and updating the "Equal Access" webpage on the California Courts website by providing self-help materials, videos and other online resources.
- Providing language access information and assistance for self-help providers.

As noted by the Future's Commission, on "the Judicial Council staff there is currently a single, senior attorney who devotes only a part of her time to providing coordination and subject matter expertise for self-help programs. Other individuals provide various types of support on a part-time basis. This limited staff support restricts the ability of courts and other self-help providers to maximize even those resources. Current staffing is insufficient to allow effective dissemination of information about ongoing self-help services in various courts, or similar programs elsewhere."¹

¹ Report to the Chief Justice: Commission on the Future of California's Court System, p. 48, footnote 43.

The Futures Commission recommended that the following staff be added to the staff currently working on SRL issues:

- Analyst and supervising attorney to provide small claims assistance through live chat, phone and email support. The analyst or supervising attorney would also build a database of common answers in a variety of languages, expand the self-help website, and explore online dispute resolution options for small claims.
- Analyst to provide live chat, phone or email assistance to people who have basic questions about online forms and document assembly programs such as Hotdocs or Odyssey Guide & File, make specific referrals to the self-help website, and identify problems where more detailed legal help is needed.
- Attorney with family law background to provide assistance to self-help center staff (online chat and services).
- Attorney with general civil background to provide assistance to self-help center staff (online chat and services)
- Analyst to help with various program maintenance, and migration to mobile-enabled sites.
- Media producer to create and maintain instructional videos.

It also recommended funding for:

- Translation contract for self-help materials.
- Subject matter expertise contracts to secure assistance with instructional materials and website content

The Legislative Analyst's Office has recommended that the branch contract for an independent evaluation of the cost effectiveness of providing self-help assistance for the courts. Funding for a contractor for that project has been included in this proposal.

Justification:

The number of self-represented litigants continues to increase in California and this national trend shows no sign of abating. While new funding for self-help centers will provide significant assistance, the courts have reported a need for \$62 million in additional funding and the proposed augmentation in 2018-19 is only \$19.1 million. It is critical that those dollars be spent effectively and that any resource developed by local courts be adapted for statewide use and shared broadly, in order to prevent duplication of effort. Sharing court innovations and best practices is key to an efficient and effective delivery system. This type of sharing, technical assistance and support are all key elements of the recommendations made by the Chief Justice's Commission on the Future of the California Courts.

The proposal will provide staffing to help coordinate resources between the courts, provide for on-line services for areas where no small claims advisor services are available, and to ensure that court self-help staff are well trained and supported to provide appropriate services. This is especially critical in light of expansion of self-help in the courts with new staff. Those staff will need extensive initial training, but they will also bring with them creative ideas that can be shared with the rest of the state if there are ways to share that information through webinars, educational events or other means.

Similarly, as the courts expand self-help into areas such as consumer debt, landlord/tenant and general civil cases, it will be critical to develop new self-help resources for the website and courts. Those resources should be written or adapted for statewide use. Attorneys are needed for the development and review of these materials and resources for the public. Providing more on-line resources and support at a statewide level dramatically leverages the work of staff in the self-help centers by encouraging those persons who can complete all or some of their own legal work on-line to do so, and by freeing up the staff in the courts to provide in-person assistance to are unable to use those on-line resources or have more complex problems.

Fiscal Impact:

The costs for this project are projected based upon the recommendations of the Futures Commission and current salary and benefit structure for those recommended positions. Projections for the one-time cost-benefit analysis is based on a proposed level of effort identified by the Legislative Analyst’s Office. Costs of translation and self-help resources is based upon past experience when grant or other designated funds have become available for developing self-help resources.

Outcomes and Accountability:

The Center for Self-Help Resources will prepare regular reports for the Judicial Council on its work. Those reports will note services provided including technical assistance, trainings, new materials developed for the self-help website or for self-help center staff use. It will report on Google analytics and other metrics of website use of both self-help resources as well as staff resources. The Center will gain feedback on its work to support the courts through surveys of the courts and focus groups or interviews to probe for methods to expand and improve services. Workshop and webinar attendees will be asked to provide evaluations of those events and those evaluations will be reviewed to determine ways to improve those trainings.

The on-line small claims advisor will report on numbers served, types of legal issues addressed and service provided. Customer satisfaction data will be collected. Methods to determine the effectiveness of the assistance will be explored including case file review, interviews with judicial officers and courtroom observations.

Projected Outcomes:

Workload Measure	2016-17 Past Year	2017-18 Past Year	2018-19 Current Year	2019-20 Budget Year
On-line small claims questions answered	0	0	0	12,000
Webinars on best practices & legal updates	0	0	0	12
Develop training program and curriculum for non-lawyer assistants	0	0	0	1
Livechat hours offered	0	0	80	1000

Other Alternatives Considered:

Alternative #1: Do not approve additional funding for Judicial Council staff or additional Self-Help Funding.

Pros:

- No impact to the General Fund.

Cons:

- There will continue to be limited coordination of resources on a state level. Courts will duplicate efforts in developing resources unnecessarily.
- Fewer people will be served since efficient practices cannot be shared broadly and technical assistance will not be available.
- Few on-line resources, such as forms completion programs, will be available to the public, requiring more time spent for the courts and the public
- Many parts of the state will not be able to provide assistance with small claims matters

Alternative #2: Provide only 5 of the 7 staff positions recommended by the Future’s Commission

Pros:

- This will increase coordination of services and enable all courts in the state to provide improved services.

Cons:

- Requires additional General Fund resources.
- There is a greater likelihood of duplication of efforts between courts throughout the state, and fewer new resources developed than if the team recommended by the Futures Commission is appointed.

Requesting Entity: Judicial Council Branch Accounting and Procurement
Contact: Bobby Brow
Tracking Number: 19-20

Proposal Title: Implementation of Phoenix Roadmap

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	11.0*	\$779,000**	\$9,075,000***	\$9,854,000	\$8,167,000	\$8,488,000

**11.0 positions to be phased in over 3 years, as needed to support incremental project improvements:*

2019-20 – 5.0 positions; 2020-21 – 5.0 positions; 2021-22 – 1.0 position.

***This is only for the 5.0 positions added in 2019-20.*

****This is only for Operating Expenses & Equipment in 2019-20.*

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$4,142,000	\$5,633,000	\$6,711,000
One-Time (License and migration costs)	\$5,712,000	\$2,534,000	\$1,777,000
Total	\$9,854,000	\$8,167,000	\$8,488,000

Proposal Summary:

The Judicial Council requests an augmentation of \$9.854 million General Fund in 2019-20, \$8.167 million in 2020-21, and \$8.488 million in 2021-22 and ongoing cost to maintain the Phoenix enterprise resources management system, deploy the requisite upgrade of the Phoenix system’s software and infrastructure, and add critical day-to-day business functional improvements. This request includes funding for 11.0 positions in the Phoenix Program Center of Excellence and Shared Services Center to support required functional improvements to the system and to continue rollout of the statewide HR Payroll solution. The request would shift the funding for standard maintenance (hosting and system integration contracts) of the statewide system from the State Trial Court Improvement and Modernization Fund (IMF) of \$3.265 million to the General Fund of \$3 million. As a result of the proposed upgrade, the Judicial Council is expected to save approximately \$265,000 annually for hosting costs, which is reflected in ongoing cost estimates.

Background Information:

The Phoenix Program manages the financial and procurement system and processes for the 58 trial courts, and the payroll system and processes for 13 trial courts. There are currently eighty-nine (89) total program staff that includes operational, system, and administrative positions in Branch Accounting and Procurement and Judicial Council Information Technology services offices. These staff perform duties for the trial courts similar to what the following departments do for state agencies: FI\$Cal Department, State Controller's Office, and State Treasurer's Office. Phoenix is an SAP system hosted at the California Courts and Judicial Council Technology centers. The Phoenix system's last major upgrade was completed in 2008-09, and at present is approaching the product's end-of-support. Existing available resources are insufficient to upgrade and modify the system to the required state.

Justification:

This request will provide funding to maintain the administrative infrastructure for the trial courts provided by the Phoenix Program. If approved, the funding will allow the Judicial Council to:

- Maintain investment in Phoenix Financial and HR Payroll system, implement a more modern and supportable platform, and stay ahead of the end-of-life of the current on-premise version of SAP;
- Continue to deploy Phoenix HR Payroll services to trial courts statewide that have requested and need this alternative;
- Meet the functional requirements of the trial courts not completely fulfilled by efforts to date, and;
- Provide more stable funding for a judicial branch administrative infrastructure enterprise solution by shifting the funding for the Phoenix Program from the IMF to the General Fund.

Although a technical upgrade was performed in 2008-09, the current Phoenix *user interface* is based on 1997 technology which is not considered efficient, nor does it provide a satisfactory user experience by today's standards. The planned upgrade will implement design and development capabilities using more current universally standard and supportable technology, and introduce an optimized database that will improve processing speed for transactional processes and reporting. This request also addresses functional needs that the trial courts have long requested, such as, robust budget planning tools, a document management repository, enhanced contract solicitation and monitoring, talent management, and analytics allowing for more efficient data handling and presentation. These tools will better inform court management, and increase Judicial Council staff's effectiveness in supporting the system, as well as, trial court staff's effectiveness in using the system.

As stated above, the last major Phoenix Project occurred in fiscal year 2008-09. This successful implementation included the following accomplishments:

- Upgrade of the Phoenix SAP system
- Complete the deployment of Finance modules to all courts, including Los Angeles Superior Court;
- Implementation of Employee- and Manager-Self Service for courts participating in Phoenix Payroll, and;
- Stabilization of the Phoenix HR Payroll functions and creation of a toolkit to continue deployments statewide.

Due to budget constraints, the Phoenix Program has operated in “lights-on” maintenance mode since then, with only incremental improvements and additional payroll deployments to small courts as baseline resources would allow.

The following are the areas that now require attention, and are included in this request.

Phoenix Platform

Certain pre-requisites must be addressed to keep the Phoenix Program current with the SAP and Judicial Council’s Enterprise roadmaps. These include a migration to a modern Cloud-based environment, and additional software licenses to support use of the new platform.

In 2013 SAP released, a new SAP HANA database and appliance, as well as, a new version of SAP S4HANA application, optimized for use of the HANA database and appliance. A future date of 2025 was announced as the date by which all customers must adopt the new S4HANA version, for which the HANA database and appliance are prerequisites. Although the requirement to upgrade to the new S4 HANA version by 2025 seems far in the future, several factors necessitate early adoption of the underlying platform (HANA database and appliance), and a later separate upgrade to the S4 HANA version:

- The transition to S4HANA will be a major upgrade with significant change management (i.e. communication and training) required for users in all 58 trial courts across the state.
- Adoption of the SAP HANA database and appliance is also a major project, but is technically possible with very little change management required to users, significantly reducing the risk of failure for a large statewide project.
- With implementation of the SAP HANA database and appliance, performance improvements will be experienced by users in trial courts across the state.
- The SAP HANA database and appliance are widely accepted as stable platform components, and migration to this platform also provides the opportunity to update the existing hosting agreement. Efficiencies in streamlined support processes for Judicial Council staff will be gained by migrating from the existing California Courts Technology Center to a new SAP HANA database in a modern cloud environment. Migration will also result in an estimated annual savings to the branch of \$265,000 in hosting costs, which are currently paid using IMF funding.
- Each project listed as a required functional improvement will take between 6 to 9 months to deliver after competitive solicitations that could add another 3 to 6 months to the project. It is possible to stagger procurement and projects to some extent. However, the recommended strategy will allow the upgrade and improvements to be delivered by 2023, leaving enough time for the major upgrade to the new SAP S4HANA version ahead of the 2025 published end of life of the current Phoenix version.

Phoenix HR Payroll Deployments

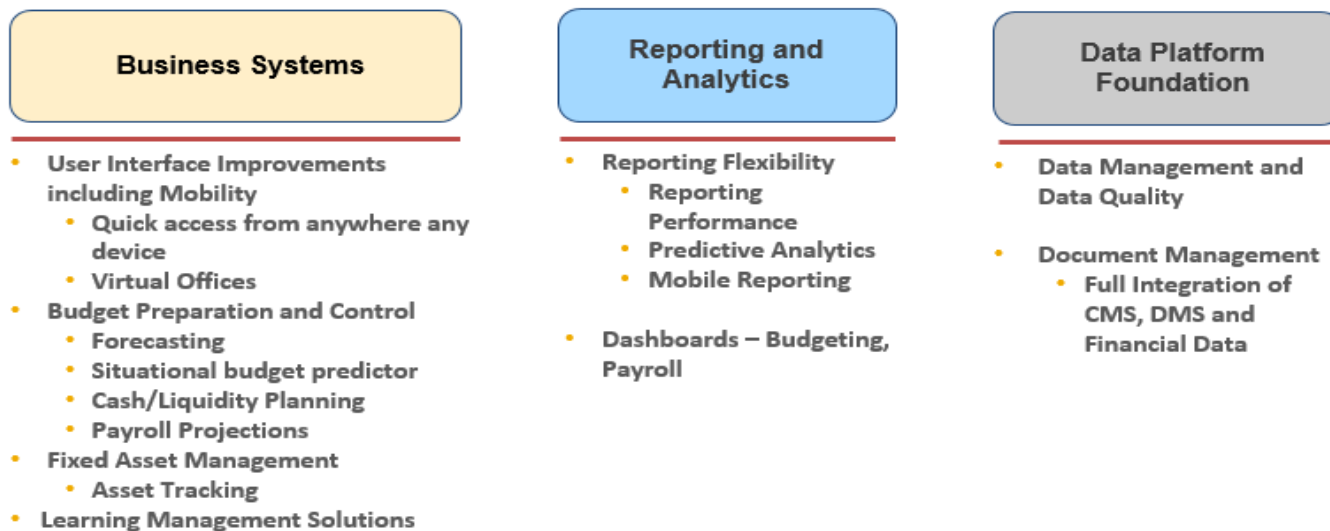
According to JC Directive 131, Phoenix HR Payroll is an optional service to individual trial courts, subject to available resources. The significant benefit to the courts that use the Phoenix Payroll System is the inherent integration to the Phoenix Financial System. Because Phoenix is one integrated system, payroll results are automatically posted to financial ledgers with internal references to the payroll system. This integration makes reconciliation analysis much more efficient and accurate because analysts can

transparently bounce back and forth between financial and payroll records. 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. A growing list of trial courts are interested in deployment projects, and 7 have expressed their desire to transition to Phoenix HR Payroll over the next 2 years. To provide these services, some consulting backfill and travel funds are required for the one-time deployment period, as well as ongoing staff to support the additional work of the Program from the added courts. This will also position the Phoenix Program to deploy to and support more deployments over the following several years.

