



JUDICIAL COUNCIL  
OF CALIFORNIA

JUDICIAL BRANCH BUDGET  
COMMITTEE

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS FOR MAY 18, 2021

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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 MEETING WITH CLOSED SESSION

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

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<b>Date:</b>	May 18, 2021
<b>Time:</b>	1:00 p.m. to 4:00 p.m.
<b>Public Videocast:</b>	<a href="http://jcc.granicus.com/player/event/1293?&amp;redirect=true">http://jcc.granicus.com/player/event/1293?&amp;redirect=true</a>

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Meeting materials for open portions of the meeting will be posted on the committee 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](mailto:JBBC@jud.ca.gov).

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

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

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##### **Call to Order and Roll Call**

##### **Approval of Minutes**

Approve minutes of the March 11, 2021 Judicial Branch Budget Committee meeting.

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

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This meeting will be conducted by electronic means with a listen only video link available for the public. As such, public may submit comments for this meeting only in writing. 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](mailto:JBBC@jud.ca.gov), attention: Angela Cowan. Only written comments received by 1:00 p.m. on May 17, 2021 will be provided to committee members prior to the start of the meeting.

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**III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED – ITEMS 1-2)**

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**Info 1****2021-22 May Revision Budget Update**

Update on the 2021-22 May Revision to the Governor’s Budget

Presenter(s)/Facilitator(s): Mr. Zlatko Theodorovic, Deputy Director, Judicial Council  
Budget Services

**Info 2****Report on Allocation Activities of Trial Court Budget Advisory Committee (TCBAC)**

Report on allocation activities of the TCBAC.

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

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**IV. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-2)**

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**Item 1****2022-23 Budget Change Concepts (Action Required)**

Review of 2022-23 Budget Change Concepts.

Presenter(s)/Facilitator(s): Hon. David M. Rubin, Chair, Judicial Branch Budget Committee

**Item 2****Allocation Methodology of Trial Court Funding in 2021-22 Governor’s Budget (Action Required)**

Consider a recommendation from the TCBAC on an allocation methodology for the \$72.2 million in new, discretionary funding included in the 2021-22 Governor’s Budget.

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

Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory  
Committee

Ms. Brandy Olivera, Manager, Judicial Council Budget Services

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**V. ADJOURNMENT**

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**Adjourn to Closed Session**

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

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**Call to Order and Roll Call**

**Approval of Minutes**

Approve minutes of the March 11, 2021 Judicial Branch Budget Committee meeting.

**Item 1**

**Innovations Grant Program (California Rules of Court, Rule 10.75 (D)(9))**

***Contingency Fund, Program Status, and Final Report to Legislature (discussion)***

Review and discussion of administrative matters regarding Innovation Grants.

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**VII. ADJOURNMENT**

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**Adjourn Closed Session**



# JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET  
COMMITTEE

[www.courts.ca.gov/jbbc.htm](http://www.courts.ca.gov/jbbc.htm)  
[JBBC@jud.ca.gov](mailto:JBBC@jud.ca.gov)

## JUDICIAL BRANCH BUDGET COMMITTEE

### MINUTES OF OPEN MEETING

March 11, 2021

1:00 p.m. to 4:00 p.m.

<http://jcc.granicus.com/player/event/1197?>

**Advisory Body Members Present:** Hon. David. M. Rubin, Chair; Hon. Ann Moorman, Vice Chair; Hon. C. Todd Bottke; Hon. Carin T. Fujisaki, Hon. Brad R. Hill; Hon. Harold W. Hopp; Mr. Kevin Harrigan

**Advisory Body Members Absent:**

**Others Present:** Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller; Hon. Jonathan Conklin, Ms. Rebecca Fleming, Ms. Angela Cowan, Ms. Marcela Eggleton, Ms. Laura Speed, Ms. Charlene Depner, Ms. Shelly Curran, Ms. Pella McCormick. Ms. Heather Petit

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order at 1:01 p.m. and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the minutes of the January 5, 2021, Judicial Branch Budget Committee meeting.

#### DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-1)

##### Item 1 – 2022- 23 Budget Change Concepts (Action Required)

Review of 2022-23 Budget Change Concepts

Presenter(s)/Facilitator(s): Various

**Action:** No action was taken. The committee opted to defer its decision on all concepts to the May 18, 2021 meeting, after the release of the May Revision to the 2021-22 Governor's Budget.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 2:34 p.m.

Approved by the advisory body on enter date.

## Materials for Discussion and Possible Action

### Item 1

### 2022-23 Budget Change Concepts (Action Required)

**Judicial Branch  
2022-23 BCP Concept Tracking List**

- BCP included in the 2021-22 Governor's Budget and is pending legislative approval.
- BCP Proposed for the 2021-22 Governor's Budget and was denied.
- Request submitted to Budget Committee in 2021-22 and was denied.

#	Concept Tracking #	JCC Office	Title	Description	# Positions	2022-23 \$ Estimate	Fund Source	Previous Submittal	JCC Committee	Proposed Lead Advisory Committee	Historical Comments
1	22-01	ACS	Proposition 66 Costs in the Courts of Appeal	To support new workload and costs (including appointed counsel, investigation, records storage, and technology upgrades) associated with implementation of Proposition 66 in the Courts of Appeal.	14.5	9,048,000	GF	Y	APJAC	APJAC	This BCP was combined with COA and TC requests for Prop 66 workload and submitted for the inclusion in 2021-22 Governor's Budget. The BCP was denied by DOF.
2	22-02	ACS	Appellate Court Security	To provide seven essential additional California Highway Patrol Judicial Protection Section (CHP-JPS) officers at seven single-officer courthouses of the state appellate courts, consisting of the California Supreme Court and the six appellate districts and divisions of the Courts of Appeal.	0.0	1,537,000	GF	Y	APJAC	APJAC	
3	22-03	ACS	Courts of Appeal Court-Appointed Counsel Program	To provide \$5.1 million ongoing General Fund for a \$12 rate increase for non-capital appeal appointments, and \$1.3 million ongoing for seven percent increase in the five Appellate Project Offices annual contracts.	0.0	6,400,000	GF	Y	APJAC	APJAC	
4	22-04	BAP	Phoenix System Functional Requirements	Ongoing GF for staffing, software maintenance, and consulting costs to maintain critical support and continuous improvement in key areas of the Phoenix Financial System.	3.0	1,744,000	GF	N	TC ITAC TCBAC	TC	
5	22-05	CFCC	Self-Help Centers in Trial Courts – Expanding In-Person and Online Resources	To support 2 key initiatives: (1) expanding Self-Help Centers in courts to address unmet needs; (2) Resources for Information and collaboration to enable courts to expand into unmet areas of civil law and increase efficiency and effectiveness by expanding on-line, interactive resources for self-represented litigants.	6.0	23,361,000	GF	Y	ACPAF	ACPAF	Phase one of this BCP was included in 2021-22 Governor's Budget to provide ongoing funding for the current service level.
6	22-06	CJS	Sex Offender Registration Termination	To support the trial courts in addressing the significant workload impact of Senate Bill 384.	0.0	16,690,000	GF	Y	EO	TBD	
7	22-07	CIS	Collaborative Court Justice Program: Trial Court and Statewide Administrative Support	To support trial court administrative and program costs associated with drug and other adult and juvenile collaborative justice courts (collaborative courts), which have proven to be effective in improving case outcomes and reducing recidivism.	5.0	15,000,000	GF	Y	CJAC	CJAC	
8	22-08	CIS	Maintaining a Sufficient Pool of Competency to Stand Trial Court Evaluators	To support trial courts in addressing the increased number of Penal Code (PC) § 1368 competency to stand trial evaluations required throughout the state.	1.0	4,195,000	GF	Y	CJAC	CJAC	
9	22-09	FS	Trial Court Capital-Outlay Funding: 2022–23 through 2025–26	Requests \$151.705 million one-time General Fund in 2022–23 for initial and/or continuing phases of four trial court capital-outlay projects. Additionally, this proposal requests an amount \$TBD to provide funding for trial courts with increased costs due to the completion of current capital outlay projects.	0.0	151,705,000	GF	N	CFAC TCBAC	CFAC	
10	22-10	FS	Courts of Appeal Facility Maintenance Program	To support operations and maintenance, minor repairs, and deferred maintenance for the Courts of Appeal facilities.	0.0	10,832,000	GF	Y	APJAC	APJAC	Similar BCP was combined with TC Facility Operations and Maintenance and submitted for inclusion in the 2021-22 Governor's Budget. The funding request for COA was partially approved for maintenance and denied for minor repairs by DOF.
11	22-11	FS	Trial Court and Courts of Appeal Deferred Maintenance	To support deferred maintenance projects for trial courts and Courts of Appeal.	3.0	100,666,000	GF	Y	TCFAC TCBAC	TCFAC	Similar BCP was combined with TC and COA Facility Operations and Maintenance and submitted for inclusion in 2021-22 Governor's Budget. \$30 million was approved and included in 2021-22 Governor's budget as a separate BCP.
12	22-12	FS	Financial Obligations of the Court Facilities Trust Fund (CTFF)	Ongoing General Fund and an additional \$3.5 million ongoing reimbursement authority to meet the financial obligations of the Court Facilities Trust Fund (CTFF).	10.0	52,496,000	GF/CTFF	Y	TCFAC TCBAC	TCFAC	Similar BCP was included in 2021-22 Governor's Budget to provide 5.0 PY and \$53.5 million for facilities maintenance and leases.
13	22-13	FS	Trial Court Facility Modification Prioritization and Costs	Ongoing General Fund transfer and reimbursement authority for the State Court Facilities Construction Fund (SCFCF) to address additional facility modifications in trial courts.	0.0	35,000,000	GF/ Reimb	N	TCFAC TCBAC	TCFAC	
14	22-14	FS	San Diego HOJ Facility Modernization	To support a planned facility modernization to the San Diego Hall of Justice.	0.0	13,000,000	GF	N	TCFAC	TCFAC	
15	22-15	FS	Water Conservation and Leak Detection Measures in Courthouses	To implement water leak detection equipment and software that will support water conservation measures. The funds will be used to install water meter data logging equipment and software in an estimated 160 courthouses within the JCC portfolio.	0.0	1,750,000	GF	N	TCFAC TCBAC	TCFAC	
16	22-16	HCRC	HCRC Case Team Staffing and Establishment of Los Angeles Office – Prop 66	To address increased workload caused by the enactment of Proposition 66 passed by voters in 2016, the Habeas Corpus Resource Center (HCRC).	30.0	6,600,000	GF	Y	HCRC Exec Dir	N/A	This BCP was combined with COA and TC requests for Prop 66 workload and submitted for the inclusion in 2021-22 Governor's Budget. The BCP was denied by DOF.



**Judicial Branch  
2022-23 BCP Concept Tracking List**

- BCP included in the 2021-22 Governor's Budget and is pending legislative approval.
- BCP Proposed for the 2021-22 Governor's Budget and was denied.
- Request submitted to Budget Committee in 2021-22 and was denied.

#	Concept Tracking #	JCC Office	Title	Description	# Positions	2022-23 \$ Estimate	Fund Source	Previous Submittal	JCC Committee	Proposed Lead Advisory Committee	Historical Comments
17	22-17	IT	Judicial Branch Office of Information Security	To establish and maintain an Office of Information Security (OIS) to comply with best practices in management of information security and risks, branch technology and the data held across the Judicial Branch.	4.0	5,127,000	GF	Y	ITAC TC	TC	This proposal was submitted to the Budget Committee for 2021-22 and was initially approved for submission to DOF, however, due to the approval of Information Technology funding for the Trial Courts of \$25 million for 2 years this proposal was rescinded prior to submission to DOF.
18	22-18	IT	Rural Court Internet Connectivity (Placeholder)	To provide reliable broadband internet connectivity for approximately 13 trial courts in remote or rural locations where existing internet access is inadequate to support modern operational requirements.	0.0	TBD	GF	N	ITAC TC	TC	
19	22-19	IT	Judicial Branch IT Modernization	Permanent funding of Judicial Branch Modernization efforts for Trial Courts, Courts of Appeal and the Supreme Court.	20.0	29,322,000	GF	Y	ITAC TC	TC	\$25M per year in funding for Information Technology Modernization at the Trial Courts was provided in 2020-21 and 2021-22.
20	22-20	CFCC	Language Access Efforts in California Courts	To provide funding to trial courts for expansion of Language Access services to the public and automating processes to increase speed of deploying interpreters.	3.0	17,035,000	GF	Y	ACPAF TC	ACPAF	
21	22-21	Legal	Additional Legal Services Staff for Public Access Work	Funding is sought for four (4) full time Legal Services (LS) employees with specialized expertise on access related law and issues.	4.0	767,000	GF	N	EO	TBD	
22	22-22	TCBAC	<del>Trial Court Baseline Funding Restoration of 2020-21 Budget Reductions</del>	<del>To fully restore baseline funding to enable California's trial courts to provide vital services and timely justice to the public.</del>	<del>0.0</del>	<del></del>	<del>GF</del>	<del>N</del>	<del>TCBAC</del>	<del>TCBAC</del>	<del>Governor proposed restoration of the funds in 2021-22 budget and is pending legislative approval.</del>
23	22-23	TCBAC	Trial Court Workload Formula Gap Funding to 85 percent	To fund all trial courts at 85 percent of their Workload Formula need.	0.0	148,124,000	GF	N	TCBAC	TCBAC	
24	22-24	TCBAC	Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index)	To provide an adjustment to trial court budgets to reflect general inflationary cost increases as reflected in changes in the Consumer Price Index (CPI) for 2020-21, 2021-22, 2022-23, and then annually thereafter.	0.0	162,165,000	GF	Y	TCBAC	TCBAC	A BCP was submitted to request CPI adjustment and was not approved by DOF. However, there is a proposal in the 2021-22 Governor's Budget to provide \$72.173 M to the trial courts.
25	22-25	TCBAC	Trial Court Civil Assessment Maintenance of Effort	To backfill civil assessment revenues from 38 of 58 courts that are currently funding base allocations due to a 2007 reduction in county Maintenance of Effort (MOE) payments that was not backfilled.	0.0	48,300,000	GF	N	TCBAC	TCBAC	
26	22-26	IT	IT Modernization for Supreme Court and Courts of Appeal	To provide funding for ongoing costs related to technology initiatives to enable the Supreme Court and Courts of Appeal to modernize with the use of technology for the benefit of the public, the California State Bar, justice partners, trial courts, justices and court staff.	9.0	3,674,000	GF	N	APJAC TC	APJAC	
27	22-27	BMS	Judicial Branch Data and Information Governance	To establish and implement branch data and information governance needed to improve and expand Judicial Branch data access, use, and sharing.	10.0	11,492,000	GF	N	EO	TBD	
<b>Total Requests</b>					<b>122.5</b>	<b>876,030,000</b>					

This proposal has been withdrawn by the TCBAC

Internal Committees	
TC	Technology Committee
LMC	Litigation Management Committee
Advisory Committees	
APJAC	Administrative Presiding Justices Advisory Committee
ACPAF	Advisory Committee on Providing Access & Fairness
ACAFA	Advisory Committee on Audit and Financial Accountability
CACCA	Court of Appeal Clerks
CEAC	Court Executives Advisory Committee
CFAC	Court Facility Advisory Committee
CIAP	Court Interpreters Advisory Panel
CJCAC	Collaborative Justice Courts Advisory Committee
CSAC	Court Security Advisory Committee
FJLAC	Family & Juvenile Law Advisory Committee
HCRC Exec Dir	Executive Director of HCRC
ITAC	Information Technology Advisory Committee
LAS-ACPAF	Language Access Sub-committee of ACPAF
TCBAC	Trial Court Budget Advisory Committee
TCFMAC	Trial Court Facility Modification Advisory Committee
TCPJAC	Trial Court Presiding Judges Advisory Committee

<b>Requesting Entity</b>	Administrative Presiding Justices Advisory Committee
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<b>Proposal Title</b>	Proposition 66 Costs in the Courts of Appeal
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**Proposal Summary**

The Judicial Council of California (JCC) is requesting 14.5 positions and \$9 million General Fund in 2022-23; \$8.7 million General Fund in 2023-24; and annually thereafter to support new workload and costs (including appointed counsel, investigation, records storage, and technology upgrades) associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 (Prop 66) in the Courts of Appeal.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	14.5	\$3,114,000	\$5,934,000	\$0	\$9,048,000
2023-24	0001	14.5	\$3,114,000	\$5,605,000	\$0	\$8,719,000
2024-25	0001	14.5	\$3,114,000	\$5,628,000	\$0	\$8,742,000
					<b>3 Year Total</b>	\$26,509,000
					<i>Ongoing</i>	\$8,742,000
					<i>One-Time</i>	\$220,000

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

Approximately 150 petitions are currently pending in the superior courts that will likely result in an appeal under Proposition 66. The estimated workload calculation projects that one-fourth (1/4) of the pending 150 cases (38) will be appealed in each year beginning in fiscal year 2022-23. If funding is not provided to the Courts of Appeal, the courts will have to absorb over 12.5 work year equivalents each fiscal year resulting from the estimated 38 cases that will be appealed, with each case requiring approximately 4 months FTE (full-time equivalent) to review and prepare. This will delay all appeals, slowing the process of justice, which is precisely the opposite of what the proponents of Prop 66 and, by extension, the majority of Californians wanted when Prop 66 was passed.