Phoenix Required Improvements

In fiscal year 2015-2016, the Program began a Phoenix Roadmap campaign to identify the trial courts’ needs and build a plan to support them. Input to the roadmap was gathered from the original Phoenix Program Requirements Traceability Matrix, a survey of the trial courts, and a facilitated workshop with financial, procurement, and payroll representatives from the trial courts. The stakeholder survey was issued in the fall of 2016. We received a total of 76 responses from 46 courts. In the winter of 2016, The Phoenix Program conducted a “Design to Value” workshop with 39 stakeholders from 19 trial courts and the Judicial Council.

Eight final use cases were identified as priority items in three major categories, as follows:



Phoenix Funding

Fiscal Impact:

Phoenix is a statewide program that benefits all trial courts, with the exception of two optional support programs that have specific participation and are funded by reimbursement from the Trial Court Trust Fund (Phoenix Payroll and Virtual Buyer services). As such, this request is for General Fund resources to implement new functionality, and to shift IMF funds that are currently used for hosting and consulting services to support and maintain the system to the General Fund.

Quotes for hosting and software were provided by current vendors SAP and Epi-Use, based on the use cases presented above, and current and expected utilization of Phoenix System resources. To upgrade the system, migrate to a cloud environment, implement and support all required new functionality including HR Payroll Deployments, one-time license and migration costs over three years are estimated to be \$10,023,000. In 2019-20, one-time costs of \$5,712,000 are estimated.

Ongoing additional annual costs of the upgraded and improved system at the end of the three-year period, are estimated at \$6,711,000, which includes 11.0 new staff. New staff will be added incrementally as needed to support the approved projects. This amount also includes a shift of funding from the IMF (\$3.265 million) to the General Fund (\$3 million), reflecting an expected \$265,000 annual savings from current hosting due to the cloud migration.

Outcomes and Accountability:

The Phoenix Program's project management includes certification by SAP and follows SAP's proprietary Accelerated SAP methodology when implementing any new functionality to remain compliant with maintenance agreements, and to effectively optimize time, people, quality and other resources. The Phoenix Program practices a strict Change Control process monitored by a seasoned Project Management Office under the direction of the Director of Branch Accounting and Procurement. Trial courts will be involved in all phases of the implementation projects. The Phoenix Program will continue to partner with trial court stakeholders, including conducting user groups, follow-up surveys and workshops to ensure that requirements are met.

Projected Outcomes:

An estimated \$265,000 ongoing cost savings are expected from migration to the Cloud. Part of this migration is an upgrade to SAP's "HANA" business suite, which will improve performance of the system. Statistics provided by SAP on the HANA platform include the following:

- Reports that currently take hours to render will render within seconds
- Transactions will process approximately 50% more quickly
- Database size will be compressed by 1/5
- There will be the ability to model report in an ad hoc fashion saving time in the design phase and increasing speed to implementation.

Seven of the additional requested resources will address bandwidth issues that would otherwise keep the Judicial Council from providing required HR Payroll services to trial courts who need them. At least seven courts receive inadequate services from their current service providers and require the assistance of the Judicial Council for transition to the statewide Phoenix administrative platform in the next 2 years. These seven new resources will allow the Judicial Council to deploy the HR Payroll solution to these additional courts and position the Program to support more courts in the future who have also expressed interest in HR Payroll services.

With implementation of the required functional improvements, the trial courts will experience administrative efficiencies that they have long requested. Automation of the following process areas is expected to improve accountability and transparency, and free up resources to perform less tedious manual work and instead more valuable professional and analytical work for both Judicial Council and trial court staff:

Reporting/Analytics

- Improve decision making processes through flexible self-service reporting solutions; real-time business intelligence; simple information consumption, and personalized dynamic reporting

Budget Preparation

- Automated tools to build budgets based on prior year data or zero-based; replace manual processes and non-integrated workbooks; make better decisions based on what-if analysis and scenario planning; shrink cycle times, close the books faster and align budget plans with strategic goals

Document Management

- Organized/indexed repository of scanned or emailed supporting documents; promotes more efficient digital/paperless culture desired by the branch; significantly reduces cost for paper and reduces paper handling inefficiencies; provides workflow of current manual document sharing and approval processes and leverages branch-wide solution for (enterprise) content management

Talent Management

- Performance Management – Improve employee performance by providing capability to track and ensure timely evaluations; align employee performance with goals and objectives and allows the capability to engage in the innovative Continuous Performance Management model
- Learning Management – Improve employee performance and meet training requirements with the ability to easily develop, deploy and manage a comprehensive learning program
- Recruiting – Enhanced ability to source, engage and hire the best talent by providing comprehensive job posting, marketing and management across the hiring lifecycle. Address various talent acquisition needs including filling talent gaps for immediate hiring needs and building a talent pipeline for strategic growth
- Onboarding – Develop new hires quickly, turning them into productive employees and enabling them to begin contributing faster
- These talent management services can be enabled for all courts, whether or not they utilize core Phoenix HR Payroll services.

Enhanced Procurement

- Improve contract compliance and realize savings by integrating with backend systems; integrated solution from Sourcing and Solicitation through Contract Management; includes Document Builder to incorporate custom and standard Terms and Conditions on-line; and simplify maintenance of configuration to comply with Judicial Branch Contract Law.

Other Alternatives Considered: (All alternatives include funding for hosting and system integrator contracts that are currently paid from the IMF. Current costs are \$3,265,000. A savings of \$265,000 per year is expected if Upgrade/Cloud Migration is approved.)

Alternative 1. Provide \$4,939,000 one-time and \$3,697,000 ongoing in 2019-20; Plus, an Additional \$1,264,000 one time and \$4,714,000 ongoing in 2020-21 to Support the Required Upgrade/Cloud Migration and Platform Improvements (Flexible Analytics and Enterprise Content Management) and Phoenix Payroll Deployments.

Pros:

- This alternative addresses the truly mandatory portion of the request and required platform improvements for reporting and document management.
- The branch is expected to experience \$265,000 in annual savings from the current hosting agreement.
- This option will reduce the need for ongoing resources from the IMF.

Cons:

- This alternative does not address all of the functional improvements the courts require.
- Disparate manual processes or other local solutions will continue to be required to manage budget preparation, contract management and solicitations, and human resources functions.

Alternative 2. Provide \$3,750,000 one-time and \$3,385,000 ongoing in 2019-20; Plus, an additional \$490,000 one-time and \$3,900,000 ongoing in 2020-21 to Support the Required Upgrade/Cloud Migration and Phoenix Payroll Deployments.

Pros:

- This alternative addresses the truly mandatory portion of the request.
- The branch is expected to experience \$265,000 in annual savings from the current hosting agreement.
- This option will reduce the need for ongoing resources from the IMF.

Cons:

- This alternative does not address the functional improvements the courts require.
- Requirements for enhanced analytics and document management will not be met, and Judicial Council and trial court staff will continue to rely on inefficient manual workarounds and non-integrated third-party tools.
- Disparate manual processes or other local solutions will continue to be required to manage budget preparation, contract management and solicitations, and human resources functions.

Alternative 3. Provide \$3,000,000 ongoing in 2019-20 to Shift Funding from IMF to General Fund for Hosting and System Integration Support of the Phoenix System.

Pros:

- This option will reduce the need for ongoing resources from the IMF.

Cons:

- Courts requiring transition assistance from unacceptable payroll solutions to Phoenix Payroll will not be accommodated.
- Court users will not experience required functional improvements or platform improvements as described above.
- The current hosting agreement is outdated, and needs to be replaced.
- Support for the current version of SAP is set to expire in 2025. To meet this target, the JCC will require planning for a more complex and higher risk upgrade by fiscal year 2021.

Requesting Entity: Facilities Services
Contact: Mimi Morris
Tracking Number: 19-22

Proposal Title: Trial Court Facility Operations and Maintenance

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	--	--	\$31,400,000	\$31,400,000	\$31,400,000	\$31,400,000

Detailed Funding by Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$31,400,000	\$31,400,000	\$31,400,000
One-Time	--	--	--
Total	\$31,400,000	\$31,400,000	\$31,400,000

Proposal Summary: The Judicial Council of California (JCC) requests an ongoing General Fund augmentation of \$31,400,000 to provide funding to close the growing gap between County Facilities Payments (CFPs) and the actual trial court facilities operations and maintenance (O&M) costs they are intended to cover. There has been no inflationary increase in the CFPs for 9 years and insufficient funding is causing the Judicial Council to operate trial court facilities on a “run to failure” basis. The requested funding is necessary to ensure that proper preventative maintenance occurs in order to avoid costlier (and earlier than expected) system replacements.

Background Information: Senate Bill 1732, the Trial Court Facilities Act of 2002 (Stats. 2002, Ch. 1082), established the Court Facilities Trust Fund (CFTF) to support O&M of trial court facilities. The statute provided for the transfer of responsibility of the trial court facilities from the counties to the state and also requires counties to make quarterly remittance to the state, in the form of CFPs. The basis of the CFPs 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 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.

As such, the program’s budget has remained relatively flat over the years; however, in the same period an additional 3 million square feet of new courthouse space has been absorbed into the maintenance program. 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).

Justification: The request supports the JCC’s strategic goals by means of sustaining court facilities at an industry standard level of service to avoid negatively affecting trial courts to discharge their duties as required by statute. The ongoing augmentation will supplement the CFPs provided by counties, allowing the JCC to provide a level of service above 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 and escalators. The table below reflects inflationary SAL shortfalls the JCC has absorbed over each of the last several fiscal years:

FY	CFP	Square Footage	% of CFP to Sq. Ft.	Suspended Estimated SAL Shortfalls
2014-15	96,449,582	11,934,230	12.4%	\$ 217,213
2015-16	96,184,919	12,118,669	12.6%	4,774,759
2016-17	96,523,403	12,118,669	12.6%	5,751,946
2017-18	96,013,435	12,000,764	12.5%	4,426,219
Total Shortfall				\$ 15,170,138

Unfunded trial court O&M costs require the JCC to absorb these facilities cost increases within existing—but limited resources; thereby deferring preventative maintenance. According to a recently published report titled “Guidelines for Life Cycle Cost Analysis” by Stanford University—replacement costs grow in scope (upwards of 30X) the more prolonged a repair or deferring of preventative maintenance occurs. This has resulted in existing CFP dollars being thinly allocated to cover more buildings and/or more square footage. Prevention not only saves money, but it helps facilities avoid replacement—which requires capital assets and often an extensive process from evaluation and design to funding and implementation. By nature, preventative maintenance is the least disruptive, singular in resolution, planned for in advance and often includes training for future maintenance. Most of all, it helps reduce building failure and poor conditions that can negatively impact mission critical building operations, a company’s image, tenant retention, energy efficiency and employee morale.

Government Code 70351 states, “It is the intent of the Legislature in enacting this section to provide a source of funding for the ongoing operation and maintenance of court facilities by requiring each county to pay to the state the amount that county historically expended for operation and maintenance of court facilities. *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.*”

Fiscal Impact: This request will provide \$31,400,000 from the General Fund to support O&M—which is composed of maintenance and utility costs. The use of the last state-wide competitive proposal study (2011) for routine maintenance adjusted for escalation using the Department of Finance (DOF), Consumer Price Index (CPI), and unfunded preventative maintenance resulting in a funding gap of approximately \$14,100,000. Additionally, this shortfall was adjusted by needs of the rising maintenance and utility

[energy] costs, which have left the fund in a shortfall position that requires augmentation—as the cost estimates provided in this request were determined using budgeted to actual valuations.

Outcomes and Accountability: On an annual basis, the Judicial Council tracks the number of routine preventative maintenance (Level A) and unscheduled maintenance work orders (Level B) that are completed to assess the management and oversight of the trial court facilities operations and maintenance program. This will ensure adherence to performance standards, preventative maintenance schedules, quality control requirements, and compliance to federal, state, and local codes and regulations to avoid exposing the state to fines and possible building closures or disruption to court services. Facilities and security equipment will continue to age and require additional service calls at a rate that exceeds our ability to replace them.

Projected Outcomes:

Approval of this proposal will provide the funding necessary to maintain trial court buildings so court operations will not be negatively impacted and to align maintenance strategies with industry standards. Additionally, it will allow for improved preventative maintenance service levels, reduce anticipated long-term repair costs, and re-establish confidence in a state managed trial court facility program. The below table reflects the increase of current and projected work requests (routine to preventative jobs) that would benefit impacted by the approval of this proposal. With the increase in funding for preventative maintenance, we anticipate that unscheduled work orders will decrease—thereby limiting the exponentially increased costs related to operating on a “run to failure” basis.

Workload Measure	2017-18	2018-19	2019-20	2020-21	2021-2022	2022-23
Routine Maintenance Requests	51,600	50,799	53,425	54,362	55,284	56,234
Preventative Maintenance Work Orders	16,874	18,591	18,871	19,151	19,431	19,711

Other Alternatives Considered:

Alternative #1: Provide a General Fund augmentation of \$21,400,000 (\$12,300,000 for utilities and \$9,100,000 for O&M) beginning in 2019-20 and ongoing to support the operations and maintenance of newly constructed and renovated trial court facilities.

Pros:

- This will allow the Judicial Council to provide ancillary funds for utility and maintenance costs for newly constructed and renovated court facilities.

Cons:

- Results in additional General Fund resources being utilized.
- This alternative will not provide resources to fully fund routine maintenance on 325 buildings or 12,000,764 square feet of space.

- This will result in the continued degradation of the portfolio (aside from newly constructed/renovated facilities), which will eventually affect the day-to-day operations of court facilities in California to a point where one or more facilities will have to be temporarily closed because of a building system failure.

Alternative #2: Provide a General Fund augmentation of \$9,100,000 beginning in 2019-20 and ongoing to support the maintenance costs for newly constructed and renovated courthouse facilities.

Pros:

- This will allow the Judicial Council to provide ancillary maintenance costs for newly constructed and renovated court facilities under SB 1732 and SB 1407 programs.

Cons:

- Results in additional General Fund resources being utilized.
- This alternative will not address cost increases in utilities expenses.
- This alternative will not provide resources to fully fund routine maintenance on 325 buildings or 12,000,764 square feet of space.
- This will result in the continued degradation of the portfolio (aside from newly constructed/renovated facilities), which will eventually affect the day-to-day operations of court facilities in California to a point where one or more facilities will have to be temporarily closed because of a building system failure or the inability to fund day-to-day operating expenses including utilities.

Alternative #3: Status Quo: Do not provide a General Fund augmentation for maintenance and utility costs at all trial court facilities.

Pros:

- No need for General Fund resources.

Cons:

- This will result in the continued degradation of the entire portfolio, which will eventually affect the day-to-day operations of court facilities in California to a point where one or more facilities will have to be temporarily closed because of a building system failure or the inability to fund day-to-day operating expenses including utilities.

Requesting Entity: Facilities Services/Security Operations Unit
Contact: Edward Ellestad
Tracking Number: 19-23

Proposal Title: Trial Court Security Systems and Equipment-Maintenance and Replacement

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	--	--	\$6,000,000	\$6,000,000	\$6,000,000	\$6,000,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$6,000,000	\$6,000,000	\$6,000,000
One-Time	--	--	--
Total	\$6,000,000	\$6,000,000	\$6,000,000

Proposal Summary: The Judicial Council of California (JCC) requests an ongoing augmentation of \$6 million from the State General Fund beginning in fiscal year 2019-20. To refurbish and/or replace failing security equipment including, but not limited to camera surveillance, physical access controls, duress alarm systems, and Programmable Logic Controller (PLC) systems used to interface with secure court holding areas. Additionally, this augmentation would provide for maintenance and training for the web-based Continuity of Operations Planning (COOP) tool used by both the JCC and courts.

Background Information: Security systems—consisting of cameras, access controls, duress alarms, and PLC systems are vital components in ensuring the safety and security of the public, judicial officers, and court personnel. Many trial court facilities have aging or inadequate security systems that were in place when the facilities transferred from county to JCC oversight. Due to lack of security specific funding to address costs associated with the repair and replacement of these systems, many are operating on a “run to failure” basis or approaching technological obsolescence.

Justification: The administration of justice provides an open, welcoming atmosphere to the public--as such, courthouses have been identified as the weakest link in the criminal justice security chain. Many of the security systems in trial court facilities are past the end of their lifecycle and are failing. This augmentation will allow needed security systems to be properly maintained and/or replaced in a cost effective, efficient and timely manner; improving the safety and security of the public, judicial officers, and court personnel.

This proposal will allow the JCC to assist courts, which lack the resources to adequately maintain existing systems, with the required maintenance, repair, and replacement where applicable. The use of existing competitively bid master agreements would be utilized, resulting in consistent quality, pricing and response times.

In 2014, the Judicial Council, with the assistance of trial court staff, conducted a comprehensive inventory of security systems including security camera, access control and duress alarm systems, in court facilities to identify the age, size, make and condition as well as the managing party. No such inventory of equipment had previously been conducted. A total of 681 systems in 305 buildings were analyzed. New courthouses opening after 2014 were not included in this inventory. However, the systems in these new courthouses are added to the maintenance portfolio and represent a significant maintenance cost increase, by increasing the number of systems requiring service.

This request includes the estimated costs associated with maintaining the systems in the new courthouses and addresses the maintenance and replacement of existing camera, access, holding control (PLC), and duress alarm systems managed by the Judicial Council and the trial courts.

Cost Annual	Total Annual
Repairs & Maintenance	1,500,000
Replacement, Refresh, Improvement	4,300,000
Continuity of Operations Planning Tool- Maintenance & Training	200,000
Total Annual	6,000,000

Beginning in 2018-19 an in-depth evaluation of security systems will be conducted to identify those systems with the greatest need of attention, and develop a prioritization plan for a comprehensive replacement, refresh and maintenance program.

If this proposal is not approved, security systems will continue to fall into disrepair, encounter increased occurrences of system obsolescence, and eventually result in predictive failure culminating in a systematic breakdown on court security and threatening the safety of all of its users. Additionally, allowing the continuation of the “run to failure” methodology makes the situation worse. This is due to recent technological advances in which existing analog video components are no longer being supported and/or available--making piecemeal repairs costlier, difficult or impossible to perform.

No dedicated funds are currently available for the maintenance and replacement of security equipment in our trial court facilities. Approximately \$300,000 has been allocated on a one-time basis in each fiscal year since 2015-16 to perform emergency repairs on a portion of the security systems. However, these funds were allocated with the understanding that they would not be available on an ongoing basis. The condition of many of these systems, due to age and technical obsolescence, makes addressing the problem critical. The court’s aging electronic security systems are in desperate need of dedicated funding to address repairs, replacements, and regular refreshing of components to ensure the availability of parts needed for future repairs, and technical support assistance from manufacturers—which are essential to maintaining functional security systems.

Fiscal Impact: This request will provide \$6 million from the State General Fund to support the maintenance and replacement of statewide security systems in court facilities. In 2014, JCC staff completed a comprehensive inventory of security systems in court facilities to identify the age, size, make and condition of the systems. Previously, no such inventory of security equipment had been completed. The results of the inventory project identified over 550 cameras, access control and duress alarms, of which the majority (80%) of these systems were 8-15 years old. The cost estimates provided in this request were determined using previous installation costs for various sized systems, maintenance costs based on actual expenditures, and pricing identified in current master agreements with equipment and service vendors.

Outcomes and Accountability: Security improvement projects can be measured by the effect security systems have on the overall security profile of the courts. Security systems address threats, reduce vulnerabilities and their associated risks in maintaining public safety. As aforementioned, the majority of the existing security systems are 8-15 years old, and are at or near the end of their expected serviceable life. Security systems purchased and/or maintained with the proposed funds will be overseen and approved by the Trial Court Security Advisory Committee. The systems will be monitored and accounted for using appropriate inventory tracking methods and standard general accounting principles.

Projected Outcomes:

Workload Measure	2016-17 Past Year	2017-18 Past Year	2018-19 Current Year	2019-20 Budget Year
Security Systems Replacement and Refresh, and COOP maintenance and training	0	0	0	50
Security Systems Maintenance and Repair			0	380
Emergency Repairs	330	310	0	0

Other Alternatives Considered:

Alternative #1: Provide a State General Fund augmentation of \$4,000,000 for the maintenance, repair and replacement of existing failed security systems.

Pros:

- Allows for the maintenance, repair and replacement of some of the failed security systems, including COOP.
- Results in a reduced amount of State General Fund resources being utilized.

Cons:

- This alternative would lessen the ability of the JCC to address the current backlog of systems needing replacement or a major refresh of components, which have reached, or are approaching functional obsolescence.
- Does not provide for the systems required to adequately address threats and reduce vulnerabilities and their associated risks to maintain the safety of the public and court staff.

Alternative #2: Provide a State General Fund augmentation of \$2,000,000 for the maintenance of existing security systems.

Pros:

- Allows for only the maintenance of existing security systems including COOP.
- Results in a reduced amount of State General Fund resources being utilized.

Cons:

- This alternative would not provide sufficient funding to address the ongoing needs for replacement, refresh and maintenance of security systems.
- This alternative would result in continuing to operate these systems on a run-to-fail basis.
- Does not provide for the systems required to adequately address threats and reduce vulnerabilities and their associated risks to maintain the safety of the public and court staff.

Alternative #3: Status Quo: No funding for maintenance, replacement or improvements of security systems.

Pros:

- No additional State General Fund resources are utilized.

Cons:

- This alternative will result in the continued deterioration of security systems throughout the courts, creating additional security vulnerabilities, risks and liabilities.
- Does not provide for the systems required to adequately address threats and reduce vulnerabilities and their associated risks to maintain the safety of the public and court staff.

Requesting Entity: Judicial Council
Contact: Donna Newman
Tracking Number: 19-26

Proposal Title: Fund Shift of Civil Assessment Revenues

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Revenue Backfill	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	0.0	\$0	\$105-155 million	\$105-155 million	\$105-155 million	\$105-155 million
TCTF			-\$105-155 million	-\$105-155 million	-\$105-155 million	-\$105-155 million
Total			\$0	\$0	\$0	\$0

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$105-155 million	\$105-155 million	\$105-155 million
One-Time	\$0	\$0	\$0
Total	\$105-155 million	\$105-155 million	\$105-155 million

Proposal Summary: Proposal to shift the deposit of revenues from the TCTF to General Fund of \$105-155 million to support the base court operations, including the \$48.3 million in Maintenance of Effort (MOE buyout), into the General Fund instead of the Trial Court Trust Fund (TCTF) to provide an ongoing General Fund appropriation to provide a stable funding source for the courts.

Background Information: With the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997, responsibility for trial court funding transitioned from the counties to the state. The Act provides that counties make a maintenance of effort (MOE) payment to the state each year to support court operations, as specified in statute. This amount was originally outlined in AB 233 (Stats. 1997, Ch. 850) to be \$1.181 million. Over the next several years, counties MOE obligations were adjusted further through AB 1590 (Stats. 1998, Ch. 406), AB 2788 (Stats. 1998, Ch. 1017), SB 815 (Stats. 2007, Ch. 383), and finally in 2006-07, AB 227 (Stats. 2007, Ch. 383). While most of the reductions were backfilled by the General fund this final adjustment reduced the amount contributed by the counties to \$659 million; which resulted in an ongoing reduction of \$48.3 to support court operations.

In order ensure that court operations would not be held harmless by this action, the Judicial Council enacted a policy to amend the distribution of civil assessment revenue to replace the \$48.3 million lost from the MOE payments. Previously, all collected civil assessment revenue was returned to each court on

a dollar-for-dollar basis. To recover the \$48.3 million shortfall from MOE payments, the Judicial Council withholds \$48.3 million from civil assessments revenue collected by the courts before distributing the remainder back to the courts on a dollar for dollar basis. The \$48.3 million retained from civil assessments to make up the MOE shortfall is then allocated back to the trial courts based on the authorized allocation methodology to support court operations.

Civil assessment revenues are imposed pursuant to Penal Code (PC) 1214.1 which assess up to three hundred dollars (\$300) penalty against a defendant who fails to appear in court for a proceeding or fails to pay all or any portion of a fine ordered by the court. This assessment is deposited in the TCTF as provided in Section 68085.1 of the Government Code. The average amount of civil assessment revenue collected over the last five fiscal years, excluding 2015-16 and 2016-17 for the impact of amnesty, is estimated at \$155 million, including the \$48.3 million shifted to cover the MOE shortfall, however, recent projections indicate that we will receive civil assessment revenue in the amount \$105 million in 2017-18.

Justification: Advocacy groups, the Federal Department of Justice, the state’s legislature and the Judicial Council have been highlighting how the imposition of increased fines and fees impact the people served by the judicial branch.

Chief Justice Cantil-Sakauye, in her March 2018 state of the judiciary address to the legislature, questioned if, when turning to the needs of the California court users who are indigent and accused “is money bail safe and is it even fair?” she continued to quote Attorney General Robert F. Kennedy from 1964 who, when asked about the money bail system, replied, “it is a vehicle for systematic injustice” and that it is “cruel and the cost of that system is needless.”

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 helps remove that conflict of interest by breaking the direct link between the imposition of the assessment and the court’s funding source. 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 that help support their court specifically, the overall need for access to justice for all Californian’s can be the focus.

In addition, this request will help meet the Judicial Council’s goals to provide more stability in revenues supporting the base court operations funded by the TCTF. Removing the fluctuations in civil assessment revenues will assist the courts in maintaining current services without the concern of declining future revenues.

Further, the Legislative Analyst Office (LAO) recommended in their January 2016 report that most criminal fine and fee revenues should be deposited into the General Fund for subsequent appropriation by the Legislature in the annual state budget. This was reiterated in the 2017-18 LAO report Governor’s Criminal Fine and Fee Proposals.

Fiscal Impact: This proposal requests a shift of funds from deposit into the TCTF to deposit into the General Fund of \$105-155 million to provide a stable revenue source to support court operations. Using the three fiscal years prior to amnesty which was in effect from October 1, 2015 through March 31, 2016, the average civil assessment revenue collected is estimated at \$105-155 million, including the \$48.3 million MOE buyout. This request will shift the deposit of civil assessment revenues from the TCTF to General Fund. Statutory changes to Penal Code (PC) 1214.1 will be required to implement this change.

The funding to support court operations would remain static to ensure funding stability; while the civil assessment revenue deposited into the General Fund may vary. Any excess remitted over the fixed General Fund augmentation would benefit the General Fund, while any fluctuations in the civil assessment revenue below the fixed augmentation amount to be covered by General Fund. The table below reflects the civil assessment revenue collected in the past six (6) fiscal years, revenue for FY 2017-18 is estimated with nine months of collections.

In Millions	FY 2012-13	FY 2013-14	FY 2014-15	FY 2015-16	FY 2016-17	FY 2017-18 estimated
Civil Assessment Revenue	\$149,100	\$154,800	\$160,000	\$127,000	\$111,700	\$105,700

NOTE: SB 85 Section 42 (d) removed any civil assessment imposed pursuant to Section 1214.1 of the Penal Code. The program was in effect October 1, 2015 through March 31, 2017, therefore the two fiscal years impacted are not included from the three-year average.

Outcomes and Accountability:

Access to Justice

Trial courts should be open and accessible. Location, physical structure, procedures, and the responsiveness of personnel affect accessibility. Access to trial courts is required by not only litigants, jurors, victims, and witnesses; but also, beneficiaries of decedents in probate matters, parents and guardians in juvenile cases, persons seeking information held by the court, employees of agencies that regularly do business with the courts (e.g., investigators, mental health professionals, sheriff’s deputies, and marshals), and the public. The ongoing instability of funding means that hearings are in jeopardy of being rescheduled, leaving individuals in limbo.

With chronic underfunding, the courts have resorted to delaying filling vacancies, cutting hours of operations, or closing courthouses completely. This fund shift provides a step towards stabilized funding to the courts by ensuring a set amount of General Fund support in lieu of the fluctuating civil assessments revenue; thus, ensuring courts can remain open and accessible to all Californians.

Equality, Fairness and Timeliness

Stabilized funding can be measured by the prompt and efficient resolution of disputes. The lack of consistent, stable funding for the trial courts make it impossible to provide fair, equitable and timely justice to all litigants. Further, the lack of stable funding causes trials to be postponed due to lack of staff or operating hours. The paralysis of the justice system contributes to dual problems of jail-overcrowding and diminishing prosecution.

Equality and fairness require that trial courts provide due process and individual justice in each case, treat similar litigants equally and ensure that their actions and consequences thereof are consistent with established law. The repercussions from untimely court actions have profound consequences for the persons directly concerned, the court, allied agencies, and the community at large.

The need for all trial courts must be met; and a predictable fiscal environment is necessary to promote equal access to justice for the people of California. The requested funding will assist in enabling all Californians access to their courthouses, access that is essential to the preservation of the rule of law and civil society.

Projected Outcomes:

If funding is provided, it will assist in the stabilization of trial court funding which will assist the courts in maintaining access to justice for all California citizens.

Other Alternatives Considered:

Alternative #1: Status Quo. Do not transition the deposits of civil assessment revenue to the General Fund in return for \$1105-155 million in ongoing General Fund monies to support the trial courts.

Pros: No impact to the General Fund.

Cons:

- Courts would continue to operate without stabilized funding potentially impacting every Californian's right to access to Justice.
- The perceived conflict of interest between the imposition of civil assessment by the court and the funding received by a court would continue.

Alternative #2: Phase in the fund shift of civil assessment revenue over a three-year period, ensuring that in any fiscal year the TCTF would not receive less than \$105-155 million.