There is also a 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 24 years for appointment of an attorney. These delays in appointment of counsel are not only against the interests of justice and fairness but 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 potential relief from their death judgments. As of mid-2018, 367 inmates were without habeas counsel. Although the issue of

responsible party for payment to appointed counsel for trial court habeas proceedings and the rate of pay is still to be determined, the component of this request that seeks additional funding for appointed and assisted counsel at the current capital case rate of \$145/hour for matters in the Courts of Appeal will help address one aspect of the chronic shortage.

The Courts of Appeal will need additional staff to handle these appeals. Because these cases involve the death penalty, they are generally extraordinarily hard-fought, present many complex issues, have records that are thousands of pages long, and are based on briefs that can be 300 pages or more. The Courts of Appeal will be required to do different and additional work than was required of the Supreme Court when it considered death-penalty petitions before Prop 66. Unlike what was required by the Supreme Court, the Courts of Appeal will be required to issue full written opinions, resolve interlocutory writ petitions taken from superior court rulings, decide multiple pre-decision motions, and consider petitions for rehearing.

The estimated workload calculation is based on averaging two types of anticipated appeals: appeals from initial petitions, which will require extensive work and appeals from second or subsequent petitions, which will often require less work. For appeals from initial petitions, an FTE position will need an average of six months to prepare a draft opinion. For appeals from second or subsequent petitions, an FTE position will need from one week to several months to prepare a memorandum or draft decision. Averaging these estimates results in the need for one FTE position to work on a case for four months. The estimated workload calculation projects that a quarter of the pending 150 cases (38) will be appealed in each year for years beginning in 2022-23, and that 20 cases will be appealed in each of the ensuing years. The number of annual appeals is projected to drop to 20 because of the practical difficulty of finding and appointing counsel in these cases.

Courts of Appeal Appointed Counsel: Counsel has already been appointed in virtually all 150 cases pending in the superior courts, and most of the decisions issued in these cases will be appealed under Prop 66. The Courts of Appeal cannot assume, however, that because a petitioner had representation in the superior court, the petitioner will have representation on appeal. Under applicable court rules, unless the petitioner and counsel expressly request continued representation, new counsel must be appointed. This concept projects that the Courts of Appeal will be required to appoint and compensate counsel in half of the estimated 38 appeals filed each year through 2024-25.

### **Background/History of Problem**

On November 8, 2016, the California electorate approved Proposition 66, the Death Penalty Reform and Savings Act of 2016. This act made a variety of changes to the statutes relating to review of death penalty (capital) cases in the California courts, many of which were focused on reducing the time spent on this review. Among other provisions, Prop 66 effected several changes to the procedures for filing, hearing, and making decisions on death penalty-related habeas corpus petitions. The act did not take effect immediately on approval by the electorate because its constitutionality was challenged in a petition filed in the California Supreme Court, *Briggs v. Brown* (S238309). On Oct. 25, 2017, the Supreme Court's opinion in *Briggs v. Brown* became final (2017 3 Cal.5th 808), and the act took effect.

Before Proposition 66, habeas corpus petitions related to capital convictions were filed in and decided by the Supreme Court. Under Prop 66, these petitions are generally to be decided by the superior courts and then appealed to the Courts of Appeal. Habeas corpus proceedings represent a new workload and the need for new staffing for the Courts of Appeal. Staffing requested 14.5 positions (personal services and operating expenses and equipment) (1) supervising appellate court attorney, (11.5) senior appellate court attorneys, (2) judicial assistants.

### **Impact of Denial of Proposal**

The Courts of Appeal will not have the resources (funding and staff) to address the new workload resulting from the passage of Proposition 66, the Death Penalty Reform and Savings Act of 2016. All habeas corpus petitions related to capital convictions appeals will be delayed, slowing the process of justice, which is precisely the opposite of what the proponents of Prop 66 and, by extension, the majority of Californians wanted when Prop 66 was passed.

### **Outcomes and Accountability of Proposal**

With approval of this proposal, the Courts of Appeal will be able to hire and develop professional staff to handle habeas corpus appeals in order to review and render timely opinions to provide relief to prisoners without counsel. The Courts of Appeal will have the necessary resources to support the new workload and other costs (including appointed counsel, investigation, records storage, and technology upgrades) to adequately address the appeals and the costs associated with the implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 (Prop 66) in the Courts of Appeal.

Finally, successful implementation of this proposal will be manifested through prompt hiring and training of new staff members, allowing the new workload created by Prop 66 to be addressed appropriately and not overwhelm the Courts of Appeal. Accountability will be measured through attorney recruitment and will help in the process of reducing the backlog of habeas counsel appointments to prisoners on death row.

### **Required Review/Approval**

Administrative Presiding Justices Advisory Committee

### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity

Goal IV: Quality of Justice and Service to the Public

Goal VII: Adequate, Stable, and Predictable Fund for a Fully Functioning Branch

As set forth in the Judicial Council’s long-range Strategic Plan for California’s Judicial Branch, (adopted December 2006; re-adopted and revised December 2014, and reaffirmed in 2019), the mission of the California judiciary is to “in a fair, accessible, effective and efficient manner, resolve disputes arising under the law... protect the rights and liberties guaranteed by the Constitutions of California and the United States.” Goal I of the strategic plan, Access, Fairness, and Diversity, states that “California’s courts will treat everyone in a fair and just manner. All Californians will have equal access to the courts proceeding and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users.” Prop 66 specifically requires the JCC to adopt rules “designed to expedite the processing of capital appeals and state habeas corpus review.” (Penal Code Section 190.6(d)). This direction is consistent with the provision in Prop. 66 that provides that death penalty-related habeas corpus proceedings “be conducted as expeditiously as possible.” (Penal Code Section 1509(f)). This concept also fulfills the Judicial Branch Strategic Plan Goals: IV: Quality of Justice and Service to the Public and VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch.

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Deborah Collier-Tucker**

<b>Requesting Entity</b>	Administrative Presiding Justices Advisory Committee
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<b>Proposal Title</b>	Appellate Court Security
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$1.5 million ongoing General Fund to provide seven essential additional California Highway Patrol Judicial Protection Section (CHP-JPS) officers at seven single-officer courthouses of the state appellate courts, consisting of the California Supreme Court and the six appellate districts and divisions of the Courts of Appeal. Court-targeted acts of violence are on the rise, and the additional CHP-JPS officers are necessary and essential to provide minimum police protective services and respond to anticipated threats and increasing acts of violence at those courthouses.

In addition to increased acts of violence, existing law enforcement resources are stretched thin due to increased responsibilities related to the COVID-19 pandemic. These responsibilities include enforcement of CDC/health guidelines, enforcement of governmental policies/procedures, supervision of procedural changes to court operations (bailiff services, security screening), and response to increased civil unrest and evolving tactics utilized by those attempting to subvert the judicial process and/or limit access to justice.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services</b>	<b>Operating Expenses &amp; Equipment</b>	<b>Local Assistance (grants/trial court funding)</b>	<b>Total</b>
			<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D=A+B+C)</b>
2022-23	0001	0	0	\$1,537,000	0	\$1,537,000
2023-24	0001	0	0	\$1,537,000	0	\$1,537,000
2024-25	0001	0	0	\$1,537,000	0	\$1,537,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$4,611,000
					<b>Ongoing</b>	\$1,537,000
					<b>One-Time</b>	0

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### **Problem or Issue**

Existing resources and funding do not provide a sufficient number of officers to staff the appellate court facilities in Sacramento, San Jose, Fresno, Ventura, Santa Ana, Riverside, and San Diego. Pursuant to the contract, CHP-JPS is required to provide police protective services to (1) protect the courthouse facilities including the approximately 900 judicial branch employees and the members of the public using those facilities (e.g., monitor video surveillance, walk the grounds, respond to incidents), (2) provide protection at oral arguments, hearings, meetings and events taking place on and off site (including providing bailiff duties inside the courtroom), (3) protect the judicial officers as they work in chambers, (4) protect judicial officers who are traveling on state business, and (5) address challenges and concerns related to providing security and access to justice during the COVID-19 pandemic.

The inability to provide needed security protection increases when an officer falls ill or takes earned vacation time. The security footprint of these single officer locations is problematic since the officer would only be able to address one issue at a time and does not have immediate backup. This presents a vulnerability to court security operations.

### **Background/History of Problem**

In a 2010 study, the National Center for State Courts (NCSC) documented 185 court-targeted acts of violence including shootings, bombings and arson. A more recent nationwide study identified an additional 209 attacks including knifings and other assaults. A further nationwide report identified another 409 incidents and concluded that such incidents of violence are on the rise.

In 2015, a Texas judge was shot and wounded in the driveway of her home in Austin.

On September 6, 2017, an individual entered the Ronald Reagan State Office Building in Los Angeles, which houses the Second Appellate District and oral arguments for the California Supreme Court, and acted in such a threatening manner that the use of lethal force became necessary to protect the facility and the public. Also, in 2017, an Ohio judge was shot and injured in an ambush-style attack outside the courthouse.

Federal Marshals identified 4,542 threats and inappropriate communications against the federal judiciary in 2018 and 4,449 in 2019, up from 926 such incidents in 2015.

In June 2019, a 22-year-old man opened fire at the Earle Cabell Federal Building and Courthouse in Dallas, Texas. At the time of the shooting, the gunman had more than 150 rounds of ammunition on him.

In 2020, the 20-year-old son of New Jersey District Judge Ester Salas was shot and killed in the doorway of the family's home by a litigant who had appeared before the judge months earlier.

Also, in 2020, two Federal Protective Service officers were shot from a passing vehicle outside the federal courthouse in Oakland, California. One of the officers passed away due to his injuries.

Further in 2020, The California Appellate Courts in Los Angeles and Sacramento were defaced, causing several temporary building closures across the state. The clerk's office of the California Supreme Court was also temporarily closed because of "continued civil unrest" and a San Francisco curfew.

Also, in 2020, the federal courthouse in Brooklyn, New York, was temporarily closed after several security officers from the building tested positive for COVID-19.

More recently, on January 6, 2021, four individuals including a police officer died after a riot broke out at the U.S. Capitol in Washington D.C. A mob of protestors pushed through barriers and officers, in full riot gear, set up along the perimeter of the building.

Also, in early 2021, a FBI bulletin warned of armed protests planned at all 50 state capitols protesting the inauguration of the new president. Around 25,000 Guardsmen of the National Guard were deployed to Washington D.C., ahead of the inauguration on January 20, 2021. Here in Sacramento, California, Governor Newsom deployed 1,000 National Guard troops to help guard the Capitol and other government buildings due to the need for additional security protection.

The need for security protection continues to increase.

### **Impact of Denial of Proposal**

If funding is not provided for this proposal, police protective services will not keep pace with increasing threats and acts of violence; CHP-JPS will be unable to maintain the base level of requested police protective services; CHP-JPS will lack the needed officers to secure judicial events, conferences, outreach activities and other protective service detail operations; CHP-JPS officer safety will be jeopardized; and inefficient and/or costly backfilling will be the rule rather than the rare exception. Denial of this proposal will maintain the current untenable and unacceptable gap in protection and current increased inefficiencies, and may permit acts of violence against justices, judicial branch employees, and members of the public seeking access to justice.

Further, denial of this proposal may result in increased civil liability against the state and the appellate courts for not taking proper security measures to prevent court targeted acts of violence incidents from occurring, increased chances of harm to justices, court employees, and the public as a result of inadequate security measures, decreased public confidence in the ability to safely conduct business at appellate court facilities (effect on the court's ability to ensure public access to justice), and decreased ability to mitigate injury to justices, court employees, and the public as well as damage to court property.



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**Outcomes and Accountability of Proposal**

If this proposal is approved, it will address a historical security deficit at the appellate courts, reducing potential civil liability against the state while increasing public confidence in the ability to safely conduct business at appellate court facilities. This proposal will also result in greater efficiency. Backfilling officers from other locations to provide needed coverage is extremely inefficient, and backfilled officers are not always available. Further, backfilled officers incur increased travel costs and overtime. Finally, this proposal will provide greater safety and minimum protection not just for judicial officers and judicial branch employees, but also for California citizens who visit and use the appellate courts for access to justice. Lastly, this proposal will enhance officer safety and assist the court and CHP in adhering to health-related guidelines.

**Required Review/Approval**

Administrative Presiding Justices Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal VI: Branchwide Infrastructure for Service Excellence

Goal VII: Adequate, Stable, and Predictable Fund for a Fully Functioning Branch

The judicial branch improves access to justice by, among other things, maintaining secure physical locations around the state where members of the public can safely conduct court business. This proposal will allow CHP-JPS to provide the level of police protective services needed for safe access to justice in the appellate courts. Such protection furthers the goals of the Judicial Council’s Strategic Plan. Justices, judicial branch employees, and members of the public will benefit from adequate police protective services that permit the resolution of disputes in a safe, secure, and peaceful environment.

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Deborah Collier-Tucker**

<b>Requesting Entity</b>	Administrative Presiding Justices Advisory Committee
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<b>Proposal Title</b>	Courts of Appeal Court-Appointed Counsel Program
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**Proposal Summary**

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

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	0	0	\$6,400,000	0	\$6,400,000
2023-24	0001	0	0	\$6,400,000	0	\$6,400,000
2024-25	0001	0	0	\$6,400,000	0	\$6,400,000
					<b>3 Year Total</b>	\$19,200,000
					<i>Ongoing</i>	\$6,400,000
					<i>One-Time</i>	

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

The Program’s panel attorneys had received no hourly rate increases between FYs 07-08 and 16-17. In addition, the five Appellate Project Offices had not received any new funding between FYs 07-08 and 17-18.