- In year 1, provide \$53- 75 million in General Fund and allow the Judicial Council to retain Civil Assessment revenue collections in amounts up to \$52-\$80 million so that a total of \$105-155 million is still available for base court operations.
- In year 2, provide \$62-\$95 million in General Fund and allow the Judicial Council to retain Civil Assessment revenue collection in amounts up to \$43-\$60 million so that a total of \$105-155 million is still available for base court operations.
- In year 3, provide \$155 million in General Fund and all Civil Assessment revenue would be deposited into the General Fund.

Pros:

- Impact to the General Fund would phase in over three fiscal years.
- The courts would receive a stable source of revenue.

Cons: The perceived conflict of interest between the imposition of civil assessment by the court and the funding received by a court would continue until the transition was complete.

Alternative #3: Use the past six-years of civil assessment revenues to calculate the amount transferred into the Trial Court Trust Fund. Deposit all civil assessment revenue into the General Fund instead of the Trial Court Trust Fund in exchange for \$134,700 million ongoing General Fund to support trial courts.

Pros:

- Provide a stable source of funding to the trial courts in an effort to maintain current services.
- Addresses the conflict of interest between courts and the imposition of the civil assessment and the funding a court receives.
- Normalizes the impact of amnesty and other legislative changes.

Cons: The General Fund could be negatively impacted if revenues are less than the appropriation.

Alternative #4: Use the past three-years of civil assessment revenue to calculate the amount transferred into the Trial Court Trust Fund. Deposit all civil assessment revenue into the General Fund instead of the Trial Court Trust Fund in exchange for \$114,800 million ongoing General Fund to support trial courts.

Pros:

- Provide a stable source of funding to the trial courts in an effort to maintain current services.
- Addresses the conflict of interest between courts and the imposition of the civil assessment and the funding a court receives.
- Reflects the current revenue trends.

Cons: The General Fund could be negatively impacted if revenues are less than the appropriation

Requesting Entity: Trial Courts
Contact: Michele Allan and Catrayel Wood
Concept No.:19-27

Proposal Title: Support for Trial Court Operations

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	0.0	\$0	\$172,000,000	\$172,000,000	\$172,000,000	\$172,000,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$172,000,000	\$172,000,000	\$172,000,000
One-Time	\$0	\$0	\$0
Total	\$172,000,000	\$172,000,000	\$172,000,000

Proposal Summary: Proposed augmentation of \$172.0 million General Fund beginning in 2019-20 and ongoing to support trial court operations, which will allow the courts to hire additional staff to address backlogs, retain existing staff, and improve the public’s access to justice.

The request consists of the following components:

- 1) \$110.7 million to partially backfill the funding gap identified by the Workload-Based Allocation and Funding Methodology (WAFM) model.
- 2) \$8.5 million for discretionary funding not allocated via WAFM for inflationary increases.
- 3) \$41.0 million for trial court employee compensation/personal services increases.
- 4) \$11.3 million to address the structural imbalance in the Trial Court Trust Fund (TCTF)

The following information details the need by component of funding:

1. Funding needed by the trial courts to partially backfill the funding gap identified by the WAFM model: \$110.7 million ongoing

As a way to distribute existing resources more equitably to courts based on workload, the Judicial Council adopted the WAFM in 2013. The WAFM uses Resource Assessment Study data to determine the total dollars needed to fund certain court operations. To fund an additional 5% of the total WAFM need requires an additional \$110.7 million.

2. Discretionary funding not allocated via WAFM to for inflationary increases: \$8.5 million ongoing

To fund inflationary increases to discretionary court funding, it is estimated that \$8.5 million will be required, based on an estimated 2.9% increase in the consumer price index from 2018-19 to 2019-20.

3. Funding for trial court employee compensation/personal services increases: \$41 million ongoing

The Administration has provided general salary increases to executive branch employees in order to maintain salaries at a level that keeps pace with the rate of inflation. This proposal requests the same consideration related to employee compensation be provided to trial court employees, with the goal of achieving competitive salaries or benefits with which the trial courts can retain and attract a quality work force to serve the members of the public.

Since 2009, funding for the trial courts has been insufficient and many employees have endured mandatory furloughs, reduced health benefit contributions, increased employee retirement contributions, reduced work weeks, and layoffs.

As the economy improves and superior compensation opportunities rise in both private and competing public sector markets, trial courts have had increasing difficulty in finding and retaining qualified candidates for job recruitments. This request will allow trial courts the additional funding needed to be more competitive in recruiting by filling historical compensation shortfalls.

Compensation calculations will be constructed from 2019-20 Salaries and Wages schedules submitted by each court. Typically, this data is available in August and refined over the course of a few weeks.

For the purposes of this concept, the 2017-18 compensation need of approximately \$41 million will serve as a placeholder until 2019-20 figures are available. The 2017-18 compensation assumption funded the equivalent of a 2.5% growth in salary expenditures, but this percentage is subject to change and is intended to be used for any personal services based expense as deemed appropriate by each trial court in its negotiations with related employee representatives.

4. Funding to address the structural imbalance in the Trial Court Trust Fund (TCTF): \$11.3 million ongoing

This proposal seeks to fund a long standing TCTF structural imbalance that has resulted from expenditure needs exceeding revenue collections. From 2009-10 through 2014-15 this structural imbalance was mitigated by a \$20+ million annual transfer from the State Trial Court Improvement and Modernization Fund (IMF) to the TCTF. However, beginning in 2015-16, \$20 million worth of the annual IMF transfer has been redirected back to the IMF. At the time of this redirection, \$8.7 million worth of TCTF expenditures were also moved to the IMF.

Background Information: With the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233; Chapter 850, Statutes of 1997), the state assumed sole responsibility for funding of court operations. As part of this change, the counties were required to make quarterly maintenance of effort payments (MOE) and remit specified revenues to the state. Subsequent legislation reduced the MOE payment and other revenues that support trial court operations.

Prior to 2008–09, funding was regularly provided to the trial courts to address the increased costs of doing business through budget change proposals or State Appropriations Limit (SAL) augmentations.

During the fiscal crisis, the trial courts shared in the burden of reduced funding and consequently utilized several cost saving measures with the goal of maintaining access to justice for all members of the public. Trial courts significantly reduced expenses to accommodate the reductions in funding.

An ongoing lack of resources continues to impair the ability of trial courts to provide timely resolutions to both civil and criminal cases, as well as family, probate, mental health, juvenile, and traffic cases throughout the state's 58 counties. This funding gap continues to cause significant backlogs which inhibit public access to fair, timely, and effective justice.

Justification: California's state court system serves a population of more than 39 million people and securing adequate funding for all courts is the top priority for the Judicial Council and is necessary to ensure public access to justice.

Approximately 98 percent of trial court operations in 2018-19 are dependent on the General Fund, the State Trial Court Improvement and Modernization Fund (IMF), the Trial Court Trust Fund (TCTF), and the Immediate and Critical Needs Account (ICNA). The most critical funding sources for trial court operations, however, are the General Fund and TCTF.

TCTF allocations for trial court programs including judge's compensation, court interpreters, court appointed advocates, the Model-Self Help program, the Equal Access Fund, Family Law Information Centers, civil case coordination, and assigned judge's functions are 100 percent supported by an annual General Fund transfer to the TCTF. General trial court operations, however, are funded from various revenue streams, including filing fees and assessments, county MOE payments, and General Fund transfers.

General Fund support for trial court operations has seen reductions since 2007-08. Additionally, other revenues supporting general trial court operations have been declining since 2008-09. It is not certain to what degree specific factors have caused this decline, but major factors include the economic recession, increases in civil fees, non-payment of criminal (mainly traffic) fines, fewer traffic tickets being issued, and revenue losses due to the latest amnesty program.

To address reduced General Fund support and prevent debilitating impacts on public access to justice, user fees and fines have been increased, local court fund balances have been utilized, and statewide funds committed to court projects (including approximately \$818 million for courthouse construction) have been diverted to court operations. However, many of these one-time solutions are no longer available to help keep the courts operational.

The current lack of resources has impacted access to justice in many ways. Significant backlogs in the courts caused by a shortage of funded judgeships, staff vacancies, and furloughs inhibit timely responses to outstanding case work. Backlogs are exacerbated by increasing case complexity and, as a result, civil proceedings and family law hearings are routinely rescheduled. Some courts report extraordinary delays from the time of filing to the time of trial, keeping parents, children, and victims in limbo.

According to the 2016 Court Statistics Report, 2014-15 trial court case filings across all case categories totaled 6,832,710 cases, while dispositions (cases disposed of or otherwise resolved) numbered 6,342,662. This indicates that trial courts are getting more cases statewide in than they are able to resolve, which has resulted in case backlogs and delays.

A common measurement of court performance around this area can be determined by calculating “case clearance rates.” A case clearance rate is the number of disposed cases as a percentage of the number of filed cases in a given time period. Data from 2014-15 shows shortcomings in nine of the measured case clearance rates in Table 1 below.

Table 1: Case Clearance Rates

Case Type		Filings	Dispositions	Case Clearance Rates
Civil	Unlimited	192,761	179,509	93%
	Limited	375,178	409,944	109%
	Small Claims	150,382	157,900	105%
Criminal	Felonies	214,088	223,339	104%
	Misdemeanors	922,730	757,286	82%
	Infractions	4,424,870	4,138,886	94%
Family Law	Marital	138,121	135,812	98%
	Petitions	242,039	204,965	85%
Juvenile Law	Delinquency	40,726	38,376	94%
	Dependency	44,679	32,190	72%
Misc.	Probate	44,456	27,701	62%
	Mental Health	29,718	24,557	83%

Notes: Data can be found at: <http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf>

Although filings have been trending down recently, it is important to note that trial courts have seen filings increases in several of the most complex case types. Higher numbers of complex cases over previous years has further exacerbated the case backlog problem. Complex case types, such as unlimited civil, juvenile dependency, and mental health cases take more staff resources to resolve. For example, the workload for a juvenile dependency matter takes approximately 13 times longer than that of a misdemeanor traffic case.

While the duration of delays can be difficult to tell from case clearance rates, disposition measures assesses the numbers of cases that can be resolved within case processing standards codified in the Standards of Judicial Administration. For example, the Standards for unlimited civil case processing state that 75% of cases should reach disposition within 12 months. Based on 2014-15 trial court data, there is a clear trend of trial court efforts falling short of disposition standards in both civil and criminal cases (Table 2).

Table 2: Disposition Measurements

Case Type		Time to Disposition: Percentage of Cases Completed in															
		30 Days		45 Days		70 Days		90 Days		120 Days		12 Months		18 Months		24 Months	
Civil	Unlimited											64%	75%	76%	85%	83%	100%
	Limited											83%	90%	91%	98%	94%	100%
	Small Claims					58%	90%	71%	100%								
Criminal	Felonies	45%	90%	55%	98%			71%	100%			88%	100%				
	Misdemeanors	61%	90%					77%	98%	83%	100%						

Notes: Data can be found at: <http://www.courts.ca.gov/documents/2016-Court-Statistics-Report.pdf>

Black Font represents JCC Actuals; Red font represents JCC Goals

Outside of general operations, trial courts suffer in other areas as well. Insufficient building maintenance funding has led to closed courthouses and courtrooms and capital construction funds have been diverted away from building to help maintain general trial court operations. The branch is only able to operate building systems to failure and not move forward with the construction of approved projects. If the public cannot rely on the court to resolve cases in a just and timely manner, the public's trust in the courts will erode.

The ability to get to trial and have critical criminal, family law, domestic violence, or civil matters addressed are essential rights of California's citizens and should not be clouded in uncertainty each year during the state's annual budget process. Without General Fund assistance, access to justice, equality and fairness, and the timeliness of trial court actions are all at risk.

Fiscal Impact: This request will provide a \$172.0 million General Fund augmentation to support trial court operations. Funding includes:

- 1) \$110.7 million to partially backfill the funding gap identified by the WAFM model.
- 2) \$8.5 million for discretionary funding not allocated via WAFM for inflationary increases.
- 3) \$41.0 million for trial court employee compensation/personal services increases.
- 4) \$11.3 million to address the structural imbalance in the TCTF.

Upon approval of the funds, a formula for distribution between the courts will be presented to the Judicial Council for approval upon enactment of the state budget.

Outcomes and Accountability: If this budget request is granted, the proposal will:

- Stabilize funding for a sufficiently sized trial court workforce
- Stabilize service hours that courts are open/available to public
- Improve service delivery by reducing long lines, as well as case processing delays
- Provide resources for unfunded mandated workload
- Improve employee retention rates
- Improve future applicant job pools

Projected Outcomes:

If funding is provided, it will assist the courts in maintaining services to California citizens.

Other Alternatives Considered:

Alternative #1: Do not approve additional funding to support trial court operations, which will allow the courts to hire additional staff to address backlogs, retain existing staff, and improve the public's access to justice.

PRO: No impact to the General Fund.

CON: Without funding to support trial court operations, access to justice, equality and fairness, and the timeliness of trial court actions are all at risk.

Alternative #2: Provide a partial augmentation to support one or more of the requested items to support trial court operations, which will allow the courts to hire additional staff to address backlogs, retain existing staff, and improve the public's access to justice.

- 1) \$110.7 million to partially backfill the funding gap identified by the WAFM model.
- 2) \$8.5 million for discretionary funding not allocated via WAFM for inflationary increases.
- 3) \$41.0 million for trial court employee compensation/personal services increases.
- 4) \$11.3 million to address the structural imbalance in the TCTF.

PRO: Some areas of trial court operations would receive support.

CON:

- Results in additional General Fund resources.
- Access to justice, equality and fairness, and the timeliness of trial court actions continue to be at risk.

Alternative #3: Provide \$86 million General Fund (50 percent of the request) to support trial court operations, which will allow the courts to hire additional staff to address backlogs, retain existing staff, and improve the public's access to justice.

PRO: Some areas of trial court operations would receive support.

CON:

- Results in additional General Fund resources.
- Access to justice, equality and fairness, and the timeliness of trial court actions continue to be at risk.

Auxiliary List Concepts

Requesting Entity: Administrative Presiding Justice Advisory Committee
Contact: Bob Lowney and Deborah Collier-Tucker
Concept No.: 19-02

Proposal Title: Appellate Courts – Court Appointed Counsel Projects

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-2020	Proposed Total 2020-2021	Proposed Total 2021-2022
General Fund	0.0	\$0	\$1,446,000	\$1,446,000	\$1,446,000	\$1,446,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-2020	Proposed Total 2020-2021	Proposed Total 2021-2022
Ongoing	\$1,446,000	\$1,446,000	\$1,446,000
One-Time	\$0	\$0	\$0
Total	\$1,446,000	\$1,446,000	\$1,446,000

Proposal Summary: Proposed augmentation of \$1.446 million General Fund beginning in 2019-2020 and ongoing to support increased costs for contractual services in the Supreme Court’s Court-Appointed Counsel Project (\$351,000) and the Courts of Appeal Court Appointed Counsel Project Offices (\$1,095,000).

Background Information: In 1963, *Douglas v. California* (372 U.S. 353) held that the federal Constitution guarantees an indigent defendant convicted of a felony the right to a court-appointed attorney for the initial appeal. Twenty-two years later, in 1985, the Court clarified in *Evitts v. Lucey* (469 U.S. 387), that the guarantee of court-appointed counsel requires that counsel be competent. As indicated in *Evitts v. Lucey*, “[W]e have held that the Fourteenth Amendment guarantees a criminal appellant pursuing a first appeal as of right certain minimum safeguards necessary to make that appeal “adequate and effective,” see *Griffin v. Illinois*, 351 U.S. 12, 20 (1956); among those safeguards is the right to counsel, see *Douglas v. California*, 372 U.S. 353 (1963).”.. “[T]he promise of Douglas that a criminal defendant has a right to counsel on appeal -- like the promise of *Gideon* that a criminal defendant has a right to counsel at trial -- would be a futile gesture unless it comprehended the right to the effective assistance of counsel.” This authority can be found in two Rules of Court: Rule 8.300 (Courts of Appeal) and Rule 8.605 (Supreme Court, death penalty cases). Rule 8.300 states in applicable part: “Each Court of Appeal must adopt procedures for appointing appellate counsel for indigents not represented by the State Public Defender in all cases in which indigents are entitled to appointed counsel.... The court may contract with an administrator [project] having substantial experience in handling appellate court appointments to perform any of the duties prescribed by this rule.” (Cal. Rules of Court, rule 8.300(a) and (e)(1).) For death penalty cases, Rule 8.605 states in applicable part: “‘Appointed counsel’ or ‘appointed

attorney’ means an attorney appointed to represent a person in a death penalty appeal or death penalty-related habeas corpus proceedings in the Supreme Court...” And, “‘Assisting counsel or entity’ means an attorney or entity designated by the Supreme Court to provide appointed counsel with consultation and resource assistance. Entities that may be designated include the Office of the State Public Defender, the Habeas Corpus Resource Center, and the California Appellate Project of San Francisco.” (Cal. Rules of Court, Rule 8.605(c)(1) and (c)(5).) Both the California Appellate Project-San Francisco and the various Court-Appointed Counsel projects for the Courts of Appeal fulfill these rights for indigent defendants.

California Appellate Project-San Francisco (CAP-SF)

Current law requires the appointment of defense counsel in all capital cases for indigent individuals in California. CAP-SF is a non-profit project established in 1983 which provides case-related services and attorney assistance on post-conviction capital cases. 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.

Appointment of counsel for indigent persons in capital cases occurs from three sources: (1) the Office of the State Public Defender (OSPD); (2) the Habeas Corpus Resource Center (HCRC); and (3) private counsel. The OSPD may be appointed to represent a defendant on the direct appeal, the HCRC may be appointed to represent a defendant on the habeas petition, and private counsel may be appointed for either direct appeal, habeas corpus, or both (if both defendant and counsel agree). There are two types of appointments for counsel on a capital appeal: 1) direct appeals that are limited to the facts in the appellate record and 2) habeas proceedings that are a collateral attack on a judgment of conviction or sentence when the facts supporting the claim do not appear in the record. As of August 2015, of the 751 defendants on death row, there are 366 defendants who need an appointment for either their direct appeal and/or habeas corpus proceedings (68 are without counsel for either the direct appeal or the habeas corpus proceedings and only 298 have counsel for the direct appeal, but not for the habeas corpus proceedings). While these three entities provide services to indigent individuals, OSPD and HCRC are unable to address the entire existing backlog of appointments given current resources.

Every death judgment in California results in an automatic appeal, which is mandated by the California Constitution. There is an average of 19 death judgments per year for the last ten years and appointments of counsel has not kept pace with the number of death judgments. Appointing and training qualified counsel, along with ensuring that qualified staff is hired for CAP-SF, continues to be the challenge for the Judiciary. The OSPD and HCRC together cannot provide the representation to meet the current number of death penalty judgments. The costs of providing these services also continue to increase yearly. The Supreme Court has procedures for attracting and appointing qualified counsel to handle capital cases. Accordingly, the services provided by CAP-SF and private counsel appointed in capital cases are both needed and essential to ensure “adequate and competent” representation guaranteed by the U.S. Constitution to indigent appellants for the foreseeable future.

As a non-profit entity, CAP-SF faces the challenges that may not occur for a state entity such as HCRC and OSPD especially as it relates to the hiring, retention and training qualified attorneys to direct, assist,

monitor, and train private counsel appointed to capital cases. To fulfill their duties of directing, training, assisting and monitoring appointed counsel CAP-SF needs to have a level of knowledge and experience that equals or exceeds that of the attorneys they assist. Due to the requirement to have qualified and experienced attorneys for its core business function, it takes additional time for CAP-SF to fill attorney vacancies.

The costs of providing the contracted services to the Supreme Court by CAP-SF continue to escalate, and must be addressed. It has been difficult for CAP-SF to meet the cost of hiring and retaining experienced and qualified attorneys when competing with the salaries of both private law firms and government agencies. Furthermore, CAP-SF has absorbed increases in the cost of doing business and increases in caseload; it can no longer afford to do so without it being a detriment to the indigent appellant and attorneys it is contractually obligated to serve. It can no longer continue to meet the level of service required by the Supreme Court to meet the constitutional guarantee of competent counsel.

Over the last 10 years, with only 4.5% (FY 2017-18 (\$255,000)) increase in funding, CAP-SF has absorbed its rent increases and other increased costs by taking several measures, including the following: (1) consolidating two litigation teams to eliminate an attorney supervisor position and 0.7 attorney FTEs; (2) eliminating six non-attorney staff positions, leaving only one secretarial and three caseworker positions; (3) eliminating the associate director (attorney) position in exchange for a less costly assistant director (non-attorney) position; (4) eliminating the in-house mitigation specialist position in favor of outside contractors and progressively reducing the number of hours allotted to contractors; (5) vastly curtailing attendance at training programs; and (6) drawing down the operating reserves.

Resource History:

(Dollars in thousands)

Program Contract Budget	2011-2012 Past Year	2012-2013 Past Year	2013-2014 Past Year	2014-2015 Past Year	2015-2016 Past Year	2016-2017 Past Year
Authorized Expenditures	5,585,218	5,585,218	5,585,218	5,585,218	5,585,218	5,585,218
Actual Expenditures	5,585,218	5,585,218	5,585,218	5,585,218	5,585,218	5,585,218

Workload Measures:

Workload Measure	10-11 PY	11-12 PY	12-13 PY	13-14 PY	14-15 PY	15-16 PY	16-17 PY
New Death Judgments Received	23	18	16	20	19	8	14
Ongoing Death Judgments without Counsel	315	324	330	346	366	374	361
New Appointments in Capital Cases Processed	39	29	32	36	41	35	22

During the period from FY 2007-2008 through FY 2016-2017, there were 192 judgments of death which qualified for an automatic appeal to the Supreme Court. These 192 judgments would have resulted in a

maximum of 384 capital appeal appointments. (One judgment* would have an appellate appointment for direct appeals and one for habeas corpus, unless there was a dual appointment of both.) However, during the same period, the Court only made 360 total appointments for direct, habeas or dual. The lack of capacity for the OSPD and HCRC to accept more appointments coupled with the shortage of qualified attorneys who can accept appointment is what is contributing to the backlog of defendants on death row without any appellate representation. The table below summarizes the capital caseload since FY 2007-2008.

Capital Caseload by FYs 2007-2008 thru 2015-2016	FY 2007-2008	FY 2008-2009	FY 2009-2010	FY 2010-2011	FY 2011-2012	FY 2012-2013	FY 2013-2014	FY 2014-2015	FY 2015-2016	FY 2016-2017	Total Between FYs 2007-2008 thru 2016-2017
Automatic Appeals Per Yr:	16	30	28	23	18	16	20	19	8	14	192
Supreme Court Death Judgments Automatic Appeal Filed (*one automatic appeal equals two appointments) by Fiscal Year	32	60	56	46	36	32	40	38	16	28	384
Supreme Court Capital Appointments Made (direct, habeas, and dual) by Fiscal Year	42	43	41	39	29	32	36	41	35	22	360
(Note: Not all death judgments that occur in the fiscal year will result in a capital appointment in that fiscal year.)											
Backlog by Fiscal Year (cumulative)	-10	70	15	7	7	0	4	-3	-19	6	77
(Note: Represents the cumulative backlog since FY 2007-2008, based on new caseload for the same period. A backlog occurs when there is no capital appointment of any type (direct or habeas) in the fiscal year that the death judgment takes place.)											

Court Appointed Counsel System for the Courts of Appeal – Appellate Projects

California’s Court-Appointed Counsel (CAC) 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 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.

California’s CAC system, with non-profit appellate projects and panel attorneys in the private sector, has been in existence for over 30 years. The Court Appointed Counsel Program for the Courts of Appeal consists of 5 non-profit appellate projects and panel attorneys, all of whom together provide critical and constitutionally required representation to indigent individuals in criminal and juvenile appeals. Each district of the California Courts of Appeal contracts with an Appellate Project to manage the court-appointed counsel system in that district and to perform quality control functions. Each Appellate Project oversees a panel of attorneys who receives appointments in that district. The Projects are responsible for working with the panel attorneys to ensure that effective legal assistance is provided them; reviewing claims for payment for the appellate representation performed by the panel attorneys; providing consistency and controls over the expenditure of these public monies used to pay for the representation; and training attorneys to ensure continuity of quality and competent representation. The contracts between the State and the Appellate Projects requires each project to supervise and assist appointed counsel, so that the State can satisfy its obligation of providing competent legal representation to indigent clients in California’s Courts of Appeal and (when appropriate) Supreme Court.

Resource History:

(Dollars in thousands)

Program Contract Budget	2011-2012 Past Year	2012-2013 Past Year	2013-2014 Past Year	2014-2015 Past Year	2015-2016 Past Year	2016-2017 Past Year
Authorized Expenditures	17,468,187	17,468,187	17,468,187	17,468,187	17,468,187	17,468,187
Actual Expenditures	17,468,187	17,468,187	17,468,187	17,468,187	17,468,187	17,468,187

The Projects fulfill their contractual obligations to the State by critically reviewing the quality of briefs that are prepared by panel attorneys before they are filed with the Courts of Appeal or the Supreme Court. The level of review that is performed is dependent on whether the legal appointment was made on an “independent” or “assisted” basis, the complexity of the case, and the skills and experience of the assigned panel attorney. In addition to providing the requisite legal assistance and critical review of the panel attorney’s work product, the Projects also provide a vital resource and network support to these attorneys, many of whom are sole practitioners or who work in small law offices. The current level of funding for the 2017-18 annual contracts with the Appellate Projects is \$18,254,255, as a result of the

Courts of Appeal receiving 4.5% in FY 2017-18. However, since 2007-2008 through 2016-2017, no new funds were approved to support the increased cost of doing business and supporting their critical workload.

Justification: The increased cost of the contracted services from CAP-SF, as well as private counsel services on capital cases, must be addressed. It has been difficult for CAP-SF, to meet the cost of hiring and retaining experienced and qualified attorneys when competing with the salaries of both private law firms and government agencies. Furthermore, CAP-SF has absorbed increases in the cost of doing business and increases in caseload. It can no longer afford to do so without being a detriment to the indigent appellant and attorneys it is contractually obligated to serve, and can no longer continue to meet the level of service required by the Supreme Court to meet the constitutional guarantee of competent counsel.

The current level of funding for the annual contract with the Appellate Projects is \$18,254,255, with the addition of \$786,068 (4.5%) approved in the 2017 Budget Act.7-2018. Since 2007-2008, the Projects have experienced significant cost increases in areas such as rent, liability insurance, employee benefits, and technology, but have only received a 4.5% contract increase since that time. In an effort to contain costs and remain within their operating budgets, the Projects have taken different actions to address the funding shortfalls, including: moving to lower rent areas to lessen the impact of rent increases; keeping positions vacant to the detriment of the project and its remaining staff; reducing health plan coverage and/or passing on greater co-pay and premium costs to employees; reducing salaries or keeping salaries constant; decreasing or eliminating employer contributions to retirement plans; re-negotiating contracts with vendors; significantly reducing the size of print libraries; and deferring critically needed technology upgrades. A 4.5% increase to cover cost increases over 10 years is not sufficient to support and maintain the required legal services provided under Appellate Projects’ contracts.

The current funding for the annual contact with CAP-SF is \$5,840,218 with the addition of \$255,000 (4.5%) from the approved 2017-2018 BCP. The 2007 Budget Act provided an additional \$600,000, to support increased workload and associated cost increases. However, since 2007-2008, the Supreme Court has only received a 4.5% increase in new funding to support this critical workload that is driven by a constitutional right to court-appointed legal representation. A 4.5% increase to cover cost increases over 10 years is not sufficient to support and maintain the required legal services provided under CAP-SF’s contract, and the increased cost of contracted work must be addressed.

Fiscal Impact: The BCP reflects a 6% increase to the 2017-2018 amounts budgeted for the Appellate Projects and CAP-SF. This funding will be used to offset unfunded cost increases for rent and employer health benefit costs, as well as provide funding for training, records storage, and other service costs that have been cut due to a lack of funding.

	Appellate Projects	CAP-SF	Total
Contract Budget as of FY 2016-2017	\$17,468,187	\$5,585,218	\$23,053,405
BCP 2017-2018 (4.5%) approved	\$786,068	\$255,000	\$1,041,068

Contract Level FY 2017-2018	\$18,254,255	\$5,840,218	\$24,094,473
Proposed BCP funding request (6%)	\$1,095,255	\$350,413	\$1,445,668

Outcomes and Accountability: Provide equal public access to justice, timely, and adequate legal representation for indigent appellants for capital and non-capital appeals in California.

California Appellate Project-San Francisco (CAP-SF): Based on the level of appointments for the death judgments rendered each year, an increase in staff resources will be greatly needed to address the backlog and to respond to the unrepresented appellants.

Court Appointed Counsel System for the Courts of Appeal – Appellate Projects: Increased funding to support the Projects will result in claims being processed timely and providing indigent appellants adequate legal representation on their appeals in non-capital cases.

Other Alternatives Considered:

Alternative #1: Do not approve additional funding to support increased costs for contractual services in the Supreme Court’s Court-Appointed Counsel Project and the Courts of Appeal Court Appointed Counsel Project Offices.

PRO: No impact to the General Fund.

CONS:

- Backlog for death row inmates without counsel will continue to grow. Without an increase for the Project contract, the Project would need to reduce its contractual services to the court appointed counsel program, continue to lose its most experienced staff and panel attorneys, and fail in its ability to retain newer attorneys on the panel or recruit new attorneys.
- Appellate Projects will not be able to provide adequate assistance and oversight to the appointed attorneys in either capital or non-capital appeals, which would result in more hours claimed and higher appellate costs for the CAC Program.
- The quality of justice provided to the people of California will likely be seriously impaired.