The current appointment rates are negatively affecting the Program in the areas of the recruitment of new panel attorneys and the retention of existing competent and experienced counsel, which are at the heart of an efficient and cost-effective court-appointed counsel program. The last hourly rate increase for statewide panel attorneys occurred in 2016, which increased the rate by \$10 per hour for non-capital appeals. Prior to 2016, the last increase was in 2007. The proposed \$12 per hour rate increase is necessary for the recruitment of new competent attorneys, for the retention of experienced attorneys, and to allow the newer panel members to continue to serve on the panel while they gain the expertise to take on the more complex and more serious cases. Currently, 84 percent of the cases are assigned to more experienced panel attorneys on an independent appointment basis, an increase of 20 percent since 1997. Independent assignments are the most cost effective.

The program’s ability to continue this level of independent assignments while providing competent representation is threatened by ongoing reductions in the statewide pool of experienced attorneys. In recent years, a number of the program’s most qualified attorneys have either left the panel or greatly reduced the

number of cases they are willing to accept in favor of more lucrative representation in federal courts or other state agencies. For example, The California Department of General Services 2020-21 Price Book of \$170 per hour for external legal advice continues to stand in stark comparison to the current rate of \$95 - \$115 per hour offered by Courts of Appeal Court-Appointed Counsel Program. Without minimizing this pay gap, the program will continue struggle.

Also, the current funding for the Five Appellate Project Offices (nonprofit organizations) that provide legal support to the private appointed attorneys is inadequate to support increase costs in the area of rent, health benefits, personnel services, and technology. California's Court-Appointed Counsel (CAC) Program through the annual contracts of the Five Appellate Project Offices fulfills the constitutional mandate of providing adequate representation for indigent appellants in the Courts of Appeal in 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 their functions effectively and efficiently.

## **Background/History of Problem**

In 1963, *Douglas v. California* (372 U.S. 353) held that the U.S. 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 a 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.”

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).) The statewide panel attorneys in the CAC Program for the Courts of Appeal fulfill these rights for indigent defendants.

California's CAC Program, with panel attorneys in the private sector, has been in place for about 30 years. The Court-Appointed Counsel Program's panel attorneys provide critical and constitutionally required representation to indigent individuals in criminal, juvenile delinquency, and dependence appeals. The California Courts of Appeal contracts with appellate projects (non-profit organization) to oversee the statewide panel of attorneys who receive appointments in that district. The appellate projects are responsible for working with the panel attorneys to ensure effective assistance is provided; reviewing claims for payment

for the work performed by the panel attorneys (to provide consistency and controls over the expenditure of these public monies); and training attorneys to ensure continuity of quality.

From 1989 to 1995, the hourly rate for all appointed cases was \$65 per hour. In 1995 a second tier was added at \$75 per hour to differentiate compensation in assisted and independent cases. A third tier at \$85 per hour was added in 1998 for the most serious and complex matters. Effective October 1, 2005, the rates increased by \$5 per hour; a \$10 per hour increase was put in place July 1, 2006; and one final \$5 per hour increase effective July 1, 2007. For over 9 years the same hourly rates (\$85/\$95/\$105) were in place until July 1, 2016, when the rates of \$95/\$105/\$115 were approved. The Judicial Council is requesting a \$12 per hr. increase to raise these 2016 rates to \$107, \$117, and \$127 per hr.

### **Impact of Denial of Proposal**

If denied, the Court-Appointed Counsel Program will be unable to recruit new attorneys and will continue to lose the most experienced panel attorneys to other government entities for more lucrative compensation and job security. The Appellate Project Offices will continue to be underfund and unable to absorb increase costs.

### **Outcomes and Accountability of Proposal**

Appellate Indigent Defense Oversight Advisory Committee (AIDOAC), regularly monitors the efficiency of the court-appointed counsel system (including both the Court of Appeal projects and the panels) analyzes cost, workload, and a variety of other factors to ensure the projects and the panel attorneys are continuing to provide the value to the Courts of Appeal and the litigants required by the courts and the Constitution. AIDOAC reviews trends and re-evaluates course direction when appropriate. For example, noticing an increase in the amount of time spent and compensated for “unbriefed issues,” AIDOAC worked with the project directors to refine the guidelines of when it is appropriate to seek compensation in this category. AIDOAC will monitor this line item as part of its quarterly reviews to determine the impact of this change in guidelines. If approved, this proposal will provide a more comparable compensation for panel attorneys handling cases on appeal; provide adequate representation for the indigent appellants in California’s Courts of Appeal; attract and retain new and existing panel attorneys and grow their experience so they can take on more complex and more serious matters; and reduce attrition of experienced and new panel attorneys to other government entities. These outcomes will be measured by tracking turnover rates, longevity, and attrition due to other government entities or retirement. In addition, the nonprofit project offices will have adequate funds to stabilize the operations and provide the needed services to the appointed counsel and the individual courts.

### **Required Review/Approval**

Administrative Presiding Justices Advisory Committee

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**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**


Goal IV: Quality of Justice and Service to the Public

Goal VII: Adequate, Stable, and Predictable Fund for a Fully Functioning Branch

The United States Constitution’s 6th Amendment guarantees the effective assistance of counsel in criminal proceedings as a fundamental part of our judicial system. The courts are required to provide counsel to indigent defendants and must do so in all appeals that may come before them. As set forth in the Judicial Council’s long-range Strategic Plan for California’s Judicial Branch (JB), (adopted December 2006; re-adopted and revised December 2014, and reaffirmed in 2019), the mission of the California judiciary is to “in a fair, accessible, effective and efficient manner, resolve disputes arising under the law... protect the rights and liberties guaranteed by the Constitutions of California and the United States.” Goal I of the strategic plan, Access, Fairness, and Diversity, states that “California’s courts will treat everyone in a fair and just manner. All Californians will have equal access to the courts proceeding and programs. Court procedures will be fair and understandable to court users. Members of the JB branch community will strive to understand and be responsive to the needs of court users.” The objectives of California’s appellate CAC system are to: (1) ensure the right of indigent clients to receive effective assistance of appointed counsel, as guaranteed to them by the Constitution; and (2) provide the Courts of Appeal with useful briefings/arguments that allow them to perform their function efficiently and effectively.

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*


<b>Director Signature:</b>
<b>Contact Name: Deborah Collier-Tucker</b>

<b>Requesting Entity</b>	Technology Committee
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<b>Proposal Title</b>	Phoenix System Functional Requirements
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**Proposal Summary**

The Judicial Council of California (JCC) requests 3.0 positions and \$1.744 million General Fund in 2022-23, including \$750,000 one-time for software and implementation costs, \$554,000 in staffing-related costs, and \$440,000 in additional operating expenses; and \$961,000 in 2023-24 and annually thereafter for staffing, software maintenance, and consulting costs to maintain critical support and continuous improvement in key areas of the Phoenix Financial System. The 3.0 positions requested beginning in 2022-23 are needed in the JCC Information Technology services office to adjust from 2008-09 staffing levels and match current Program support requirements.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services</b>	<b>Operating Expenses &amp; Equipment</b>	<b>Local Assistance (grants/trial court funding)</b>	<b>Total</b>
			<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D=A+B+C)</b>
2022-23	0001	3.0	\$554,000	\$1,190,000		\$1,744,000
2023-24	0001	3.0	\$554,000	\$407,000		\$961,000
2024-25	0001	3.0	\$554,000	\$407,000		\$961,000
					<b>3 Year Total</b>	\$3,666,000
					<i>Ongoing</i>	\$961,000
					<i>One-Time</i>	\$783,000

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

The Phoenix system is the core Financial platform for all 58 Trial Courts. As such, it provides standardized processes in the areas of Finance and Procurement, and to a lesser extent HR Payroll, statewide. Phoenix also partners with other branch programs and workstreams to ensure an integrated enterprise administrative set of solutions. Over the years, a broad spectrum of statewide and local solutions has been deployed, and new solutions are constantly being added. Technical resources to develop and maintain integration with these solutions have remained level for over 10 years and must be augmented to keep up with requests for integration and to provide support for new innovations that the branch requires.

The Phoenix Program received funding related to a 2019-20 BCP for resources to complete a mandatory platform upgrade, which was the first step in a then two-step system migration, as well as,

funding to support continuation of Phoenix payroll deployments to interested courts. At that time, it was noted that additional funding would be required to complete the second step of the system migration. Payroll deployments have continued using the funding received, and through negotiations with the SAP software vendor and Epi-Use system integration vendor, the Program is able to perform the first step platform upgrade, as well as the second step financial system upgrade with the current level of funding. However, the current payroll component of the Phoenix System will still need to be upgraded before it is no longer supported in 2025. It is imperative that this component is migrated to the updated solution, HCM on HANA, that will become generally available before the end of 2022. This project must begin before the end of 2022-23 to ensure that it is implemented and fully functional before support of the current component expires.

### **Background/History of Problem**

The Phoenix Program manages the SAP enterprise resource planning system and provides administrative process assistance for the trial courts. This includes the financial and procurement system and processes for the 58 trial courts, and the payroll system and processes for 17 trial courts. There are currently 99 total program staff that include operational, system, and administrative positions in the Branch Accounting and Procurement and JCC Information Technology services offices. This group, referred to as the Phoenix SAP Center of Excellence, is operating at the same staffing levels as it was in 2008-2009, with the exception of a single resource added to support additional payroll deployments in 2019-20.

The first pilot of SAP core financial processes occurred in 2002, and the final deployments were completed in 2009. The first pilot of SAP core HR and Payroll processes occurred in 2005, with the most recent to the 17th court in 2020.

A roadmap exercise was conducted with trial court input in 2007-08 before the first major technical upgrade in 2009. In 2016-17, the Phoenix Program conducted a statewide stakeholder survey and “Design to Value” effort in which administrative requirements were identified and prioritized and included in an updated Phoenix roadmap. The results of this exercise were included in a 2019-20 BCP. The original 2019-20 BCP included:

- An SAP HANA **cloud platform upgrade**, the first step in a two-step system migration required before the current ECC 6.0 version of SAP loses support;
- **Payroll deployment** resources to continue rollout and support of the Phoenix payroll component to trial courts that require these services;
- **Additional Functionality** to meet the most critical needs of the trial courts; and
- The intention to return with a future BCP to complete the second step of the required **system migration** to SAP S/4HANA before the end of 2025, and a potential second wave of additional functionality from the roadmap.

The BCP was reduced to an approved amount to support the cloud platform upgrade and some of the resources requested to continue payroll deployments.

### **Cloud Platform and System Migration**

In 2019-20 and 2020-21, a complex system migration is being performed to not only upgrade to the HANA platform in the cloud, but also move (mostly) to the most current S/4HANA platform and code base. This upgrade project includes migrating the Phoenix SAP database on Oracle from the California Courts Technology Center to an SAP HANA database in Microsoft Azure cloud platform. Through careful planning and negotiation with the software vendor SAP and services vendor Epi-Use, Phoenix is also undergoing much of the work required in the second step of the required system migration, which is a technical upgrade from SAP ECC 6.0 to SAP S/4HANA. Included in the S/4HANA migration was the activation of HCM Compatibility Packs that allow the Program to continue using the classic core HR and Payroll processes until the end of 2025. The move to HCM on HANA is the next step required to ensure the core administrative functions of Phoenix for the trial courts continue unimpeded.

### **Payroll Deployments**

In 2019-20 and 2020-21, deployments to 2 in process and 2 new courts occurred, bringing the total number of courts supported on the Phoenix Payroll system to 17. The Program continues to deploy the Payroll solution to courts that require it as resources allow.

### **Additional Functionality and General Maintenance**

Through maintenance projects at current staffing levels, the Program has been able to address some of the priorities of the courts such as providing on-line reporting and data extracts for third-party analytics solutions, a refresh of the user interface in some critical areas, and rollout of the SAP Fixed Asset Tracking solution. We continue to receive frequent requests for enhancements and integration with local solutions and address them as well as we can with current resources. As the Program continues to respond to a growing number of requests for system enhancements and integration with local or third-party systems to meet critical administrative and operative requirements, the backlog of these requests is growing. Several courts are prepared for either deployment of current payroll or Case Management System (CMS) integration services, or integration with other local or third-party systems. Additional project management and developer resources are required to catch up and keep up with the ongoing work.

### **Impact of Denial of Proposal**

Besides the roadmap of core administrative services, the Phoenix Program must keep up with statewide and local innovative solutions that are constantly being added or improved. The Phoenix Program provides integration with statewide and local solutions in the areas of trial court case management, HR Payroll, Financial Planning, and Data Analytics, among others. There is currently a backlog of requests in these areas that needs to be addressed.

The Phoenix Program must complete the required HCM update before the end of 2025 to remain in compliance with the SAP Software Maintenance Agreements. If the update is not completed, the Program will lose support of critical payroll and tax accounting functions for employees and Judicial



Officers in the Trial Courts.

**Outcomes and Accountability of Proposal**

The Phoenix Program’s project management is certified by SAP and follows SAP’s proprietary Accelerated SAP and Activate methodologies 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 are 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.

**Required Review/Approval**

Trial Court Budget Advisory Committee  
Information Technology Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal III: Modernization of Management and Administration  
Goal VI: Branchwide Infrastructure for Service Excellence

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature *Doug Kauffroath*

<b>Requesting Entity</b>	Advisory Committee on Providing Access and Fairness
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<b>Proposal Title</b>	Self-Help Centers in Trial Courts – Expanding In-Person and Online Resources
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**Proposal Summary**

The Judicial Council of California (JCC) requests 6.0 positions and \$23.361 million General Fund in 2022-23 and \$23.292 million in 2023-24 and annually thereafter as the next step in implementing recommendations of the Chief Justice’s Commission on the Future of California’s Court System regarding the 4.3 million Californians who come to court each year without an attorney. This will support 2 key initiatives: (1) Expanding Self-Help Centers in courts to address unmet needs; (2) Resources for Information and Collaboration to enable courts to expand into unmet areas of civil law and increase efficiency and effectiveness by expanding on-line, interactive resources for self-represented litigants.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services</b>	<b>Operating Expenses &amp; Equipment</b>	<b>Local Assistance (grants/trial court funding)</b>	<b>Total</b>
			<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D=A+B+C)</b>
2022-23	001	6.0	\$1,145,000	\$216,000	\$22,000,000	\$23,361,000
2023-24	001	6.0	\$1,145,000	\$147,000	\$22,000,000	\$23,292,000
2024-25	001	6.0	\$1,145,000	\$147,000	\$22,000,000	\$23,292,000
					<b>3 Year Total</b>	\$69,945,000
					<b>Ongoing</b>	\$23,292,000
					<b>One-Time</b>	\$69,000

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

The 2021 Governor’s Budget proposes continuation of the \$19.1 million in funding for self-help centers which started in 2018. This funding will enable the courts to provide more than 1 million services a year to self-represented litigants. The courts have identified a need for an additional \$43 million in funding to fully fund self-help services. This request proposes to fund \$23.292 million as the next step of that additional need and ensure that the funds are used as effectively as possible by providing state support for training, technical support and coordination for self-help centers as well as increased on-line resources for self-represented litigants.

The Cost Benefit Report submitted to the Legislature on the impact of the \$19.1 million in funding documents that courts have been able to significantly expand services, and that those services are

greatly appreciated by the public and the court. Nonetheless, the report also documents clear litigant feedback that more attorneys and extended hours would help cut down time spent waiting for needed services. In addition, there remain many civil case types where services are very limited or not available at all. Without help, many low-income litigants cannot defend themselves in court. All too often, they cannot take the legal steps needed to present their case before the court, nor to defend themselves when cases are brought by others. When they are able to come to court, judges and court staff report that they require significantly more time than those who have received assistance from self-help centers. Courts also report that more litigants are able to settle their cases without need for trial when they have assistance from self-help centers.

To address this need, the Branch proposes a multi-faceted approach.

First, to provide \$23.292 million in additional funding to the self-help centers to enable them to expand assistance in critical civil case types such as housing, consumer debt and small claims.

Second, to continue to expand and maintain user-tested educational resources for self-represented litigants so that litigants can understand and accomplish as much as they can on their own.

Third, to provide education on civil legal issues and procedures for self-help center staff so that they can address the more complicated questions that are raised by self-represented litigants and develop effective triage and referral mechanisms for issues that are beyond the scope of self-help services.

Fourth, to increase sharing of resources and collaboration by increasing innovative methods of providing services such as connecting self-help centers through videoconferencing.

Fifth, to simplify forms and procedures for civil procedures that involve large numbers of self-represented litigants as possible to make it easier for litigants to understand and prepare court documents on their own, and to minimize costs for the public and the courts.

Under this proposal, two new staff attorneys at the Judicial Council will be dedicated to increasing resources and effectiveness of self-help services in housing, consumer debt, small claims, and other civil legal information. These attorneys will be responsible for developing a wide range of digital resources designed to help litigants get as much assistance on-line as possible including resources to help them settle their cases. However, as described in the Cost Benefit report, we have learned that many litigants will need to supplement on-line assistance with the ability to get more personalized assistance from a self-help center. Thus, these attorneys will also provide training and technical assistance to self-help centers on the issues that they are seeing come to court. They will also work with Judicial Council Advisory Committees on simplified forms and procedures to address common issues faced by self-represented litigants in civil case types.

The attorneys will work with a new Senior Analyst to track local court rules, forms, and processes so that information can be incorporated into statewide on-line resources. This will save courts significant

time as litigants are better prepared and do not need to make calls to court clerk staff or self-help centers on common issues. The analyst will assist in court coordination efforts and will oversee and provide high level analysis of the data collected for the project required to demonstrate accountability and to assist the courts and Judicial Council in making informed decisions about resource allocations.

An Administrative Coordinator will provide the support for the trainings, including webinars and in-person trainings as requested by the courts; manage the databases developed by the attorneys and senior analyst; manage the data collection tools in which the courts report the services that they provide, to compile the results and provide technical support to the courts in using those tools; support the application, contracting and invoicing process for the new funds; and provide administrative support for the development of rules and forms proposals for Judicial Council Advisory Committees.

A Senior Application Development Specialist and a Senior Business Systems Analyst will be responsible for developing the software needed to incorporate the informational databases developed by the attorneys and analyst to incorporate that information into the Self-Help Portal, LiveChat, court enterprise data application and other applications so that this information is available statewide.

Through this combination of support for local courts and their innovative approaches, coupled with statewide support, training and adaptation so that these resources and best practices can be used statewide, we expect to build on the highly effective model of self-help assistance.

### **Background/History of Problem**

As documented by the National Center for State Courts, more than 76% of civil cases now involve at least one self-represented litigant. The 2019 Justice Gap study prepared by the State Bar of California reported that only 20% of Californians receive legal help for their civil legal needs. With the average attorney rate of \$323 per hour, this trend is expanding and increasing numbers come to court without attorneys. Statutory changes have added complexity in many case types with self-represented litigants and has increased responsibility on the courts to provide services.

By providing assistance in self-help centers, courts avoid added costs in clerks' offices as well as the courtroom. With self-help assistance, litigants have a better understanding of their case and what issues courts can consider. The documents that they prepare laying out their case are easier to process, read, and understand. They have a greater understanding of court procedures and are better prepared for settlement conferences, court hearings and trials.

The Cost Benefit Analysis identified several ways in which civil case assistance by self-help centers differs significantly from the family law and domestic violence assistance that has made up much of the workload in prior years. Forms and other information that self-represented litigants are required to produce can be extremely complex, follow tight statutory timelines, and require multiple visits to the self-help center. The report found that a combination of technology and increased staffing is the optimal method to increase the amount and effectiveness of services.

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### **Impact of Denial of Proposal**

Without additional support, the majority of California courts will be unable to provide assistance for self-represented litigants in civil case types which have been identified as high need by the Justice Gap Survey. Fewer people will be able to pursue their legal rights in court. Litigants will receive less on-line information and guidance, and will have much more difficulty pursuing their cases, leading to frustration, and wasted time in clerks' offices and courtrooms.

### **Outcomes and Accountability of Proposal**

Courts were able to provide services to self-represented litigants more than 1 million times in 2019 with existing funding. Expanded funding will allow more litigants to be served, in more case types and more thoroughly. More self-represented litigants will be able to settle their cases before trial. Courts will continue to provide quarterly reports on the use of these funds and expansion of services in order to measure the impact of the increased funding, including the use of innovative services. Courts will use the STARS database for collecting information on self-help services to report on increased numbers of litigants served, method of service delivery and type of legal issue. Google Analytics and other web tools will be used to document the usage of the websites and resources. Customer satisfaction surveys will be used for persons using self-help centers and on-line resources. Courts will complete evaluations of trainings provided by the Judicial Council and provide feedback on the effectiveness of the technical assistance and resources provided by Council staff.

### **Required Review/Approval**

Advisory Committee on Providing Access & Fairness  
Information Technology Advisory Committee

### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity  
Goal III: Modernization of Management and Administration  
Goal IV: Quality of Justice and Service to the Public

### **Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature *Charlene Depner*

<b>Requesting Entity</b>	Executive Office
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<b>Proposal Title</b>	Criminal Procedure: Sex Offender Registration Termination
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$16.69 million one-time General Fund in 2022-23 with funds available for encumbrance or expenditure through June 30, 2024 to support the trial courts in addressing the significant workload impact of Senate Bill 384.

The legislation, signed by the governor on October 6, 2017 to become effective January 1, 2021, creates a tier-based sex offender registry system which will allow eligible registrants to have the court terminate their registration requirement after their required time on the registry expires. The California Department of Justice (DOJ) informed the Judicial Council that the courts may receive approximately 100,000 requests for registry termination from current registrants. The Judicial Council estimates that this will result in court hearing and case processing costs of approximately \$14.19 million and an additional \$2.5 million will be needed for Information Technology and case management system changes. While the legislation is operational on July 1, 2021 funding commencing in July 2022 will benefit the courts for the responsibilities going forward and to address the backlog from other cases, similar to how Proposition 47 associated work was funded for the courts.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	0	0	\$2,500,000	\$14,190,000	\$16,690,000
2023-24						
2024-25						
					<b>3 Year Total</b>	\$16,690,000
					<i>Ongoing</i>	
					<i>One-Time</i>	\$16,690,000

\*Please include all costs associated with request including costs for other offices and courts.

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**Problem or Issue**

Senate Bill 384 became effective January 1, 2021 and creates a tier-based system that will allow eligible sex offender registrants to petition the court to terminate their registration requirement. According to the Department of Justice, California has over 155,000 sex offender registrants and more than 78,000 registrants reside in the community. DOJ estimates that 40,000 registrants will be eligible for relief under SB 384 as of July 1, 2021. Based on data collected on the number of registrants that applied to have their names removed from the Megan's Law registry, DOJ anticipates that the number of requests for changes will be 3 to 4 times the number of eligible registrants. They estimate that 100,000 petitions to the courts for termination of their registration should be expected.

This will have a significant impact on the courts throughout California that must adhere to the new mandates. The Judicial Council estimates that each petition, regardless of eligibility for termination, will have to be reviewed, accepted, and entered into the case management system by clerks or administrative staff and will require judicial review of the petition and supporting documents. Post judicial officer determination, administrative staff must log and track the determination into the case management system and the court must provide to notice the registrant and report the determination to the DOJ. Because of public safety concerns and challenges related to the consistency of the DOJ's disposition data, the Judicial Council estimates that a significant number of the registration termination cases will be contested by county District Attorneys, resulting in the need for additional court hearings. Accomplishing the review process in a timely manner will create additional workload on clerks and judicial officers.

**Background/History of Problem**

Prior to SB 384, all sex offender registrants were required to register for life regardless of the registrant's severity of crime or their risk of re-offending. Under the new law, registrable offenses will be categorized into three tiers. Tier one requires a minimum of ten years registration and is, in general, for registrable offenses that are misdemeanors and low-level felonies. Tier two typically requires a minimum of twenty years registration and is for more serious types of felonies, including some offenses that qualify as "strikes." Tier three generally requires lifetime registration and applies to highest risk offenders, including persons found to be sexually violent predators, habitual sex offenders, or repeat violent offenders.

For all current registrants, the DOJ will designate a tier and will notify the registering law enforcement agency of the tier of registrants residing in their community. Beginning July 1, 2021, registrants may petition the court in the county of registration to terminate the registration requirement if they have already met the mandatory timeline for registration, based on the new tiering system. All registrants – except for tier 3 lifetime registrants who have disqualifying convictions – are eligible to apply for termination of their registration requirement after the registration time requirements have been met.

Penal Code section 290.5(a) outlines the petition process. The registrant files a petition along with

proof of current registration with the court in the county of registration. The registrant also must serve the law enforcement agency and the District Attorney in the county of registration. The law enforcement agency has 60 days to file a report with the court regarding the person's eligibility. This report will state whether the person has met the minimum time period for their tier. If the law enforcement agency identifies a conviction that DOJ did not assess for tiering purposes, it must refer the conviction to the DOJ for assessment.

The District Attorney in the county of registration has 60 days from receipt of a law enforcement agency report to request a contested hearing on the petition. The District Attorney may request a hearing if they believe the person does not meet the requirements or if community safety would be enhanced by the person's continued registration. At the contested hearing, the court must consider a number of factors in determining whether to order continued registration including, but not limited to, the nature and facts of the registerable offense; the age and number of victims; criminal and relevant noncriminal behavior before and after conviction for the registerable offense; and the person's current risk of sexual or violent re-offense.

Even if no contested hearing is requested, the court is required to determine whether the mandatory proof of registration and minimum registration period requirements have been satisfied. The court must also ascertain that the registrant has no pending charges which could extend the time to complete the registration requirements or which could change the person's tier status. Finally, the court must determine that the registrant is not on any type of supervised release, including parole, post community release supervision, and formal probation.

If the court denies the request to terminate the registration requirement, the court is required to set a time period after which the person may file another petition for termination, based on the facts set forth in the hearing. The time period for refile is a minimum of one year or three years (depending on the tier designation) from the date of denial but not to exceed five years. The court must state on the record the reasons for setting this time period.

After the hearing, the court must notify the DOJ when a petition is granted or denied, and the time period after which the person can file a new petition. This will require courts to enhance their case management system and set up new reporting procedures with the DOJ. The court must also notify the registrant whether the petition was granted or denied. Absent additional funding, this increased work and change in business operations will create undue burden on the court.

### **Impact of Denial of Proposal**

Without additional funding, trial courts will not have the resources to process these requests and review cases in a timely manner, resulting in the inability of the branch to implement the legislation.



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**Outcomes and Accountability of Proposal**

If the proposal is approved, it would provide the requested \$16.69 million in funds available for encumbrance or expenditure through June 30, 2023 to support the trial courts in addressing the significant workload impact of Senate Bill 384 (Chapter 541, Statutes of 2017). Courts will receive the resources needed to process the anticipated 100,000 petitions for review of sexual offense registry cases. Outcomes tracked will measure the number of additional hearings and increase in judicial officer and court staff time needed to process cases.

**Required Review/Approval**

Executive Office

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity  
Goal III: Modernization of Management and Administration  
Goal VI: Branchwide Infrastructure for Service Excellence

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature *Michelle Curran*

<b>Requesting Entity</b>	Collaborative Justice Courts Advisory Committee
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<b>Proposal Title</b>	Collaborative Justice Court Programs: Trial Court and Statewide Administrative Support
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**Proposal Summary**

The Judicial Council of California (JCC) requests 5.0 positions and \$15 million General Fund in 2022-23, and \$30 million in 2023-24 and ongoing to support trial court administrative and program costs associated with drug and other adult and juvenile collaborative justice courts (collaborative courts), which have proven to be effective in improving case outcomes and reducing recidivism.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services</b>	<b>Operating Expenses &amp; Equipment</b>	<b>Local Assistance (grants/trial court funding)</b>	<b>Total</b>
			<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D=A+B+C)</b>
2022-23	0001	5.0	\$776,000	\$361,000	\$13,863,000	\$15,000,000
2023-24	0001	5.0	\$776,000	\$736,000	\$28,488,000	\$30,000,000
2024-25	0001	5.0	\$776,000	\$736,000	\$28,488,000	\$30,000,000
					<b>3 Year Total</b>	\$75,000,000
					<i>Ongoing</i>	\$30,000,000
					<i>One-Time</i>	

**Problem or Issue**

Individuals with substance use disorders and mental illness are disproportionately represented in the court system and have been disproportionately impacted by the COVID-19 pandemic. Well over half of the criminal justice population have behavioral health issue. An estimated 56% of state prisoners, and 64% of jail inmates have a mental health issue; 65% of the prison population have an active substance use disorder. The large proportion of these cases also involve individuals who lack adequate housing. Cases involving behavioral health issues and homelessness often have complications that result in longer time to disposition and increased workload on the courts.

Drug and other collaborative courts (also called problem-solving courts) are successfully addressing cases involving individuals with behavioral health issues and those struggling with homelessness. These programs promote accountability by combining judicial supervision with rigorously monitored rehabilitation, treatment, and community services in lieu of detention. Collaborative courts were designed to address the individuals' underlying issues that led them to become justice involved.

These programs rely on a problem-solving, team-based approach in which justice system partners, including judges, court staff, attorneys, treatment, social workers, probation, and others work together to improve participant outcomes. California is home to over 450 collaborative courts, including adult and juvenile drug courts, dependency drug courts, mental health courts, veterans' treatment courts, homeless courts, and youth courts, of these 350 are treatment court models that involve intensive judicial monitoring.

Drug courts are the longest running and most prolific type of collaborative court and have been heavily researched for more than two decades. The large body of research indicates that these programs are cost-effective and result in reduced recidivism among participants. In recognition of the effectiveness of these programs, the legislature appropriated approximately \$20 million to support adult and juvenile drug courts through the 1999 Comprehensive Drug Court Initiative Act (CDCI) and the 1998 Drug Court Partnership Act (DCP). Upon enactment of CDCI and DCP, California became the first state in the nation to provide on-going funding to support a significant number of collaborative courts. Other states followed suit and now more than 40 states have specific funds set aside to support their collaborative courts.

In 2011, California changed the CDCI and DCP grant programs in which funding required court and behavioral health partnerships and replaced them with a direct allocation to behavioral health departments. This funding is provided to counties in their behavioral health accounts and provides much needed support for the treatment components of drug courts, however, many courts no longer receive these funds and must absorb the operating costs of the programs.

The operating costs for collaborative courts in California are significant. Collaborative court participants are required to attend 20-30 court sessions during their programs, whereas traditional justice practice only requires a person to attend, on average, 3-5 hearings before their case is settled or determined. Therefore, one weekly collaborative court calendar with 40-60 participants appearing each week could generate 2,000 to 3,000 additional court appearances per year. Applying those figures to the intensive judicial monitoring treatment courts in the state, that means an additional 14,000 to 21,000 hearings per year.