Alternative #2: Provide \$1.446 million General Fund increase beginning in 2019-2020 and ongoing to support for increased costs for contractual services in the Supreme Court’s Court-Appointed Counsel Project (\$350,000) and the Courts of Appeal Court Appointed Counsel Project Offices (\$1.1 million).

PROS:

- Provide adequate funding to address the programmatic needs of the Appellate Projects and the vital function that these Projects perform for the Court Appointed Counsel System.
- Will enable all of the Projects to more effectively meet their ever increasing operating costs.

- Will enable the Projects to attract more highly qualified staff to carry out these essential functions for the State of California.

CON: Results in additional General Fund resources.

Alternative #3: Provide \$350,000 General Fund increase beginning in 2019-2020 and ongoing to support increased costs for contractual services in the Supreme Court’s Court-Appointed Counsel Project.

PROS:

- Provide adequate funding to address the programmatic needs of the Project and the vital function that it performs for the Court Appointed Counsel System.
- Will enable the Project to more effectively meet its ever increasing operating costs; and
- Will enable the Project to attract more highly qualified staff to carry out these essential functions for the State of California.

CON:

- Appellate Projects will not be able to provide adequate assistance and oversight to the appointed attorneys in either capital or non-capital appeals which would result in more hours claimed and higher appellate costs for the CAC Program.
- The quality of justice provided to the people of California will likely be seriously impaired.
- Results in additional General Fund resources.

Alternative #4: Provide \$1.1 million General Fund increase beginning in 2019-2020 and ongoing to support increased costs for contractual services in the Courts of Appeal Court Appointed Counsel Project Offices.

PROS:

- Provide adequate funding to address the programmatic needs of the Projects and the vital function that they perform for the Court Appointed Counsel System.
- Will enable the Projects to more effectively meet their ever increasing operating costs; and
- Will enable the Projects to attract more highly qualified staff to carry out these essential functions for the State of California.

CON:

- Backlog for death row inmates without counsel and in need of CAP SF will continue to grow. Without an increase for the Project contract, the Project would need to reduce its contractual services to the court appointed counsel program, continue to lose its most experienced staff and panel attorneys, and fail in its ability to retain newer attorneys to the panel or recruit new attorneys.
- The quality of justice provided to the people of California will likely be seriously impaired.
- Results in additional General Fund resources.

Requesting Entity: Habeas Corpus Resource Center
Requesting Entity Contact: Louis Stanford
Concept No.: 19-07

Proposal Title: Habeas Corpus Resource Center – Case Team Staffing

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-2020	Proposed Total 2020-2021	Proposed Total 2021-2022
General Fund	0.0	\$2,000,000	\$600,000	\$2,600,000	\$5,400,000	\$5,200,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-2020	Proposed Total 2020-2021	Proposed Total 2021-2022
Ongoing	\$2,400,000	\$5,200,000	\$5,200,000
One-Time	\$208,000	\$186,000	\$0
Total	\$2,600,000	\$5,400,000	\$5,200,000

Proposal Summary: Proposed augmentation of \$2.6 million General Fund in 2019-2020; \$5.4 million in 2020-2021, and \$5.2 million in 2021-2022 and ongoing to create four additional case teams to provide legal representation to inmates on California’s death row. This request requires an amendment to Government Code § 68661. This request will establish of 34 employee positions phased in over two consecutive fiscal years: the first 18 positions would be effective October 1, 2019, and the second 16 positions would be effective October 1, 2020.

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. This proposal will reduce the long-term costs associated with California’s dysfunctional death penalty system.

Background Information: The HCRC was established in 1998 to accept appointments in state and federal habeas corpus proceedings and serve as a resource for private attorneys appointed to these cases. See Gov. Code Section 68661. By statute, the mission of the HCRC is (1) to provide timely, high-quality legal representation for indigent petitioners in death penalty habeas corpus proceedings before the Supreme Court of California and the federal courts; (2) to recruit and train attorneys to expand the pool of private counsel qualified to accept appointments in death penalty habeas corpus proceedings, and to serve as a resource to them; and thereby (3) to reduce the number of unrepresented indigent inmates on California’s death row. Following its founding, the HCRC steadily increased its capacity to accept additional appointments through general fund augmentation until 2010-2011. In Fiscal Year 2011-2012, however, the HCRC’s ongoing general fund allocation was reduced by \$1.067 million, with an additional \$220,000 reduction in 2012-2013. Since that time, there has been no increase in HCRC’s general-fund

workload capacity. The HCRC has received additional funding only to partially offset the cost of eliminating furlough days and increases in retirement and health benefits. In 2015-2016, HCRC received an adjustment for cost-of-living salary increases.

Currently, the HCRC has authorized staffing of 88 positions, including the Executive Director, an Assistant Director, 34 attorneys, 18 investigators/litigation support assistants, 19 paralegals/litigation support assistants, three case assistants, one legal secretary, four information technology/resource positions, two docket staff positions, and five administrative/support positions. Funding reductions have mandated that at least six or more essential legal staff positions be held vacant, and in addition, hiring delays and temporary vacancies have been imposed to conserve funds. Furthermore, in order to adjust to rising office leasing costs and the reduced general fund allocation, the HCRC relinquished 8,000 square feet of office space so that any increase in staff must be accompanied by a proportionate increase to leased office and storage space.

Even without an increase in resources, the HCRC has continued to accept appointments, although at a reduced rate. The cases accepted during the HCRC's growth phase, many of which were extraordinarily complex, large-scale cases, had immovable deadlines in the ensuing fiscal years, and thus demanded disproportionate human and associated fiscal resources at a time in which the HCRC's resources have been radically reduced.

The California Supreme Court attempts to appoint habeas corpus counsel for inmates on a first-come first-served basis, and is currently appointing counsel for cases arising from judgments in 1996. That is, the cases currently receiving counsel are up to 20 years old. This unwarranted delay in the timely appointment of counsel is the direct result of two inter-related problems: (1) the State's inability to provide the private defense bar with sufficient financial support to persuade them to accept death penalty appointments; and (2) the State's failure to provide the HCRC with the resources and staff necessary to accept appointments in capital cases at or near the rate death judgments are generated by the counties.

Justification: This proposal seeks to address the growing delays and costs in California's death-penalty system by expanding the HCRC's capacity to accept capital habeas corpus representation through measured growth in HCRC staff. As noted, the Commission report concluded that adequately funding an expansion of the HCRC -- rather than relying on private counsel -- was likely the only viable means of addressing the state's need for qualified habeas corpus attorneys. Despite the substantial recruiting and training efforts of the California Supreme Court, California Appellate Project (CAP), and the HCRC, there is a severe shortage of private attorneys qualified and willing to accept appointments in capital habeas corpus cases. Private counsel typically do not have sufficient resources to competently represent clients in habeas corpus proceedings. The Commission report further found that the state's level of funding private counsel does not satisfy American Bar Association guidelines, and fails to fully compensate attorneys for their work. Without such resources, attorneys cannot fulfill their legal or ethical duties to their clients, and their petitions are subject to further resource-intensive, post-conviction litigation. In addition, lacking the team-based approach of an agency setting, private counsel often withdraw mid-representation. From July 2003 to July 2015, of the 212 cases in which habeas corpus petitions have been filed, 41 capital petitioners lost their initially appointed private counsel and required replacement counsel -- a replacement rate of more than 19 percent.

The HCRC was established to meet the state's demands for habeas corpus counsel. In 2008-2009, when the HCRC's budget was at its peak, the HCRC accepted more than 62 percent of all the habeas corpus appointments made by the Court. Despite the 12 percent reduction to its general fund allocation, which

has not been restored, the HCRC continues to accept appointments to capital cases. Since 2006, the HCRC has accepted approximately forty percent of the capital habeas appointments made by the California Supreme Court, and during the past five years, the HCRC has filed approximately forty percent of all habeas corpus petitions.

The HCRC's reduced capacity to accept new appointments has coincided with a shrinking number of qualified private counsel willing to accept habeas corpus appointments. Each year, private counsel accept fewer appointments -- in the last three fiscal years the Court has made six or fewer appointments to private counsel each year, which does not even begin to keep up with the numbers of annual death judgments much less address the backlog of unrepresented inmates.

Recognizing that private counsel will not be able to meet the state's need for habeas corpus attorneys, the Commission on the Fair Administration of Justice recommended that HCRC be expanded by 500 percent, to an authorized and funded strength of 150 lawyers, phased in over a five-year period. As the Commission noted, the HCRC is able to provide training, supervision, and support to its staff attorneys, and leverage the efficiencies of its team-based model to ensure legally sufficient representation as well as eliminate the need for replacement counsel should individual staff attorneys leave the office.

Although the Commission recommended that the HCRC be expanded by 500 percent, this proposal outlines a more measured and less costly plan to add two case teams per year as well as several other essential positions. This proposal includes supervisory and support services to ensure high-quality representation and support to private attorneys while increasing its capacity to take additional cases. This proposal is further justified by the fact that, if granted, it will result in substantial long-term cost savings to the state. This is due to the fact that delay in appointment of counsel increases the litigation cost in each case. Some of the increases in cost include the following: increases in record, document, and data location, retrieval, and analysis; increases in the costs of locating, interviewing, and working with lay witnesses; increases in costs in locating and working with trial counsel and experts, who often have little or no recollection of the case after more than 20 years and must be paid to review hundreds of pages of material to refresh their memories; and costs of having to reconstruct records, documents, information, and data that has been lost due to the passage of time.

In addition, the current 20-year delay in appointment of counsel increases the long-term incarceration costs of the death row population. For example, approximately 50 percent of all death row inmate in California, whose cases have been litigated to finality, have received some form of post-conviction relief that invalidates the death judgments and resulted in their either being released or transferred to the general population. Conservative estimates are that it costs \$90,000 per year more to house an inmate on death row rather than in the general population. If half of the 358 inmates on death row were to receive counsel and obtain relief consistent with the long-standing 40 year trends of penalty reversals, the state would realize an estimated savings of approximately \$16 million dollars per year.

Fiscal Impact: \$5.2 million General Fund to support four new case teams.

Outcomes and Accountability: This proposal seeks to address the extraordinary and increasing delay and costs in California's death penalty process by expanding the HCRC's capacity to accept capital habeas corpus representation through measured growth. By accepting additional cases, the HCRC will help to reduce the current and projected future backlog of unrepresented death-row inmates.

Projected Outcomes

Workload Measure	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
Accept an increased number of capital habeas appointments (over current projections)	0	0	6-8	10-12	10-12	10-12

Other Alternatives Considered:

Alternative #1: Do not provide additional funding to support HCRC workload.

PRO: No impact to the General Fund.

CONS:

- The HCRC will be able to accept appointment in fewer capital cases in 2019-2020 and beyond.
- Delay in obtaining relief for numerous clients will continue to result in increased yearly housing costs for those inmates.
- When the HCRC accepts new case appointments into the future, the costs of litigating those cases will be higher than they would have been absent the delay in appoint of counsel.
- The backlog of cases without habeas counsel will grow and the average wait for habeas counsel, which is now more than ten years after imposition of sentence, will increase.
- The state’s capital-punishment process will continue to be vulnerable to constitutional attacks based on the delays that result from inadequate funding.
- HCRC case team resources will continue to be diverted from critical case work to other tasks necessary to keeping the case work moving forward.

Alternative #2: Use contract attorneys, paralegals, and investigators to address increased workload. This alternative would result in additional General Fund resources, depending on the number of contract personnel needed.

PROS:

- Use of agency temporary help would not add to permanent staff levels.
- The state would not pay benefits (e.g., health insurance, sick/vacation time, unemployment insurance) for agency temporary help.

CONS:

- Contract attorneys lack experience in capital litigation, requiring an investment in training, a steep learning curve, and substantial supervision by HCRC attorneys.
- Contract attorneys lack continuity. Constant turnover in personnel would require constant training, review, and oversight by HCRC attorneys, diverting legal staff from critical case work and resulting in little, if any, savings in staff time.
- Contract attorneys are seldom available to make a three- to four-year commitment to litigate a single habeas corpus case through state court or to commit the additional time required to litigate the case through the federal courts. If contractors leave mid-case, their

replacements as well as HCRC staff will use valuable time familiarizing themselves with the cases to which they are assigned.

- Contract legal staff is more costly than permanent staff. The minimum contract litigation attorney salary rate is typically more than \$150 per hour, which amounts to \$311,400 on an annual basis. Contract investigator rates are a minimum \$80 per hour, which translates to \$166,000 per year. In addition, most investigators lack the specific skills needed for capital habeas corpus investigation. Litigation paralegals command \$80,000 to \$85,000 per year in the Bay Area market. By contrast, the average costs of the HCRC legal staff requested here are \$106,000 for non-supervisory staff attorneys; \$78,000 for investigators; and \$75,000 for paralegals (including benefits, but exclusive of ongoing facilities costs, which would apply equally to both contract attorneys and staff attorneys).
- This alternative would also require a General Fund augmentation for each attorney, paralegal, investigator, and litigation support person obtained through contract. The funds required would exceed the cost of hiring a full-time person for the work.

Alternative #3: Recruit private counsel to accept appointments in habeas corpus cases. This request would result in additional General Fund resources to the Court Appointed Counsel Program, depending on the number of private counsel willing and able to accept appointments.

PROS:

- Use of private counsel would not add to permanent state staff levels.
- Private counsel appointments are less expensive than permanent staff, on a single-case basis.

CONS:

- The combined efforts of the HCRC, CAP, and the California Supreme Court have failed to recruit private counsel willing to accept habeas appointments.
- Current compensation rates for private counsel have proven to be ineffective incentives to convince counsel to accept new appointments at a rate sufficient to reduce the backlog.
- Private counsel require assistance from the CAP, which is funded under contract with the California Supreme Court through the General Fund.
- Private counsel lack the resources and opportunity to share experience or knowledge with other counsel, resulting in a constant training requirement for private counsel.
- The California Supreme Court incurs more costs in cases with private counsel representation, in the form of increased administrative expenses, the likelihood of untimely petitions or the need for replacement counsel, and the workload that results from the increased number of cases that are returned to the Court for further proceedings after its disposition of the informal briefing submitted by private (as opposed to HCRC) counsel.

Alternative #4: Provide \$2.6 million General Fund in 2019-2020; \$5.4 million in 2020-2021, and \$5.2 million in 2021-2022 and ongoing to create four additional case teams to provide legal representation to inmates on California's death row.

PROS:

- This proposal assures maximum productivity, efficiency, and consistency.
- Additional permanent staff builds a base of experience on which the HCRC will draw for training both internal staff and private counsel.

- This proposal will increase the ability of the HCRC to accept additional appointments in capital cases and provide training and support to private counsel, thereby improving the quality of representation and reducing delays resulting from unexhausted claims and need to replace counsel who withdraw.

CON: Results in additional General Fund resources.