This increased and largely unfunded workload comes at a time when collaborative courts are increasingly being tapped to respond to new legislative mandates related to diversion programs. Mental health diversion, military diversion, care giver diversion and general misdemeanor diversion programs passed by the state legislature in recent years are being successfully implemented in many courts through their collaborative court programs. Collaborative court principals of cooperation with justice system partners, the integration of judicial monitoring with treatment and social services, and emphasis on behavioral health education and training make them logical choices to implement diversion programs favored by the legislature, but these programs also result in increased workload demands on the courts.

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### **Background/History of Problem**

The courts are forced to seek out grants and outside funding to support their collaborative court programs. This lack of funding stability results in limits on program and caseload sizes and a significant workload burden on the courts. Courts have been able to adapt to the lack of stable funding largely by obtaining outside grants to maintain current operations, but courts are generally not able to expand their programs or develop new ones effectively.

The majority of the requested funding will be allocated to the courts to develop their collaborative court programs and submit data to a statewide data repository. It is estimated that awards will range from approximately \$50,000 (for counties with one collaborative court) to \$2 million (for counties with more than 10 collaborative courts). These award target amounts were identified based on funding structures in other states and in the federal drug court grant systems.

The application process will be modeled after successful programs in other states and will ensure that each court receiving funds develops a collaborative plan with all relevant stakeholders, including county behavioral health departments, defense and prosecution attorneys, probation, child welfare agencies, or others. The annual application process will be used to ensure that courts employ evidence-based practices, demonstrate a clear need for the funding request, have the ability to submit required program data, and participate in program related training. Funding allocations will be tied into courts' demonstrated ability to adhere to program requirements including submitting timely data and using sound financial practices.

5.0 Judicial Council staff are needed to administer the program and develop and execute training and technical assistance plans. Additional temporary staff will be needed in the first two years to implement the technology and data collection components. Staff will work with the Collaborative Justice Courts Advisory Committee to establish an equitable application and allocation process and identify the data elements necessary to ensure performance outcomes can be tracked. Program monitoring and compliance procedures will be developed in the first year.

### **Impact of Denial of Proposal**

If the proposal is not approved, there will be no impact to the General Fund, but courts will either continue to rely on unstable funding or will begin closing their collaborative courts. Without additional funding, the trial courts will not be able to continue to support the infrastructure upon which collaborative courts rely and collaborative courts will become less effective and process fewer cases. Collaborative courts will be unable to implement all the diversion programs that the legislature proposes to implement in order to redistribute resources in the legal system. This need has become even more paramount during the pandemic when people with mental health and substance abuse issues are disproportionately impacted.

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**Outcomes and Accountability of Proposal**

The main goals of this program are to increase the number of cases processed through collaborative courts and to increase collaborative courts use of evidence-based practices proven to reduce recidivism and improve participant outcomes. The goal of the start-up year is to develop an equitable formula that provides funding to every court that demonstrates an ability to run effective collaborative court programs (as measured by the number of contracts between the Judicial Council and the courts) and to begin development of a statewide data repository (as measured by the identification of common data elements and performance measures). Subsequent year's outcomes will be measured through data collected in the data repository. Performance metrics developed will be based on national standards and ensure that courts have the tools needed to support their use of evidence-based practices and enable them to continuously monitor their programs. Data collected will include measures of caseload size and capacity as well as outcome measures such as graduation and recidivism rates. Finally, this proposal would establish a training and technical assistance program for the collaborative courts focused on working with the numerous court users that struggle with substance use disorders and mental illness throughout the state.

**Required Review/Approval**

Collaborative Justice Courts Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity

Goal IV: Quality of Justice and Service to the Public

Goal VII: Adequate, Stable, and Predictable Fund for a Fully Functioning Branch

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature *Michelle Curran*

<b>Requesting Entity</b>	Collaborative Justice Courts Advisory Committee
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<b>Proposal Title</b>	Maintaining a Sufficient Pool of Competency to Stand Trial Court Evaluators
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**Proposal Summary**

The Judicial Council of California (JCC) requests 1.0 position and \$4.195 million General Fund in 2022-23 and \$4.183 million annually thereafter to support trial courts in addressing the increased number of Penal Code (PC) § 1368 competency to stand trial evaluations required throughout the state. If approved, this proposal would also provide for the development of a statewide inventory of qualified evaluators that courts can access when appointing a court ordered competency to stand trial evaluation and a system for ongoing recruitment for evaluators throughout the state.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23	0001	1.0	\$159,000	\$36,000	\$4,000,000	\$4,195,000
2023-24	0001	1.0	\$159,000	\$24,000	\$4,000,000	\$4,183,000
2024-25	0001	1.0	\$159,000	\$24,000	\$4,000,000	\$4,183,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$12,561,000
					<b>Ongoing</b>	\$4,183,000
					<b>One-Time</b>	\$12,000

**Problem or Issue**

Felony Incompetent to Stand Trial (IST) referrals to state hospitals in California increased 60% from 2013-14 to 2017-18, according to the Department of State Hospitals' 2018 Annual Report. This increase is also reflected in the number of filings for declaring doubt about the defendant's competency and suspension of proceedings (Pen. Code, § 1368). From FY 2010-11 to 2014-15, PC § 1368 filings (including both felony and misdemeanor) increased 76%.

According to a survey conducted by staff to the Judicial Council's Collaborative Justice Courts Advisory Committee, courts are struggling with the increased number of IST evaluations needed in several ways as listed below. Addressing these challenges, including the support of timely case adjudication and facilitating access to competency evaluators are squarely aligned with the Judicial Council Strategic Plan goals.

- Increase costs for evaluations: Courts reported a 9% average annual increase in spending for competency evaluations over the past five years reflecting an increase in both the number of evaluations and the cost per evaluation.
- Maintaining sufficient numbers of evaluators, especially for courts in remote locations: 65% of the courts that responded to the survey reported having challenges maintaining enough psychiatrists and 49% faced challenges finding qualified psychologists. Although this was largely due to a lack of funding, courts also cited general challenges associated with recruiting and retaining qualified evaluators.
- Variation in payment amounts and evaluator availability throughout the state: Courts reported a range of average payments per evaluations across jurisdictions, from as low as \$300 to as high as approximately \$2,000 per evaluation. Courts in rural areas report the most difficulty in finding qualified evaluators.
- Criminal court delays in the time it takes to receive an evaluation after doubt is declared: Some courts indicated it can take at least a month to receive the report complicated cases can take significantly even longer. During this time, defendants typically remain unmedicated while in custody awaiting transfer to a state hospital or other competency restoration.
- Impacts beyond the criminal court: In addition to delays in criminal court case processing, courts report having to adjust budgets and staffing to accommodate the increased costs related to IST evaluations. One court shared that it carries numerous personnel vacancies to offset these costs.

The costs of competency evaluations will likely continue to increase and account for a larger proportion of the courts' budget. Factors contributing to this anticipated increase include increased costs to accommodate the anticipated increase in the number of competency evaluations required by the court each year, steeper fees for more experienced evaluators in adherence to the Department of State Hospital standards of education and training for competency evaluators, and costs associated to required competency evaluation content in compliance with Rule of Court 4.130(d)(2).

It is anticipated that the number of competency evaluations will continue to increase following a similar annual growth rate as previously seen across the courts. Based on trends in recent years, it is estimated that the annual number of competency evaluations will increase to over or 22,871 statewide between FY 2021-22 and FY 2026-27. Because the costs per evaluation vary widely throughout the state, the fiscal impact of this increase are not exact; however, we estimate the increase between FY 2020-21 and FY 2021-22 alone will be \$4,000,000.

### **Background/History of Problem**

Many individuals in the criminal justice system struggle with mental illness. An estimated 56% of state prisoners, and 64% of jail inmates have a mental health issue. Foundational to due process, U.S. and California courts have long determined that a person who is mentally incompetent cannot be tried or adjudicated of their pending criminal charges. (*Pate v. Robinson* (1966) 383 U.S. 375; *People v. Samuel* (1981) 29 Cal.3d 489).

When doubt about a defendant's mental competency is raised, court proceedings must be suspended

until the defendant is evaluated to determine whether they are competent to continue through the court proceedings or whether they are incompetent to stand trial. The trial court must appoint and pay for a psychiatrist or licensed psychologist to evaluate the defendant. (Pen. Code, § 1369(a)(1).) The evaluator must assess the defendant's alleged mental disorder and the ability to understand the proceedings and assist counsel in their defense. If the evaluator is a psychiatrist, they can address whether psychiatric medication is necessary. (Pen. Code, § 1369(a)(2).)

When court proceedings are suspended pending a competency evaluation and competency hearing, defendants are typically held in jails where they can further decompensate as jail facilities are not designed to adequately provide mental-health treatment that meets their level of need. Additionally, as courts struggle with appointing evaluators who are psychiatrists, courts have reported that defendants typically remain unmedicated and decompensating while in jail awaiting transfer to a state hospital or other competency restoration program.

During the competency hearing ordered by the court, if the defendant is found to be mentally competent, the criminal process will resume. (Pen. Code, § 1370(a)(1)(A).) If the defendant is found mentally incompetent, the trial shall be suspended until the person becomes competent. (Pen. Code, § 1370(a)(1)(B).) Typically, defendants charged with felonies are sent to state hospitals for competency restoration and treatment, whereas misdemeanor defendants are referred to treatment and restoration services in the community.

Beginning in 2020, new standards are in place that heighten the quality of competency evaluations received by the court. Rule of Court § 4.130(d)(2) was amended effective January 1, 2018 and further amended effective January 1, 2020 to reflect the need of the court to receive more comprehensive evaluations to make better informed determinations and commitment decisions and to report on elements aligned with new, legislatively created treatment options. Effective April 1, 2020, evaluators appointed by the court must also comply with Department of State Hospitals standards that require specified education and training reflecting best practices for an expert to evaluate a defendant and to reliably advise the court on mental competency to stand trial and on whom to commit to the Department for restoration services. These additional standards likely result in further limiting the already inadequate pool of qualified and affordable evaluators.

Due to the COVID-19 pandemic, state hospitals temporarily halted admissions increasing the number of backlogged cases. It is anticipated that there will be an increased need for even more evaluations as the state moves out of this crisis.



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**Impact of Denial of Proposal**

If the proposal is not approved, there will be no impact to the General Fund. However, courts would be left to assume the costs associated with the increased need of competency evaluation. Courts would also bear the ongoing challenge of maintaining a sufficient pool of qualified evaluators as well as associated case delays that will may have impact throughout the court system.

**Outcomes and Accountability of Proposal**

- Allocations and contracts for all counties that request funding in the first year.
- Improved data reporting by all courts that include disaggregated mental health filing data.
- Established and regularly updated inventory of qualified competency evaluators.
- Improved data tracking on actual court expenditures on competency to stand trial evaluations.

**Required Review/Approval**

Collaborative Justice Courts Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity  
Goal IV: Quality of Justice and Service to the Public  
Goal III: Modernization of Management and Administration

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature *Michelle Curran*

<b>Requesting Entity</b>	Court Facilities Advisory Committee
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<b>Proposal Title</b>	Trial Court Capital-Outlay Funding: 2022–23 through 2025–26
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$151.705 million one-time General Fund in 2022–23 for initial and/or continuing phases of four trial court capital-outlay projects. This request is consistent with the projects in the Governor’s 2021 Infrastructure Capital Funding Plan presented in the Governor’s Budget and California Five-Year Infrastructure Plan for 2021–22. As shown on page 3 of this report, this plan proposes funding for projects over the next five fiscal years. For the budget year plus 3 fiscal years, the plan proposes a 4-year total of \$2.052 billion for capital outlay for initial and/or continuing phases of 13 projects. Projects in the JCC’s Capital-Outlay Budget Change Proposals (COBCPs) for fiscal years 2023–24 through 2025–26 would also be consistent with this plan. Additionally, this proposal requests an amount \$TBD to provide funding for trial courts with increased costs due to the completion of current capital outlay projects that will open in 2020-21 and 2021-22.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23	0001					\$151,705,000
2023-24	0001					\$172,341,000
2024-25	0001					\$397,413,000
2025-26	0001					\$1,331,490,000
*Please include all costs associated with request including costs for other offices and courts. Trial court needs TBD.					<b>4 Year Total</b>	\$2,052,949,000
					<b>Ongoing</b>	
					<b>One-Time</b>	\$2,052,949,000

**Problem or Issue**

For the judicial branch’s courthouse construction program, the Governor’s Budget for 2021–22 proposes \$74.776 million for 2 studies and 2 projects, which is part of a \$2.127 billion, five-year funding plan for a total of 14 projects and 2 studies from the JCC’s Statewide List of Trial Court Capital-Outlay Projects. On page 3 of this report, these projects and studies are shown in a table excerpted from the Governor’s 2021 Infrastructure Capital Funding Plan, which is under Appendix 2 of the Governor’s California Five-Year Infrastructure Plan for 2021–22.

To be consistent with Governor’s funding plan, and in 2022–23, the JCC requests \$151.705 million one-time General Fund to continue one of the 14 projects and start three others. Projects in the JCC’s COBCPs and five-year infrastructure plans for trial court facilities for fiscal years 2023–24 through 2025–26 would also be consistent with this funding plan.

Additionally, this proposal requests an amount \$TBD to provide funding for trial courts with increased costs due to the completion of current capital outlay projects that will open in 2020-21 (New Sonora and New Yreka Courthouse projects) and 2021-22 (Renovation and Addition to Willow Historic Courthouse, and New Redding and El Centro Courthouses).

### **Background/History of Problem**

The Governor’s five-year funding plan for projects is shown in the table on page 3 of this report.

### **Impact of Denial of Proposal**

Delay in capital-outlay funding postpones advancement of the JCC’s five-year infrastructure plan for trial court facilities. This plan determines the funding priority for projects from the JCC’s Statewide List of Trial Court Capital-Outlay Projects. These needed projects replace or renovate deficient facilities statewide. Primary drivers of court facility needs include providing a safe and secure facility, improving poor functional conditions, addressing inadequate physical conditions including seismically deficient facilities, and expanding access to justice. Addressing these needs is consistent with the Chief Justice’s Access 3D initiative to expand and improve the public’s physical, remote, and equal access to the courts.

### **Outcomes and Accountability of Proposal**

The Court Facilities Advisory Committee provides ongoing oversight of the JCC’s five-year infrastructure plan for trial court facilities and the judicial branch’s courthouse construction program.

### **Required Review/Approval**

Court Facilities Advisory Committee  
Trial Court Budget Advisory Committee

### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity  
Goal IV: Quality of Justice and Service to the Public  
Goal VI: Branchwide Infrastructure for Service Excellence  
Goal VII: Adequate, Stable, and Predictable Fund for a Fully Functioning Branch

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**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

**Director Signature:** *Pella McCormick*

**Contact Name: Jagan Singh, Principal Manager, Facilities Services**

**Excerpted Plan from Appendix 2 of the Governor's California Five-Year Infrastructure Plan for 2021–22:  
2021 Infrastructure Capital Funding Plan**

(Dollars in Thousands)

<b>Judicial Branch</b>	<b><u>2021-2022</u></b>	<b><u>2022-2023</u></b>	<b><u>2023-2024</u></b>	<b><u>2024-2025</u></b>	<b><u>2025-2026</u></b>	<b><u>Total</u></b>
<b>Judicial Branch</b>						
Lake County - New Lakeport Courthouse	\$68,123 DB	\$0	\$0	\$0	\$0	\$68,123
Mendocino County - New Ukiah Courthouse	3,334 D	109,469 B	0	0	0	112,803
Nevada County - New Nevada City Courthouse	972 S	0	0	0	0	972
Los Angeles County - Los Angeles Master Plan	2,347 S	0	0	0	0	2,347
Butte County - Juvenile Hall Addition and Renovation	0	634 PW	2,920 C	0	0	3,554
Monterey County - New Fort Ord Courthouse	0	40,656 AD	121,313 B	0	0	161,969
San Bernardino County - Juvenile Dependency Courthouse Addition and Renovation	0	946 AP	722 W	7,646 C	0	9,314
Fresno County - New Fresno Courthouse	0	0	21,696 A	17,687 D	694,102 B	733,485
Kern County - New Ridgecrest Courthouse	0	0	4,380 AD	51,455 B	0	55,835
Solano County - New Solano Hall of Justice (Fairfield)	0	0	21,310 AD	226,160 B	0	247,470
Los Angeles County - New Santa Clarita Courthouse	0	0	0	57,179 AD	463,168 B	520,347
Plumas County - New Quincy Courthouse	0	0	0	6,772 AD	84,963 B	91,735
San Luis Obispo County - New San Luis Obispo Courthouse	0	0	0	30,514 A	5,877 D	36,391
Los Angeles County - New West Los Angeles Courthouse	0	0	0	0	75,153 A	75,153
Kern County - New Mojave Courthouse	0	0	0	0	5,543 AD	5,543
San Joaquin County - New Tracy Courthouse	0	0	0	0	2,684 D	2,684
<b>Judicial Branch Total</b>	<b>\$74,776</b>	<b>\$151,705</b>	<b>\$172,341</b>	<b>\$397,413</b>	<b>\$1,331,490</b>	<b>\$2,127,725</b>

**Table Legend:**

- S = Study
- A = Acquisition
- P = Preliminary Plans
- W = Working Drawings
- C = Construction
- D = Performance Criteria
- B = Design-Build

<b>Requesting Entity</b>	Administrative Presiding Justices Advisory Committee
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<b>Proposal Title</b>	Courts of Appeal Facility Maintenance Program
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$2.132 million ongoing General Fund and \$8.7 million one-time General Fund to support operations and maintenance, minor repairs, and deferred maintenance for the Courts of Appeal facilities.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	0	0	\$10,832,000	0	\$10,832,000
2023-24	0001	0	0	\$2,132,000	0	\$2,132,000
2024-25	0001	0	0	\$2,132,000	0	\$2,132,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$15,096,000
					<i>Ongoing</i>	\$2,132,000
					<i>One-Time</i>	\$8,700,000

**Problem or Issue**

The JCC requests funding to establish and support an Appellate Court Facility Maintenance Program. The Appellate Court Facility Maintenance Program will support facility maintenance requests for the two court-managed facilities, which is based on International Facilities Management Association (IFMA) standards and will include preventative and routine maintenance. The request will also provide funding to the remaining seven appellate court facilities for minor facility modifications and demand maintenance not covered by the building owner. The appellate courts occupy a total of approximately 500,000 square feet of space in nine facilities

Historically, the JCC serviced only the facility needs of the Supreme Court and Courts of Appeal. The 1997 Trial Court Funding Act (Chapter 850, Statutes of 1997, (AB 233)) began the process of shifting financial responsibility for support of trial courts from the counties to the state. The Trial Court Funding Act established the Task Force on Court Facilities to identify needs, options, and recommendations for funding court facility maintenance and improvements. In 2007, ten years after the passage of the Trial Court Funding Act, trial court facilities completed the process of transfer from

counties to the JCC including a funding source for maintenance of the Trial Courts. The Courts of Appeal did not fall under the Act and do not have an identified fund source for facility maintenance. The JCC Court of Appeal portfolio requires identified funds to bring the facilities up to industry standards for security, energy efficiency, and systems maintenance.

The JCC Court of Appeal portfolio consists of DGS owned-managed and JCC owned-managed facilities. DGS owned-managed facilities are leases, and the cost of the leases includes Operations and Maintenance (O&M) costs. The JCC owned-managed Court of Appeal facilities do not include O&M costs and the Courts of Appeal has no option but to fund these costs from their operational budgets. As the JCC owns and manages these facilities, appropriate funding should be allocated for proper maintenance of the JCC's assets. Ongoing maintenance costs for JCC owned-managed Court of Appeal facilities is estimated at \$1.07 million annually.

The Court of Appeal facilities within the JCC portfolio do not have an identified source of funding for minor repairs, or facility modifications. Any repairs or improvements must be paid out of the Courts of Appeals' general operating budget, which is already strained due to previous budget reductions. With limited funding, only the most urgent 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 that there are available savings from the operating budget. Minor repairs for Court of Appeal facilities within the JCC portfolio are estimated at \$1.062 million annually for approximately 500,000 square feet of court occupied space in nine facilities.

JCC Facilities Services conducted facility audits on JCC owned-managed Court of Appeal facilities to identify life-cycle replacements of major building components, such as equipment that has reached the end of its useful life. The historic lack of identified funding for Court of Appeal O&M and facility modifications resulted in deferred maintenance of building systems. Like O&M and facility modification funding, any costs related to deferred maintenance are funded out of residual funds from the courts' operational budgets. A one-time General Fund augmentation of \$8.7 million will allow for these deferred maintenance and system replacements to be addressed.

### **Background/History of Problem**

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California's trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio of approximately 450 facilities. The portfolio includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

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**Impact of Denial of Proposal**

Denial of this proposal will result in further degradation of Court of Appeal facilities due to limited funding for repairs and continued impact to Court of Appeal operational budgets for ongoing maintenance costs.

**Outcomes and Accountability of Proposal**

An identified source of funds for Court of Appeal facilities in the JCC portfolio allows for appropriate funding levels of facilities maintenance, ensuring standardization across the portfolio, and slowing the degradation of the State's building assets. The Trial Court Facility Modification Advisory Committee (TCFMAC) provides ongoing oversight of the JCC trial court Facilities Program and is regularly informed of facilities-related costs, inclusive of operations and maintenance, facility modifications, leases, and portfolio management. To ensure accountability, Facilities Services is obligated by the Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

**Required Review/Approval**

Administrative Presiding Justices Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, and Diversity  
Goal VI: Branchwide Infrastructure for Service Excellence  
Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Karen Baker, Manager**



<b>Requesting Entity</b>	Trial Court Facility Modification Advisory Committee
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<b>Proposal Title</b>	Trial Court and Courts of Appeal Deferred Maintenance
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**Proposal Summary**

The Judicial Council of California (JCC) requests 3.0 positions and \$100.6 million ongoing General Fund to support deferred maintenance projects for trial courts and Courts of Appeal.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23	0001	3.0	\$558,000	\$100,108,000		\$100,666,000
2023-24	0001	3.0	\$558,000	\$100,074,000		\$100,632,000
2024-25	0001	3.0	\$558,000	\$100,074,000		\$100,632,000
					<b>3 Year Total</b>	\$301,930,000
					<i>Ongoing</i>	\$100,632,000
					<i>One-Time</i>	\$34,000

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

In 2019 staff completed Facilities Conditions Assessments (FCAs) for the majority of occupied court facilities in the JCC portfolio. The FCAs were funded from the one-time, General Fund of \$5.0 million available that year for statewide deferred maintenance funding. The FCAs in 2020 reflect a deferred maintenance backlog of \$5.2 billion, with the Judicial Council share being \$4.1 billion.

The funding for deferred maintenance is requested to be ongoing in order to enable continuous efforts to address the backlog of \$4.1 billion in deferred maintenance. These projects require staff oversight and uncertainties over funding of deferred maintenance and the corresponding staffing up and down are an inefficient and ineffective way to manage such a program. Being able to rely on a regular level of funding to tackle deferred maintenance is a much more stable approach.

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**Background/History of Problem**

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California's trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio of approximately 450 facilities. The portfolio includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

**Impact of Denial of Proposal**

Denial of this proposal will result in a deferred maintenance backlog that will continue to grow and a corresponding increase in the number of emergency repairs. This is because of the inverse relationship between underfunded deferred maintenance and emergency repairs. Buildings will continue in a run-to-failure mode, with aged building systems being replaced only at the point of failure. This approach to facilities management increases the costs of replacements and repairs and unnecessarily depletes the ongoing maintenance funding of the program.

**Outcomes and Accountability of Proposal**

An ongoing, systematic approach to addressing deferred maintenance allows for the program to plan resources and outline an ongoing plan for addressing the \$4.1 billion backlog.

**Required Review/Approval**

Trial Court Facility Modification Advisory Committee  
Trial Court Budget Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal II: Independence and Accountability  
Goal VI: Branchwide Infrastructure for Service Excellence  
Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Karen Baker, Manager**

<b>Requesting Entity</b>	Trial Court Facility Modification Advisory Committee
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<b>Proposal Title</b>	Financial Obligations of the Court Facilities Trust Fund (CFTF)
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**Proposal Summary**

The Judicial Council of California (JCC) requests 10.0 positions and \$52.5 million General Fund in 2022-23, and \$52.4 million annually thereafter, and an additional \$3.5 million ongoing reimbursement authority to meet the financial obligations of the Court Facilities Trust Fund (CFTF)

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	10	\$1,463,000	\$51,033,000		\$52,496,000
2023-24	0001	10	\$1,463,000	\$50,918,000		\$52,381,000
2024-25	0001	10	\$1,463,000	\$50,918,000		\$52,381,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$157,258,000
					<i>Ongoing</i>	\$52,381,000
					<i>One-Time</i>	\$115,000

**Problem or Issue**

The CFTF expenses have exceeded the available revenues and the fund balance is depleted. CFTF revenues trend at \$98 million annually. Obligations of the program have increased over the last 20 years, while the revenues to the funds continue to be based on 1995-2000 costs. CFTF obligations have trended above revenues for the past seven years. Drastic cuts to services have been implemented but still erode the fund balance. The result is run-to-failure facilities. Ongoing General Fund of \$52,381,000 is required to meet the obligations of the CFTF and provide necessary oversight of the funds.

A corresponding Reimbursement Authority increase of \$3.5 million is required for the CFTF. The current Reimbursement Authority of \$9 million would be insufficient to support the shared costs of the program.

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**Background/History of Problem**

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California's trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio approximately 450 facilities. The portfolio includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

**Impact of Denial of Proposal**

Denial of the proposal will result in the inability of the CFTF to meet its financial obligations starting in FY 2022-23

**Outcomes and Accountability of Proposal**

Supplemented funding to the CFTF will allow for the program to meet its financial obligations.

**Required Review/Approval**

Trial Court Facility Modification Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal II: Independence and Accountability

Goal VI: Branchwide Infrastructure for Service Excellence

Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Karen Baker, Manager**

<b>Requesting Entity</b>	Trial Court Facility Modification Advisory Committee
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<b>Proposal Title</b>	Facility Modification Prioritization and Costs
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$35 million in ongoing General Fund, and an additional \$7.0 million in reimbursement authority ongoing for the State Court Facilities Construction Fund (SCFCF) to address facility modifications.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001			\$35,000,000		\$35,000,000
2023-24	0001			\$35,000,000		\$35,000,000
2024-25	0001			\$35,000,000		\$35,000,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$105,000,000
					<i>Ongoing</i>	\$35,000,000
					<i>One-Time</i>	

**Problem or Issue**

Annual funds budgeted for Facility Modifications from the SCFCF have remained steady at \$40 million since 2014. That funding is supplemented by another \$25 million per year from the Immediate and Critical Needs Account, a subaccount of SCFCF, to address the most critical repairs and replacements of courthouse building systems. The \$65 million annual Facility Modification budget funds only the most critical building system lifecycle replacements or renovation of major building systems such as, HVAC, vertical transportation, and electrical equipment. The cost of repairs and replacements under the Facility Modification program have increased correspondingly with the economy, however, no adjustments have been made to the budget appropriation since 2014. The reduced purchasing power of this funding forces JCC to operate on a run-to-failure mode for many building systems. Failure of building systems results in emergency events, creating higher building maintenance and repair costs, and posing the risk of court closures.

A corresponding Reimbursement Authority increase of 7.0 million is required for the SCFCF. The current Reimbursement Authority of \$13 million would be insufficient to support the shared costs of the program with the augmented funding.

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**Background/History of Problem**

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California’s trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio approximately 450 facilities. The portfolio includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

**Impact of Denial of Proposal**

Denial of the proposal will result in fewer and fewer facility repairs being completed under the limited \$65 million budget and corresponding \$13 million reimbursement authority. Facilities will continue to degrade, resulting in only Priority 1 (Emergency) facility modifications being funded and creating a safety concern for all facilities

**Outcomes and Accountability of Proposal**

Supplemented funding to the Facility Modification program allows for prioritized Facility Modifications to be completed prior to failure. The Trial Court Facility Modification Advisory Committee provides oversight of the prioritization process and requires ongoing reporting, accountability, and fiscal oversight of the Facility Modification program.

**Required Review/Approval**

Trial Court Facility Modification Advisory Committee  
Trial Court Budget Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal II: Independence and Accountability  
Goal VI: Branchwide Infrastructure for Service Excellence  
Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Karen Baker, Manager**

<b>Requesting Entity</b>	Trial Court Facility Modification Advisory Committee
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<b>Proposal Title</b>	San Diego Hall of Justice Facility Modernization
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$26 million one-time General Fund over the next three fiscal years to support a planned facility modernization to the San Diego Hall of Justice. Funding includes \$13 million in 2022-23, \$7 million in 2023-24, and \$6 million in 2024-25.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services</b>	<b>Operating Expenses &amp; Equipment</b>	<b>Local Assistance (grants/trial court funding)</b>	<b>Total</b>
			<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D=A+B+C)</b>
2022-23	0001			\$13,000,000		\$13,000,000
2023-24	0001			\$7,000,000		\$7,000,000
2024-25	0001			\$6,000,000		\$6,000,000
					<b>3 Year Total</b>	\$26,000,000
*Please include all costs associated with request including costs for other offices and courts.					<b>Ongoing</b>	
					<b>One-Time</b>	\$26,000,000

**Problem or Issue**

The San Diego Hall of Justice was built in 1995. This facility within the JCC portfolio is shared occupancy and managed by the County of San Diego. Due to the age of the building, the County of San Diego proposes a major, multi-year, facility modernization. The modernization will include repairs to existing elevators, escalators, and the HVAC system. The total estimated value of the project is \$65,000,000. The Judicial Council percentage share of this facility is 40.24% per the Joint Occupancy Agreement executed with the County. The JCC shared value of the project is approximately \$26 million over three years. The JCC facility modification budget is limited to \$65 million annually. The commitment of \$6 million each fiscal year is not feasible with the current budget. The JCC has a contractual obligation to commit funds for this project, but no available financial resources due to the size, scope, and potential impact to other facilities within the portfolio.

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**Background/History of Problem**

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California's trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio approximately 450 facilities. The portfolio includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

**Impact of Denial of Proposal**

Denial of this proposal will require the JCC to identify multi-year funding within the program for the facility modernization. This will tie up financial resources for a minimum of five years which could be otherwise applied to much needed facility repairs across the portfolio

**Outcomes and Accountability of Proposal**

Approval of the proposal enables the JCC to commit to their financial obligation with the County of San Diego and secures funding specific to this multi-year, multi-million-dollar facility modernization.