Requesting Entity: Judicial Council of California
Contact: Penelope Davis
Tracking Number: 19-19

Proposal Title: Court Appointed Counsel in Juvenile Dependency Proceedings

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	0.0	\$0	\$22,000,000	\$22,000,000	\$22,000,000	\$22,000,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$22,000,000	\$22,000,000	\$22,000,000
One-Time			
Total	\$22,000,000	\$22,000,000	\$22,000,000

Proposal Summary:

The Judicial Council requests 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 \$202.9 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 \$69.2 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.

Background Information:

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

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

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.

Dependency counsel is charged with representing parent and child clients at every stage of the dependency proceeding, from the initial detention hearing until the court terminates its jurisdiction. Section 317.5 expressly entitles each party to a dependency proceeding with the services of competent counsel. Section 317 further requires that appointed counsel for a child or youth have a caseload and training that ensure adequate representation of the client. Dependency attorneys have a unique relationship with their clients and in some cases represent the same child for more than 18 years. The dependency attorney plays a vital role in family reunification and, for those families where reunification is not an option, adoption or relative guardianship.

In fiscal year 2014-2015 the Judicial Council addressed the growing discrepancies between the dependency counsel funding allocated to individual trial courts and the child welfare caseload in each court. The Council adopted a reallocation plan which ensured that available funding was allocated to courts based on the numbers of children in care in each court. Recognizing that the caseload funding model in use was based on data dating back to 2002, the Council directed the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee to review and update the model.

The committees conducted an extensive review of dependency counsel workload and practice in California which included analysis of national research and standards for dependency counsel, time-study data, statewide surveys and focus groups, and a series of public meetings. In April 2016, the committees recommended and the Council approved significant changes to the caseload funding model for dependency counsel (details on the methodology are included below in *Fiscal Impact*).

Employing the model to achieve a statewide caseload standard of 141 clients per attorney requires annual funding of \$202.9 million. Including the 2017 Budget Act ongoing augmentation of \$22 million, the total funding available for dependency counsel is \$136.7 million, which represents 67 percent of the funding need. The caseload funding model and the Council's reallocation plan ensure that all of the \$22 million in augmented funding is budgeted to courts with the highest caseload and funding needs, in proportion to each court's percentage of unmet need. Adequate funding for dependency counsel is a high priority of the Judicial Branch.

Justification:

The current annual budget allocation for Court-Appointed Dependency Counsel is \$136.7 million. Under this funding, the statewide average attorney caseload is sufficient to provide representation at a rate of only one attorney per 250 clients. This average caseload is 2 ½ times greater than the dependency attorney caseload of 100 clients per attorney recommended by the American Bar Association, and almost two times greater than the Judicial Council's target caseload of 141 clients per attorney. The Council has taken measures to address the problem within existing resources including implementing a reallocation methodology that allocates all existing funding to courts based upon their caseload needs, but total funding available only addresses 67 percent of the funding need.

The 2015-16 process of revising the caseload funding model for dependency counsel was based on extensive research including analysis of national research and standards for dependency counsel, time-study data, statewide surveys and focus groups, and extensive public comment. The process addressed questions raised by the executive branch and the legislature while reviewing budget proposals for dependency counsel funding including verifying the integrity of the caseload data being used and accounting for variations in local costs for salary and overhead.

This research and public comment verified what the Judicial Council has reported in prior budget change proposals. Inadequate funding and subsequent high caseloads lead to high attorney turnover and lack of retention of qualified advocates for children. High caseloads impact the quality of attorney practice. Attorneys report that they are unable to meet with clients except immediately before hearings, unable to carry out key duties including consulting with experts, assisting clients in complying with case plans, and effectively advocating for decisions that support family reunification and family connections, meeting the mental health and educational needs of children in foster care, and reducing the numbers of children in congregate care. These are some of the most important priorities of the California Department of Social Services and local child welfare agencies.

Inadequate funding and high caseloads also impact the efficiency of both the courts and the county agencies. Attorneys and judges report numerous delays in dependency hearings caused by inadequate courtroom attorney staffing and inadequate preparation time. Delays in dependency hearings risk keeping children in foster care longer than necessary.

The \$22 million budget augmentation for dependency counsel in the 2017 Budget Act is having a positive impact and demonstrates that new funding directly lowers attorney caseloads. The revised caseload funding methodology distributes funding augmentations to those courts with the greatest funding needs and highest attorney caseloads. Applying the funding in this targeted method enabled courts to substantially lower attorney caseloads including: Los Angeles lowering caseloads from an average of 270 clients per attorney to 220 clients per attorney, Riverside from an average of 380 to 210, and smaller courts including Ventura, Merced, and Yolo lowering caseloads by an average of 48 percent. Note that all of the caseloads lowered with the \$22 million augmentation are still far in excess of the 141 clients per attorney standard.

Fiscal Impact:

The methodology for calculating funding required for dependency court-appointed counsel was approved by the Judicial Council after an extensive process of data collection, stakeholder input, development and review in April 2016. The methodology has the following components:

- A method for counting caseload that reflects court workload by incorporating court dependency petition data and county child welfare caseload data;
- Sets dependency attorney salaries to the median county counsel salary in the state, giving the courts more ability to recruit and retain competent attorneys;
- Employs the Bureau of Labor Statistics governmental salary index for California to adjust for county-level economic variation; and
- Sets the caseload standard for attorneys from 188 to 141 parent or child clients per attorney

With current child welfare caseloads reported by the California Department of Social Services, \$202.9 million is required for dependency court-appointed counsel. The general fund allocation for dependency counsel is \$136.7 million. This proposal requests \$22 million or 32 percent of the unmet need. No actions or approvals from other governmental entities are required to implement this proposal.

Outcomes and Accountability:

Principal outcomes are lowered attorney caseloads and increased attorney time available for key stages in the dependency case. Time study analysis on current attorney workload conducted for the methodology revision showed that attorneys with high caseloads are required to spend the greatest proportion of the time available to them on cases in the early stages of dependency, including removal and placement in foster care. Attorneys are not able to spend substantial time on the permanency and post-permanency phases of the case. These are the phases, however, where the attorney’s involvement is a key factor in the family’s successful completion of their case plan, in the decision to reunify the family or move to termination of parental rights and adoption, in establishing long term family connections for children in care, and in the on-going review hearings which can examine recommendations to place children in congregate care. A comparison of California foster care caseloads and permanency data in large counties to court-appointed dependency counsel funding in those counties, conducted by the Judicial Council, demonstrates that courts that are relatively well-funded for dependency counsel show better outcomes in early exits of children to permanency and in lower rates of increase in the foster care population.

Attorney caseloads will be monitored through on-going surveys of the attorney providers in California.

The time on case phases will be monitored through the use of a case management system that is required for all attorneys in the Dependency Representation, Administration, Funding and Training program, representing 20 counties and 70 percent of all cases.

The linkage of additional funding to court efficiency and long term child welfare outcomes, including kin placement, reunification rates and time to reunification or adoption, will be measured through the Judicial Council’s on-going collaboration with the CDSS and analysis of Child Welfare Services/Case Management System data. In addition, researchers from the American Bar Association Center for Children and the Law are conducting an evaluation of the impact of dependency counsel funding changes in California, both in the courts receiving augmented funding and the courts who are reducing funding through the reallocation process.

Projected Outcomes:

Workload Measure	2016-17 Past Year	2017-18 Past Year	2018-19 Current Year	2019-20 Budget Year
Clients per attorney	250	250	250	225
Funding per case	\$895	\$895	\$895	\$1010

Other Alternatives Considered:

Alternative #1: Do not provide any additional funding to support court-appointed dependency counsel.

Pros: No additional General Fund resources.

Cons: Maintaining court-appointed dependency counsel funding at the current level of \$136.7 million annually will mean that the state continues to fail to fulfill the legislative mandate, initiated by SB 2160 and continued by the Judicial Council through its establishment of caseload standards. With the development of the new caseload funding methodology 55 of all 58 courts have an allocation below their funding need. Maintaining the present funding level will lead to increasing caseloads, a resulting increase in the number and length of hearing delays, the time children spend in foster care, and the cost to the state in judicial, legal, and child welfare services.

Alternative #2: Provide \$66 million General Fund to fully fund the caseload standard.

Pros: Full implementation of the Judicial Council caseload standard would reduce attorney caseloads to 141 clients per attorney and more closely fulfill the legislative mandate, as well as increase the efficiency of the court and reduce the time children spend in foster care and the resources devoted to the case by the state. However, most of these legal services are provided by contracts with local courts. One year may be too short a period to expect courts to implement full funding.

Cons: Results in additional ongoing General Fund resources.

Alternative #3: Seek efficiencies/additional funding sources.

Pros: No additional General Fund resources.

Cons: Courts have already implemented a range of efficiencies, including the DRAFT program's use of competitive solicitations and annual contracts with legal services providers. The Judicial Council has also implemented Assembly Bill 131 (Stats. 2009, ch. 414) which established a program to collect reimbursements from parents and other responsible persons, to the extent they are able to pay, for the court cost of providing legal services to parents and children in dependency. This program contributes only about \$525,000 to the dependency counsel budget.

Contingency List Concepts

Requesting Entity: Judicial Council of California
Contact: Penelope Davis
Tracking Number: 19-17

Proposal Title: Court Appointed Special Advocates (CASA) in Juvenile Dependency Court

Fiscal Summary:

Fund Source	Proposed JCC Positions	Total Personal Services	Operating Expenses & Equipment	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
General Fund	0.0	\$0	\$500,000	\$500,000	\$500,00	\$500,000

Detailed Funding By Fiscal Year:

	Proposed Total 2019-20	Proposed Total 2020-21	Proposed Total 2021-22
Ongoing	\$500,000	\$500,000	\$500,000
One-Time	\$0	\$0	\$0
Total	\$500,000	\$500,000	\$500,000

Proposal Summary:

The Judicial Council requests 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.

Background Information:

The Court Appointed Special Advocates (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.

CASA programs are operated by independent non-profits. One non-profit organization in each county is designated by the local court and the Judicial Council as the CASA grants program for the court, and must meet a variety of standards incorporated in California Rule of Court 5.610. CASA programs are also certified and reviewed by the National CASA Association and the California CASA Association. The volunteers recruited by CASA programs receive 40 hours of initial training before they are assigned a

child by the court, and an additional 12 hours of annual training. The principal role of the volunteer is to establish an ongoing relationship with the child, who in foster care is likely to have experienced multiple social workers and foster care placements. The volunteer accompanies the child or youth to court for hearings, gains an understanding of the child's living arrangements, education, health and mental health, and viewpoint on the dependency proceedings. The volunteer may provide this viewpoint to the court through a court report, and for this reason volunteers are often called "the eyes and ears of the judge".

CASA volunteers have been found to be effective at reducing placement changes, increasing the child or youth's involvement in the dependency process, improving the quality of information the judge receives, and advocating for services in school or health and mental health services that are often difficult for foster children to access. Because of the vulnerability of children in foster care and the high level of confidentiality that surround dependency proceedings, volunteers are carefully monitored by professional volunteer supervisors who work for the CASA programs. The recommended ratio of CASA volunteers to supervisors is no more than 35 to 1.

CASA programs have grown in the past decade, with 7 new programs established in courts and increasing the number of children in dependency served from 9,000 to 11,000. However, CASAs are constrained by the need to provide adequate supervision to volunteers. Every 35 volunteers recruited to serve children requires an additional volunteer supervisor.

Justification:

To serve more of the 55,000 children in out-of-home foster care, CASA programs need to be able to add enough supervisors to oversee the volunteers to continue to meet the standard set by the National CASA Association. Increasing the number of children served by 20 percent or 2,200 will reduce backlogs of children in local courts waiting for a volunteer assignment. Increasing the number of children served will give judges the ability to assign volunteers to children who may require a CASA immediately. These are frequently the children who have been forced to make placement changes or have specific educational, health or mental health needs that are not being met.

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 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. Increasing the Judicial Council grant program by \$500,000 will allow programs to increase the number of supervisors and serve an additional 2,200 children (13,200 or 24 percent of children in out-of-home foster care).

Fiscal Impact:

Approximately \$2.2 million is budgeted annually and administered by the Judicial Council to support CASA programs. CASA programs have been highly effective at using this funding, designated for core operations, to leverage additional funding from government sources, philanthropy, and the community, generally at a rate of about \$14 to every \$1 provided through the state general fund.

To serve an additional 2,200 children in out-of-home care (a growth of 20% in children served by CASA), 63 supervisors are required at an annual personal services cost of \$50,000 per supervisor, for a total of \$3,150,000. The proposal assumes that CASAs can use a base increase of \$500,000 to leverage full funding of \$3,150,000 by raising the additional \$2,650,000 from other sources. Given that CASAs raise funding at a rate of \$14 non-state general fund to \$1 from the CASA program, this target of 6 to 1 is realistic.

The Judicial Council conducted a survey and reported on CASA revenues for FY 2016.

Sources of revenue for all CASA programs statewide, combined, in FY 2016 were:

Source	Amount	Percent
Judicial Council	\$2,218,000	7%
Other Government	\$4,204,000	13%
Corporations and Foundations	\$8,767,000	26%
Individual donors	\$6,279,000	19%
Fundraising events	\$9,779,000	29%
Other	\$1,954,000	6%
Total	\$33,201,000	100%

CASA programs are non-profit programs and raise funding by submitting grant proposals to government, foundation and corporation philanthropic entities, and by holding fundraising events and soliciting donations from individuals.

Outcomes and Accountability:

The Judicial Council currently monitors several outcomes from all CASA programs: the number of volunteers recruited and trained; volunteer turnover; volunteer assignments to children and children served; as well as staff and volunteer demographics and budget information. Improvements and changes will be measured by monitoring volunteer supervisors added to the staff, volunteers added, increase in numbers of children served, and reductions in court backlog.

Projected Outcomes:

Workload Measure	2016-17 Past year	2017-18 Past Year	2018-19 Current Year	2019-20 Budget Year
FTE Supervisory	300	300	300	365
Children served	11,000	11,000	11,000	13,200
% out of home care served	20%	20%	20%	20%

Other Alternatives Considered:

Alternative #1: No additional funding to support CASA programs.

Pros: No additional General Fund resources.

Cons:

- As backlogs in courts grow, CASA programs are under pressure to serve more children. Without a budget augmentation, two adverse consequences are likely. The first is that CASAs will be required to supervise more volunteers with existing supervising staff, which puts vulnerable children at risk when volunteers are not receiving adequate supervision. The second consequence is that more and more court requests to assign a child to a CASA are refused for lack of volunteers, placing more strain on the court as it works to resolve difficult cases with often inadequate information.

Alternative #2: Provide \$2.5 million General Fund to fully fund the CASA Program.

Pros:

- Increases the quality of information to the court and give many more children separated from their families a caring adult to advocate for them in the system.

Cons:

- The network of CASA programs, including their volunteers and their supporters, may not be able to absorb an increase of this size.
- Results in additional General Fund resources.