**Required Review/Approval**

Trial Court Facility Modification Advisory Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal II: Independence and Accountability  
Goal VI: Branchwide Infrastructure for Service Excellence  
Goal VII: Adequate, Stable, and Predictable Fund for a Fully Functioning Branch

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Karen Baker, Manager**



<b>Requesting Entity</b>	Trial Court Facility Modification Advisory Committee
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<b>Proposal Title</b>	Water Conservation and Leak Detection Measures in Courthouses
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$1.75 million in one-time General Fund to implement water leak detection equipment and software that will support Water Conservation measures. The funds will be used to install water meter data logging equipment and software in an estimated 160 courthouses within the JCC portfolio.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001			\$1,750,000		\$1,750,000
					<b>3 Year Total</b>	\$1,750,000
					<i>Ongoing</i>	
					<i>One-Time</i>	\$1,750,000

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

Water leaks are an expensive problem for courthouses. Most water pipes are hidden within walls and the inner structure of a facility. A water leak may not be detected for 30-60 days. Within that timeframe, water resources are wasted, water usage costs are inflated, and substantial damage is incurred to the building structure. Undetected water leak repairs require a larger scope and increased costs when compared to early detection and remediation of the leak.

**Background/History of Problem**

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California’s trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio approximately 450 facilities. The portfolio includes a

variety of building types: courthouses, jails, offices, parking structures and parking lots.

In recent years, the Facilities Services program budget has been impacted substantially by many undetected water leaks and floods. Leaks and floods can originate from a plugged toilet/urinal or from a failed pipe within the walls. The failure of a water system component can result in massive flooding of a facility and damage to walls, floors, court furniture, and equipment.

### **Impact of Denial of Proposal**

Without an identified source of funds for leak detection, water leaks will continue to be a silent destroyer of facilities, causing an unnecessarily substantial amount of damage, which draws from already impacted budgets for facility repairs.

### **Outcomes and Accountability of Proposal**

Upon approval of the one-time funding, the JCC will be able to procure the necessary equipment and services required to implement water leak detection in approximately 160 facilities owned and managed by the JCC. Ongoing measurement and verification of water usage will be available to proactively identify water leaks, conserve water resources, and prevent unnecessary damage to facilities.

### **Required Review/Approval**

Trial Court Facility Modification Advisory Committee

### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal II: Independence and Accountability  
Goal VI: Branchwide Infrastructure for Service Excellence  
Judicial Branch Water Conservation Policy

### **Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Karen Baker, Manager**

<b>Requesting Entity</b>	Habeas Corpus Resource Center
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<b>Proposal Title</b>	HCRC Case Team Staffing and Establishment of Los Angeles Office – Prop 66
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**Proposal Summary**

The Judicial Council of California (JCC) requests 30.0 positions and \$6.6 million General Fund (including \$900,000 in one-time funding and \$5.7 million ongoing) in 2022-23; an additional 20.0 positions and \$2.9 million ongoing General Fund in 2023-24; and an additional 20.0 positions and \$2.9 million ongoing General Fund in 2024-25 to establish a total of 70.0 positions over the course of three years to support the increased workload in the Habeas Corpus Resource Center (HCRC) as a result of the enactment of Proposition 66. This proposal would increase the number of attorneys and support staff employed by HCRC and requires an amendment to Government Code Section 68661, which authorizes HCRC to employ up to 34 attorneys.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	30.0	\$3,900,000	\$2,700,000		\$6,600,000
2023-24	0001	20.0	\$6,800,000	\$1,800,000		\$8,600,000
2024-25	0001	20.0	\$9,700,000	\$1,800,000		\$11,500,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$26,700,000
					<b>Ongoing</b>	\$11,500,000
					<b>One-Time</b>	\$900,000

**Problem or Issue**

As of January 2021, there are 363 men and women on California’s death row who have a right to counsel in state habeas corpus proceedings (post-conviction proceedings) but who are still waiting for appointment of counsel. Nearly half have been waiting 10 years or more; 88 men have waited more than 20 years for counsel. This backlog is the direct result of California’s 58 counties sending men and women to death row at a rate far faster than the courts have been able to appoint qualified post-conviction counsel. HCRC is the sole governmental agency tasked with post-conviction representation, and its attorney staffing levels have remained virtually unchanged since its formation in 1998.

In an attempt to address this problem, Proposition 66 was passed by the voters in 2016. In terms of capital habeas corpus proceedings, Proposition 66 seeks to (1) expand the pool of qualified counsel willing and able to accept capital habeas corpus appointments; (2) transfer the authority for appointing counsel from the Supreme Court to the Superior Courts; and (3) reaffirm HCRC's role as the only statewide entity tasked with accepting new state habeas corpus appointments. In addition, new Rules of Court were adopted to implement Proposition 66 requirements that have the effect of accelerating the timeline for habeas review in the Superior Courts. However, additional funding was not included in Proposition 66 to carry out its mandates.

HCRC has been unable to accept new appointments at a rate sufficient to address the backlog because it is currently litigating 77 cases, including 22 cases in which the court has issued an Order to Show Cause requiring numerous work-intensive evidentiary hearings in the Superior Courts. Only 3 new private lawyers have been enrolled on the statewide panel of qualified counsel, but the funding source for such appointed counsel at the Superior Court level remains unclear. In July 2019, HCRC indicated it was prepared to accept a new appointment from the Superior Court of Riverside County; that appointment is pending. Therefore, since the passage of Proposition 66 there have been no new statewide appointments.

This proposal seeks to further HCRC's statutory mission to decrease the unrepresented inmates on death row by creating up to 15 additional case teams to begin to address the backlog of men and women awaiting appointment of counsel. The proposal does this by expanding HCRC's capacity to accept capital habeas corpus representation through measured growth in HCRC staff. In addition to attorneys, paralegals, investigators, and case assistants, this proposal includes four (4) supervisory positions, phased in over a three-year period. These supervisory positions will provide the structure to enable the HCRC to maintain its high quality of representation for a maximum number of cases by ensuring appropriate training, mentoring, and adherence to standards, and will provide the leadership necessary for future growth. The request also includes \$900,000 one-time and \$1.8 million ongoing (30,000 sq ft x \$60 per sq ft) to establish and to cover lease costs for an additional office in Los Angeles County to have access to the Superior Courts, legal resources and attorneys in Southern California where a large portion of the backlogged habeas cases will proceed.

### **Background/History of Problem**

The HCRC was established in 1998 to accept appointments in state and federal post-conviction death penalty 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 in state and 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. Currently, the HCRC has authorized staffing of 88 FTE positions, including the Executive Director, 34 attorneys, 19 investigators/litigation support assistants, 19

paralegals/litigation support assistants, 4 case assistants, 6 information technology/resource positions, and 6 administrative/support positions. Attorneys, investigators and paralegals make up case teams that provide representation to the indigent petitioners. Currently, nearly half of inmates on death row are waiting for the appointment of habeas corpus counsel and nearly half of those have been waiting from 10 to 25 years. The failure to adequately fund post-conviction services has reached a crisis point that has contributed to the breakdown of the state's capital punishment system and substantially increased the cost of California's death penalty system.

### **Impact of Denial of Proposal**

HCRC cannot process any additional appointments without additional resources. New case teams are critical if the HCRC is to expand the number of capital habeas corpus appointments it can accept every year. If the proposal is denied the likelihood of finding adequate alternatives such as private counsel to accept capital habeas corpus appointments is extremely low. Despite the combined efforts of the HCRC, the California Courts of Appeal and the Supreme Court there have been only 3 new attorneys found to be able to take these extremely complex and specialized cases. This will not meet the demand for HCRC to accept additional appointments and increase assistance to the existing pool of private counsel to decrease the backlog of unrepresented death row inmates.

### **Outcomes and Accountability of Proposal**

Successful implementation of this proposal will be manifested through prompt hiring and training of new staff members and quantified through the number of new cases appointed to the HCRC each year. The HCRC has a documented track record of promptly and effectively filling new and vacant positions and has mechanisms in place to ensure that complete training is provided so that new cases are developed according to proven protocols and best practices. New staff members receive intensive training and mentorship from senior and other experienced staff members to ensure that these practices are applied in all cases. With the requested increased staff, the HCRC will achieve the proposal's goal by accepting a growing number of cases each year and increasing assistance provided to private counsel, thereby decreasing the backlog in unrepresented death row inmates.

In addition, this proposal will result in long-term budget savings to the State of California. 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.

### **Required Review/Approval**

Habeas Corpus Resource Center is an independent entity within the Judicial Branch and the Executive Director provides the necessary review and approval.

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**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity  
Goal II: Independence and Accountability  
Goal IV: Quality of Justice and Service to the Public

Gov. Code Section 68661

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature**

Michael J. Hersek

<b>Requesting Entity</b>	Technology Committee
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<b>Proposal Title</b>	Judicial Branch Office of Information Security
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**Proposal Summary**

The Judicial Council of California (JCC) requests 4.0 positions and \$5.2 million General Fund in 2022-23, additional 5.0 positions and \$6.2 million General Fund in 2023-24, additional 4.0 positions and \$8.6 million General Fund in 2024-25, and \$7.0 million General Fund annually thereafter to establish and maintain an Office of Information Security (OIS) to comply with best practices in management of information security and risks, branch technology and the data held across the Judicial Branch as called for in the Judicial Branch Strategic Plan for Technology.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	4.0	724,000	4,403,000		5,127,000
2023-24	0001	9.0	1,563,000	4,607,000		6,170,000
2024-25	0001	13.0	2,165,000	6,454,000		8,619,000
					<b>3 Year Total</b>	19,916,000
					<b>Ongoing</b>	7,006,000
					<b>One-Time</b>	1,541,000

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

The Judicial Branch is addressing the increased expectations and reliance of court users on digital access to court information. This is achieved by transitioning to digitally driven processes and enabling automated electronic data and information sharing among the courts, the public, and state and local justice partners. A focus on advancing IT security and infrastructure is needed to establish a digital foundation that allows court users, the public, justice partners, and the courts to leverage existing and emerging technologies. This focus includes strengthening information security by verifying user identities when appropriate and ensuring that comprehensive audit trails/logs are provided. Finally, to ensure reliability and resiliency, there is a need for strengthening security measures for all business-critical systems, services, and data maintained by the Judicial Branch. This digital foundation relies on an effective, reliable, efficient, up-to-date, and secure technology infrastructure monitored by highly trained staff.

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## Background/History of Problem

The Judicial Council's Information Technology (IT) office is responsible for ensuring the confidentiality, integrity, and availability of branch systems and applications, as well as promoting and protecting privacy as part of the development and operation of branch systems for all Judicial Branch Entities (JBEs), including trial courts, Courts of Appeal and the Supreme Court. The establishment of an Office of Information Security (OIS) to assist Information Security and Cybersecurity programs for all Judicial Branch Entities (JBEs), will create a unit whose sole purpose is to raise IT security awareness and capabilities across the branch, utilizing specialized personnel and tools. The new Office of Information Security will include Information Security, Security Operations and Cybersecurity Operations management.

In 2016-17 the Judicial Council received funding through an Information Security Systems Controls BCP that included the following services:

- Audit and Accountability – the implementation of user access auditing tools within the courts;
- Risk Assessment – the establishment of annual information systems risk assessments;
- Contingency Planning – the implementation of information technology disaster recovery infrastructure and capabilities within the Judicial Council;
- Security Program Management – the implementation of a formalized information security program within the Judicial Council; and
- Media Protection – the preparation for the implementation of a data classification program within the Judicial Council.

The establishment of these programs led the Judicial Council Information Technology (IT) office to request the Information Technology Advisory Committee (ITAC) to create a workstream to review existing security programs and the current judicial branch security posture. One of the key workstream recommendations includes a Judicial Branch Office of Information Security to protect Judicial Branch assets.

This new office will be modeled after the California Department of Technology, Office of Information Security and will include:

- A Security Operations Center (SOC) to assist all Judicial Branch Entities (JBEs) in securing their external and internal networks and end-point security.
- An Information Security unit which will support or be responsible for IT governance, risk management, disaster recovery, compliance and user training programs across the Branch.
- A Judicial Council cybersecurity team that will expand our abilities to support all Judicial Branch entities.

The increase in the number of reported cybersecurity threats is well known from recent, publicized intrusions into large public and private sector organizations. However, the increasing complexity and volume of cybersecurity threats have continually exceeded a court's ability to investigate, identify, and respond, placing branch entities that rely on information technology at increasingly higher



operational and reputational risk. Reported incidents are not only growing in number, but are also becoming more complex; requiring significant analyses and follow-up to ensure critical alerts are disseminated timely, and that root-causes are being addressed through appropriate corrective action plans to prevent reoccurrence in the future. Currently, existing Judicial Council IT teams are responding to requests for assistance. As the number of court requests have increased, the Judicial Council does not have the resources or expertise to provide the support necessary.

### **Impact of Denial of Proposal**

If the BCC is not funded:

- JBEs will continue to struggle to meet the security resource needs of the digital court.
- JBEs will have to plan, develop, research and procure security awareness solutions independently.
- Many courts lack skills and resources to utilize security platforms necessary to secure their networks and data, analyze security incident or prevent future security incidents.
- Not establishing an Office of Information Security is not in compliance with established industry best practices.

### **Outcomes and Accountability of Proposal**

The Office of Information Security (OIS) will:

- Create a team whose primary focus is to promote IT security across the entire branch
- Promote IT security throughout all Judicial Branch Entities
- Improve the overall cybersecurity posture of Judicial Branch Entities

The OIS will be comprised of 3 functional areas:

- Information Security – Administration, Governance, Risk, Planning and Compliance
- Security Operations Center – Judicial Branch Entity (JBE) support of security tools platforms; branch-wide monitoring, analysis, and reporting programs; incident response and application security
- Cybersecurity Operations – support for Judicial Council and Judicial Branch Technology Center infrastructure, applications and cloud-based systems security

Information Security

- Support and update a branch-wide information security and cybersecurity strategic plan and road map;
- Manage, maintain and promote security recommendations in the areas of IT Security Governance, Risk and Compliance
- Establish best practices and standards in partnership with the state Information Security Office and Court Security Advisory group
- Develop, maintain and promote an information security end-user training program
- Collaborate with courts and the Judicial Council’s Facilities Services to promote and support disaster recovery (DR), business continuity planning (BCP) and continuity of operations planning (COOP) across the branch

### Security Operations Center

- Assess and evaluate response efforts for security incidents within the branch
- Work with Federal and State resources in monitoring, management and incident response
- Integrate with the existing monitoring services utilized by the trial courts
- Integrate with the California Department of Technology's Security and Security Operations Center programs
- Integrate with the California Office of Emergency Services' SOC
- Manage, build-out and support tools for vulnerability management, network security and network hardening across the branch
- Manage the end-point security platform requested in this BCP
- Establish practices for branch-wide monitoring of both external and internal vulnerabilities

### Cybersecurity Operations

- Manage and support cloud and internal security systems and programs
- Support network and system hardening, network access control and role-based access control
- Ensure security is considered through the Software Development Life-cycle (SDLC)
- Develop and promulgate security best practices within all Judicial Branch Entities
- Manage, build-out and support a vulnerability management program within the Judicial Council

### Required Review/Approval

Information Technology Advisory Committee  
Technology Committee

### Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations

This BCC is in support of the following goal of the Judicial Branches' Strategic Plan for Technology 2019 – 22, Goal 3: Advance IT Security and Infrastructure

### Approval

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

**Director Signature: Heather Pettit**

**Contact Name: : Heather Pettit**

<b>Requesting Entity</b>	Technology Committee
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<b>Proposal Title</b>	Rural Court Internet Connectivity
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$TBD to provide reliable broadband internet connectivity for approximately 13 trial courts in remote or rural locations where existing internet access is inadequate to support modern operational requirements. A California statewide, cross-branch solicitation for rural broadband internet services was issued in early 2021, and this funding would be used to initiate that service at those courts.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23						TBD
2023-24						TBD
2024-25						TBD
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	
					<i>Ongoing</i>	
					<i>One-Time</i>	

**Problem or Issue**

Some of California’s courts are in geographically hard to reach or rural areas that have limited options for internet connectivity. These limitations include slow speeds, unreliable service delivery, and a lack of alternate internet service providers (ISP) to provide a backup connection. Without a dependable connection to the internet, these courts will be unable to effectively provide court services such as remote hearings, or access to cloud-based applications for case management, email, and even VoIP telephone services.