Alternative #3: Provide a partial augmentation of \$250,000 to serve approximately 1,100 more children in out-of-home care.

Pros:

- This increase would certainly have many positive effects for the network. Restructuring the current Judicial Council CASA grants program to adequately support a funding increase targeted to volunteer supervisors will require effort on the part of both the Judicial Council, the local programs and the local courts. It would be ideal to undertake this effort for a large, measurable benefit.

Cons:

- Results in additional General Fund resources.
- Still leaves approximately 42,900 number of children without representation.

Date
May 16, 2018

Action Requested
Please Review and Accept

To
Hon. David M. Rubin, Chair, Judicial
Branch Budget Committee

Contact
Marsha G. Slough
Marsha.Slough@jud.ca.gov

From
Hon. Marsha G. Slough,
Chair, Judicial Council Technology
Committee

Jamel Jones
Information Technology
Jamel.Jones@jud.ca.gov

Subject
Ranking of the Technology Budget
Change Proposal Concepts

The purpose of this email is to provide you with a ranking of the technology budget change proposal (BCP) concepts as recommended by the Judicial Council Technology Committee (JCTC).

At your April 17th meeting, the Judicial Branch Budget Committee (JBBC) considered a shortened list of technology BCP initial funding requests, selected three to continue for consideration, and requested that the remaining three be ranked in order of priority. In response to this request, the JCTC met on May 14th and agreed upon a ranked list of the remaining technology BCP concepts still under consideration. The Committee ranked the concepts as follows:

1. Case Management System (CMS) Replacement for Trial Courts
2. Implementation of Phoenix Roadmap—Cloud Migration, Technical Upgrade and Functional Improvements combined with Phoenix HR Payroll Deployments
3. Digitizing Documents for the Superior and Appellate Courts

Please let me know if you require further information from the Judicial Council Technology Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Marsha G. Slough". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marsha G. Slough, Chair
Technology Committee

CC: Judicial Council Technology Committee
Judicial Branch Budget Committee
Mr. Martin Hoshino, Administrative Director



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

www.courts.ca.gov/tcbac.htm
tcbac@jud.ca.gov

TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

May 7, 2018
12:00 p.m. - 1:30 p.m.
Teleconference

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. James E. Herman, Hon. Joyce D. Hinrichs, Hon. Patricia M. Lucas, Hon. Charles Margines, Hon. Paul M. Marigonda, and Hon. Brian L. McCabe.

Executive Officers: Ms. Nancy Eberhardt, Mr. Chad Finke, Ms. Rebecca Fleming, Ms. Kimberly Flener, Mr. Kevin Harrigan, Mr. Michael D. Planet, Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Mr. Brian Taylor, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Judicial Council staff advisory members: Mr. John Wordlaw and Mr. Zlatko Theodorovic.

Advisory Body Members Absent: Judges: Hon. Mark Ashton Cope.
Executive Officers: Ms. Sherri R. Carter.

Others Present: Hon. Kimberly A. Gaab, Hon. David M. Rubin, Mr. Doug Kauffroath, Ms. Heather Pettit, Ms. Lucy Fogarty, and Ms. Brandy Sanborn.

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:03 p.m. and roll was called.

Approval of Minutes

The advisory body reviewed and approved the minutes of the April 23, 2018 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1 - 2)

Item 1 – Prioritization of Trial Court Budget Change Proposal (BCP) Concepts for 2019-20 (Action Required)

Review and prioritize trial court BCP concepts, and BCP concept submissions in which the TCBAC was identified as having purview and the opportunity to provide input, for submission to the Judicial Branch Budget Committee for its review.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Action: The Trial Court Budget Advisory Committee unanimously approved to prioritize the BCPs identified by the committee in the following order:

1. *Stabilization of Civil Assessment Revenue, \$155m*
2. *Trial Court Facility Maintenance and Operations, \$31.4m*
3. *Funding for 10 of the 50 Judgeships Authorized by AB 159 (combined with Appellate Court Judicial Workload), \$8.9m - \$16m*
4. *Technology – The committee is prioritizing this general concept that includes the following three specified concepts which are not listed in order of priority and without dollar amounts (to be determined at a later time):*
 - a. *Case Management System (CMS) Replacement for Trial Courts*
 - b. *Digitizing Documents Phase One for the Superior and Appellate Courts*
 - c. *Implementation of Phoenix Roadmap – Cloud Migration, Technical Upgrade and Functional Improvements combined with Phoenix HR Payroll Deployments*

The committee tabled the Support for Trial Court Operations concept for one year. The decision wasn't due to not having concern for funding, but out of recognition of higher priorities and in consideration of the current budget proposal remaining intact.

Action: The Trial Court Budget Advisory Committee unanimously approved the following BCPs in which the committee was identified as having purview and the opportunity to provide input without prioritizing:

- A. *Civil Adjudication of Minor Traffic Infraction - Futures Commission Recommendation (Placeholder), amount to be determined*
- B. *Continuing the Implementation of the Strategic Plan for Language Access in California Courts, \$11.8m*
- C. *Court Appointed Counsel in Juvenile Dependency Proceedings (Auxiliary), supported by the committee with the amount subject to further discussion pending funding received in the Governor's Budget*
- D. *Court Appointed Special Advocates (CASA) in Juvenile Dependency Court (Contingent), \$500k*
- E. *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, supported by the committee with the amount subject to further discussion pending funding received in the Governor's Budget*
- F. *Judicial Branch Litigation Management Program, \$5.8m*
- G. *Pretrial Detention Reform (Placeholder), amount to be determined*
- H. *Proposition 66 - Death Penalty Reform and Savings Act of 2016 (Placeholder), amount to be determined*
- I. *Statewide Security Systems and Equipment - Maintenance and Replacement, \$6m*

Item 2 – Adjustment to Council-Approved 2017-18 Allocations from the State Trial Court Improvement and Modernization Fund (IMF) (Action Required)

Consideration of an augmentation of the 2017-18 Litigation Management Program (LMP) allocation in the IMF.

Presenter(s)/Facilitator(s): Mr. Eric Schnurpfeil, Deputy Chief Counsel, Judicial Council Legal Services

Action: The Trial Court Budget Advisory Committee unanimously approved a one-time augmentation of \$933,000 to the 2017-18 IMF allocations for the LMP to include 1) a \$150,000 transfer from its Regional Office Assistance Group; 2) a \$183,000 transfer from its Judicial Performance Defense Insurance; and 3) a \$600,000 augmentation from the IMF fund balance.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:06 p.m.

Approved by the advisory body on enter date.

DRAFT

(Action Item)

Title: Prioritization of Trial Court Budget Change Proposal Concepts for 2019-20
Date: 5/1/2018
Contact: Brandy Sanborn, Manager, Budget Services
415-865-7195 brandy.sanborn@jud.ca.gov

Issue

Issue 1

Review and prioritize the trial court budget change proposal (BCP) concepts identified by the Trial Court Budget Advisory Committee (TCBAC) and authorized to proceed by the Judicial Branch Budget Committee (JBBC). Table 1 below includes the BCP priority recommendations first identified by TCBAC, followed by the working titles established during the initial BCP drafting process. The prioritized BCP concepts will be submitted again to the JBBC for final review, approval, and prioritization for submission to the Judicial Council:

Table 1

#	BCP Concept (in alphabetical order)	2019-20 Dollar Amount
1	Facility Maintenance / Modifications	\$31,400,000
	Trial Court Facility Maintenance and Operations	
2	Funding Augmentations to Revenues	\$155,000,000*
	Stabilization of Civil Assessment Revenue	
3	Funding for Trial Court Operations / Funding for Cost of Living Adjustments	\$178,000,000
	Support for Trial Court Operations	
4	Judgeships	\$8,900,000 to \$16,000,000**
	Funding for 10 of the 50 Judgeships Authorized by AB 159 (combined with Appellate Court Judicial Workload)	
5	Technology	
5.1	Case Management System (CMS) Replacement for Trial Courts.	\$34,000,000
5.2	Digitizing Documents Phase One for the Superior and Appellate Courts	\$5,800,000***
5.3	Implementation of Phoenix Roadmap – Cloud Migration,	\$5,712,000

#	BCP Concept (in alphabetical order)	2019-20 Dollar Amount
	Technical Upgrade and Functional Improvements combined with Phoenix HR Payroll Deployments	

*Includes \$48.3 million Maintenance of Effort buyout.

**Reflects trial court estimate only.

***Reflects combination of appellate and trial court estimates.

Note: Court Construction was identified by TCBAC as a BCP priority and submitted with the working title of *Trial Court Capital Outlay Plan*; however, this concept was not approved to proceed by JBBC and has been omitted from the table above.

- 1. Trial Court Facility Maintenance and Operations.** The Trial Court Facility Modification Advisory Committee proposes, and the TCBAC supports, an augmentation of \$31.4 million in General Fund beginning in 2019-20 and ongoing to support operations and maintenance of state trial court facilities. The \$14 million for maintenance and the \$17.3 million for utilities requested is in excess of the County Facilities Payments, which is the counties' cost of operating each facility for the years 1996 to 2000, inflated to the date of transfer. Since 2009-10, no additional funding has been provided to the Judicial Council of California to account for cost escalation or growth in square footage resulting from newly constructed trial court facilities authorized under SB 1732 and 1407.
- 2. Stabilization of Civil Assessment Revenue.** TCBAC proposes a General Fund augmentation of \$155 million beginning in 2019-2020 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). 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 courts' base allocations.
- 3. Support for Trial Court Operations.** TCBAC proposes an ongoing General Fund augmentation of \$178 million 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 TCBAC: 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 TCTF.

- 4. Funding for 10 of the 50 Judgeships Authorized by AB 159.** TCBAC proposes an ongoing 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.

- 5.1 Case Management System (CMS) Replacement for Trial Courts.** The Judicial Council Technology Committee proposes, and the TCBAC supports, a one-time General Fund augmentation of \$22 million in 2019-20, \$7.4 million in 2020-21, \$3.2 million in 2021-22, \$470,000 in 2022-23, and \$120,000 in 2023-24. This one-time funding will be used by 10 courts (Amador, Colusa, Contra Costa, Lassen, Marin, Mariposa, Mono, Nevada, Solano and Shasta Courts) for the procurement and deployment of a modern, commercial, off-the-shelf CMS to replace their legacy CMSs. This funding request also

includes additional on-going funding of approximately \$350,000 annually for 2.0 positions (Senior Business Systems Analyst) at the Judicial Council to support the administration of multiple statewide master service agreements with four CMS vendors as well assist with the distribution of BCP funding and project status reporting for CMS deployments. The funding amount being requested in this BCP for the 10 trial courts will need to be validated/refined as part of developing the 2019-20 BCP.

5.2 Digitizing Documents Phase One for the Appellate and Superior Courts. The Judicial Council Technology Committee proposes, and the TCBAC supports, a one-time General Fund augmentation of an estimated \$5.7 million in 2018-19 and an ongoing augmentation funding of \$170,000/yr. for a Senior Business Systems Analyst. The funding will support a pilot program (focusing on 6 to 8 courts) for digitizing paper and/or filmed case files for the Appellate and Superior Courts. The target for this pilot is the equivalent of 22,000 linear feet of paper case files. After this pilot, the data will be used to develop cost estimates, and identify potential processes and techniques needed for courts looking to digitize documents in the future. This request includes 1.0 FTE position (Senior Business Systems Analyst) to function as the project manager to oversee activities for the digitization pilot, develop and maintain the project plan and assist subsequent courts with document digitizing efforts.

5.3 Implementation of Phoenix Roadmap – Cloud Migration, Technical Upgrade and Functional Improvements combined with Phoenix HR Payroll Deployments. The Judicial Council Technology Committee proposes, and the TCBAC supports, a one-time General Fund augmentation of \$9 million 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 administration 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.

In addition, the Judicial Council Technology Committee proposes, and the TCBAC supports, a one-time augmentation of \$490,000 and an ongoing \$385,000 to provide services, some consulting backfill and travel, and 7.0 ongoing staff to support the additional work of the Phoenix HR Payroll Program. This will also position the Phoenix Program to deploy to and support 2 to 3 more deployments over the following several years.

For additional detail on each of the above concepts, see Link A in the attachments to view submissions to the JBBC.

Issue 2

Review and prioritize BCP concept submissions developed by other committees in which the TBCAC was identified as having purview and the opportunity to provide input for submission to the JBBC for its review; including placeholders identified by JBBC, auxiliary submissions, and a contingent submission:

Table 2

#	BCP Concept (in alphabetical order)	2019-2020 Dollar Amount
A	Civil Adjudication of Minor Traffic Infraction - Futures Commission Recommendation (Placeholder)	TBD
B	Continuing the Implementation of the Strategic Plan for Language Access in California Courts	\$11,800,000
C	Court Appointed Counsel in Juvenile Dependency Proceedings (Auxiliary)	\$22,000,000
D	Court Appointed Special Advocates (CASA) in Juvenile Dependency Court (Contingent)	\$500,000
E	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	\$23,700,000
F	Judicial Branch Litigation Management Program	\$5,800,000
G	Pretrial Detention Reform (Placeholder)	TBD
H	Proposition 66 - Death Penalty Reform and Savings Act of 2016 (Placeholder)	TBD
I	Statewide Security Systems and Equipment - Maintenance and Replacement	\$6,000,000

Reference Link A for details on the above BCP concepts listed A-I.

Background

At its February 15, 2018 meeting, the TCBAC reviewed and discussed potential 2019-20 BCPs after a survey was conducted of the membership and after the 2018 Governor's Budget Proposal to assist in identifying trial court priorities for submission to the JBBC and then to the Judicial Council for approval and prioritization for submission to the Department of Finance.

The TCBAC meeting resulted in a total of five BCP concepts without order of prioritization or finalized figures, two of which were in general support of construction and technology. The remaining concepts resulted in three BCP concept drafts to assist in capturing the need for each request for final review and prioritization.

The current BCP process was approved by the Judicial Council and effective on December 16, 2016, providing an opportunity for applicable advisory bodies to offer input and prioritize BCP concepts developed by other committees as time permits. In preparation for the upcoming JBBC meeting on May 23, 2018 to review and prioritize all BCPs for submission to the Judicial Council, all BCPs under TCBAC purview have been included for TCBAC to provide input and prioritize as necessary.

Options for Discussion

Table 1

Option 1

Review and prioritize *only* the BCP concepts #1-5 recommended by the TCBAC for submission to the JBBC.

Option 2

Review and prioritize BCP all concepts #1-5.3 to include the three individual technology submissions in the ranking.

Option 3

Submit the BCP concepts to the JBBC *without* prioritization.

Table 2

Option 1

Review and prioritize and *some or all* of the additional BCP concepts for submission to the JBBC.

Option 2

Submit the BCP concepts to the JBBC *without* prioritization.

Attachments

Link A: Summaries of additional BCP concepts, at <http://www.courts.ca.gov/documents/jbbc-20180417-materials.pdf>