This is not an issue exclusive to the Judicial Branch. Many other agencies within California are also struggling with limited internet access in rural areas, which hinders their ability to fulfill their respective missions. Judicial Council Information Technology is collaborating with the California Department of Technology, CalFire, California Department of Parks and Recreation, and other agencies to develop an Invitation for Bid (IFB) that will address these issues. The IFB is a solicitation

to obtain bids from Pre-qualified Vendors from the State’s eVAQ process to provide a fully managed Statewide rural broadband connectivity service throughout the State of California, with a minimum bandwidth of 20Mbps.

The internet solution will be a “no up-front cost”, fully managed service model to support the rural broadband connectivity service. The monthly managed service fee will include the hardware, software, implementation, support, and technology refreshes through the term of the contract.

The IFB will be released January 29, 2021; bid evaluation will begin March 22, 2021, and the contract will be executed on or before May 3, 2021. The solicitation requires all bidders to provide a rough order of magnitude pricing for specific locations and scenarios, including the Sierra County Courthouse, located in Downieville. Approximate costs for this effort will be known in May following contract award and site surveys of potential courts to ascertain facilities and network equipment requirements.

### **Background/History of Problem**

Limited, reliable internet at rural courts has been an issue for well over a decade, because ISPs and telecommunications providers have not found it profitable to expand services in geographically remote, or sparsely populated areas. With the advent of cloud technologies, and the COVID-19 pandemic, having a high-speed, dependable internet connection has become a mission critical requirement for all courts.

### **Impact of Denial of Proposal**

Courts with limited options for internet connectivity will be unable to expand services such as remote hearings, and minimizes their ability to utilize the cloud-based solutions that are currently being developed and deployed by the Judicial Council and by other courts.

### **Outcomes and Accountability of Proposal**

Because the statewide contract has not yet been executed, it is not yet known what the implementation requirements will be for the selected solution. However, the goal is to onboard 4 courts to the new Internet Service within 6 months of funding, and an additional 6-8 courts in the following year.

### **Required Review/Approval**

Information Technology Advisory Committee  
Technology Committee

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**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal III: Modernization and Management of Administration  
Goal IV: Quality of Justice and Service to the Public  
Goal VI: Branchwide Infrastructure for Service Excellence

Reliable broadband internet access is also a Judicial Branch Tactical Plan for Technology goal, one that will enable all courts to provide services, share data, and run applications necessary to achieve the Branch's Strategic goals.

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature: *Heather Pettit*

Contact Name: Heather Pettit

<b>Requesting Entity</b>	Technology Committee
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<b>Proposal Title</b>	Judicial Council Modernization Funding
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**Proposal Summary**

The Judicial Council of California (JCC) requests 20.0 positions and \$29.3 million General Fund in 2022-23, and \$29.1 million annually thereafter for the operations and maintenance of performing and sustaining the work of the Judicial Branch Modernization efforts for Trial Courts, Courts of Appeal, and the Supreme Court.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23	0001	20.0	\$3,605,000	\$25,717,000		\$29,322,000
2023-24	0001	20.0	\$3,605,000	\$25,488,000		\$29,093,000
2024-25	0001	20.0	\$3,605,000	\$25,488,000		\$29,093,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$87,508,000
					<b>Ongoing</b>	\$29,093,000
					<b>One-Time</b>	\$229,000

**Problem or Issue**

The Judicial Branch was provided \$25 million for 2020-21 and 2021-22 for trial court modernization efforts. Many of the initiatives selected by the Judicial Council for use of that funding were based on the needs triggered by the pandemic and also the current state of trial court operations. As part of the current modernization allocation, the Judicial Council Information Technology (IT) office reviewed the detailed status of court modernization efforts and timelines for implementing new technology. Modernization efforts for the courts are based on the concept of the “Digital Court”, specifically increased access to the courts, administration of justice in a timely and efficient manner, and optimization of case processing by implementing comprehensive digital services for the public and for justice partners. These positions are to sustain the good work that is being done. Historically, the funds to provide staffing was for investigation and design only. Now that these programs are maturing, the branch needs to move into operations and maintenance, and there are no staff to perform that on-going work. Currently, this work is being done by having our design and investigation people do operations. The branch needs to formally set up a fully functioning team on these new initiatives in the same manner as we have for our current operational services.

Based on the feedback from the courts, modernization efforts to achieve the Digital Court objective

outlined in the Judicial Branch Strategic and Tactical Plans for Technology will take a minimum of 10 years if there is established on-going modernization funding. With no permanent funding, it will be difficult for many courts to achieve the goals of the digital court.

Another key challenge with the initial one-time funding is that this allocation was only for trial court modernization and branch modernization that benefit the trial courts. Significant modernization efforts are needed throughout the branch, including the Supreme Court and the Courts of Appeal.

### **Background/History of Problem**

Over the last seven years, the Judicial Council Information Technology Advisory committee (ITAC) and Judicial Council Technology committees have worked to build and implement the Technology Strategic and Tactical plans for the Judicial Branch, specifically focusing on achieving the digital court. The Judicial Council in partnership with the courts have created programs to improve technology within the courts to provide better access to justice. Thanks to these plans and assignment of dedicated resources, the Judicial Branch has been successful in attaining several modernization BCPs over the last five years, including upgrades for Case Management Systems, Digitization of Court Records, Remote Video Solutions, Data Analytics, as well as many other technology initiatives that benefit the public.

As part of the state budget for 2020-21, the judicial branch received \$25 million in 2020-21 and 2021-22 for trial court modernization to benefit the public. The Judicial Council Technology committee conducted extensive outreach to all of the courts to determine the roadmap for technology initiatives to improve access to justice. A survey, which included responses from all 58 counties provided insights on the immediate needs for the courts. The top five priorities for the courts are 1) Remote Appearance Technology, 2) Digital Court Records, 3) Next Generation Cloud Services, 4) Digital Services and 5) Data Driven Forms. Other key needs identified in by the courts' responses include Digital Evidence and Notification and Messaging solutions. The survey also indicated that the majority of the courts are just at the beginning of their journey in implementing these technology solutions.

After evaluating this survey and aligning the results with the Judicial Branch Technology Strategic and Tactical plans, the Technology Committee recommended the following programs to the Judicial Council for funding: Remote Video Solutions, Digital Evidence, Automated Messaging, Data Driven Forms, Digitizing of Documents, Virtual Customer Service Center, Trial Court Digital Services, Statewide Case Index, Digital Ecosystem, Information Security, Next Generation Cloud Solutions, California Court Protective Order System Modernization, and Data Governance. From the survey, the Technology Committee also gained insight into where each of the courts stand in their implementation of the goals and objectives of the digital court. It has become clear that there is a significant diversity across the trial courts in the use of technology to support public services, largely due to lack of resources and expertise. Therefore, designing a strategy to assist courts on their journey to the digital court based on their current level of technical maturity is critical. The Technology committee determined that providing funding directly to courts for their implementation of the digital court, as

well as assisting courts in their implementation journey is needed to ensure success. They also recognized the need for funding of branch initiatives that align with the Chief's vision for Access 3D-physical, remote and equal access.

The Technology committee worked with the courts on their roadmap and implementation strategy for using technology to modernization their operations and provide better access to the public and court users. The projects scheduled to be worked on in 2020-21 are: 1) Remote Video Solutions (38 courts), 2) Digitizing documents (35 courts), 3) Next Generation Cloud solutions (21 courts), 4) Virtual Customer Service Center (11 courts) 5) Court Notifications (7 courts).

The other area of funding, branchwide initiatives, over 20 courts are participating in branchwide Digital Services programs, 17 courts participating in the branchwide Security program, 32 courts participating in digitization of court records and 21 courts participating in branch Remote Video programs. All these projects belong to the first year of multi-year roadmaps to achieve the goals of the digital court.

This initial funding has been critical in pushing the branch toward the digital court. However, the funding did not include critical areas of the branch that require modernization- specifically, the Supreme Court and the Courts of Appeal. Modernization of the Judicial Branch must include all areas of the branch; Trial courts, Appellate courts, the Supreme Court and Judicial Council administration. From the roadmaps developed by the trial courts and appellate courts, the digital court will take many years to accomplish and will need to evolve as technology evolves. Considering the current resources, the reality is that without ongoing permanent funding and staff, many of the courts will be unable to achieve many of the goals established in the digital court.

### **Impact of Denial of Proposal**

The one-time funding provided in 2020-21 and 2021-22 would provide initial funding for the larger roadmap for court modernization for the trial courts. However, without permanent funding, courts will not be able to implement their roadmaps and will come to a standstill in terms of modernization, once that money runs out. Also, a critical point that is emphasized in this proposal is that modernization should not only be for the Trial courts, but also for the full judicial branch, including Trial courts, Courts of Appeal and the Supreme court.

### **Outcomes and Accountability of Proposal**

With the one-time funding of the modernization money, the Technology Committee has created a governance model that has proven very successful. This was achieved by aligning financial allocations to the courts and programs, to the goals and objectives outlined in the digital court goal, of the Judicial Branch technology strategic and tactical plans. The model includes review and approval of all projects and programs being funded by the modernization money, as well as pre-defined reporting criteria and success metrics. The base requirements for any program related to modernization, must contain the following components:

- Must benefit the public



- Must comply with branchwide policies and standards
- Must be vetted and approved by the Judicial Council Technology Committee
- Must fall into one of the Judicial Council approved categories
- Must have measurable outcomes reported quarterly to the Judicial Council Technology Committee

Each program category also has key requirements. As an example, for Remote Appearance Technology, the measurable outcomes include:

- Number of remote hearings held
- Number of self-represented litigants served
- Number of remote participants
- Types of remote cases
- Number of courtrooms doing Remote Hearings
- Types of use cases and number of transactions for remote video solutions
- Customer satisfaction data

All approved categories have specific measurable outcomes, that were vetted and recommended by the courts and the Judicial Council technology department.

**Required Review/Approval**

Information Technology Advisory Committee  
Technology Committee

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity  
Goals III: Modernization of Management and Administration  
Goals VI: Branchwide Infrastructure for Service Excellence  
Proposal also supports the Judicial Branch Technology Strategic and Tactical Plans.

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature: *Heather Pettit*

Contact Name: **Heather Pettit**

<b>Requesting Entity</b>	Advisory Committee on Providing Access and Fairness
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<b>Proposal Title</b>	Language Access Efforts in the California Courts
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**Proposal Summary**

The Judicial Council of California (JCC) requests 3.0 positions and \$17.035 million General Fund in 2022-23 and \$17.005 million annually thereafter to support the efforts of the Strategic Plan for Language Access in the California Courts, by funding trial courts for language access services and supporting improvements to the Court Interpreter Data Collection System.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23	001	3.0	\$527,000	\$1,508,000	\$15,000,000	\$17,035,000
2023-24	001	3.0	\$527,000	\$1,478,000	\$15,000,000	\$17,005,000
2024-25	001	3.0	\$527,000	\$1,478,000	\$15,000,000	\$17,005,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$51,045,000
					<b>Ongoing</b>	\$17,005,000
					<b>One-Time</b>	\$30,000

**Problem or Issue**

The 2020 Budget Act brought the annual level of program funding for the Court Interpreter Program fund (TCTF 0150037) up to \$130 million to reimburse trial courts for all court interpreter services. Due to prior augmentations for the fund, as of June 2019, all courts indicated that they were able to provide interpreters in all eight civil case type priorities under Evidence Code Section 756. This Budget Change Concept is to provide additional funding for the program to cover costs for a projected program deficiency in 2022-23. The additional program funding provided to date has helped courts to expand interpreter services in civil matters but will not solve a forecasted funding deficiency in 2022-23 due to an anticipated increase of interpreter services, increased costs in mandated cases, and the use of independent contractors. Based on current projections, expenditures will exceed the program appropriation by approximately \$15 million in 2022-23.

This request is also for a new software platform for the Court Interpreter Data Collection System (CIDCS) and for 3.0 new positions for Information Technology (2.0) and the Center for Families Children & the Courts (1.0) to support necessary improvements to the CIDCS. The current CIDCS

system is outdated and limited in its functionality to store and track data. Judicial Council staff must also make manual improvements to the system, which was not established or envisioned for modern usage, including remote usage. A new system is needed that could be hosted on a cloud-based platform for the council and courts that allows the scheduling and assignments of interpreters, as well as the ability to scale up to add additional customers. The desired improvements to CIDCS include purchasing and implementing a new software platform with added capacity and features, as well as adding staff that can assess and execute system improvements. These improvements include more consistent and accurate data collection, ease of integration with other databases, interpreter compliance validation, payment and registration capability for interpreters, and development of a new court interpreter scheduling system for in-person and remote interpreting assignments functionality that will benefit the California courts, the certified and registered interpreter workforce, and the public.

### **Background/History of Problem**

Essential to California's language access efforts is securing adequate funding so the expansion of language access services will take place without impairing other court services. Funding dedicated for language access through the Court Interpreter Program fund (TCTF 0150037) provides funding solely to reimburse courts for the services of court interpreters. With approximately seven million limited English proficient (LEP) residents and potential court users, speaking more than 200 languages and dispersed across a vast geographic area, California is home to the most diverse population in the country. These Californians continue to face obstacles to meaningful access to our justice system, particularly in courtrooms with high volume calendars in which most litigants are self-represented (such as traffic, family law, and small claims). To maintain access to justice, it is essential to fully fund courts for interpreter services and provide appropriate language access services for the most vulnerable populations in our state.

The CIDCS tracks actual court interpreter usage, including case type, number of interpreted events, languages, and costs, including capturing whether court interpreter events were handled by in-person, telephonic or video remote interpreting. Most of the counties within the state use CIDCS to report data regarding completed interpreter assignments within their respective courts to the council. CIDCS is designed to allow court managers as well as individual interpreters to upload interpretation data about each interpretation provided. Information about active interpreters within the state, interpreter employment status as court employees or independent contractors, language certification status (certified, registered, or non-certified/non-registered), and case-specific data is collected by CIDCS. Courts that do not use CIDCS report data to the Judicial Council using Microsoft Excel, and the data provided by these non-CIDCS courts is far less robust in detail. Non-CIDCS courts report only the number of interpretations broken down by case type and language, as well as the overall percentage of interpretations provided in-person, by telephone, or using video remote interpreting. While CIDCS is a useful tool, reporting by those courts who utilize it is inconsistent and gaps in information exist. Use of CIDCS is not mandatory and not all trial courts use the system. If all 58 superior courts use an easy-to-use, flexible, cloud-based system that automates many of their manual tasks, and their entries are complete and consistent, CIDCS would serve to fulfill a major part of the reporting required by

and for Language Access Services and the branch. As a standalone source, the data generated is currently not an accurate representation of interpreter activity statewide, and there is no rule mandating uniform use of CIDCS throughout the branch. A Senior Application Development Analyst and Senior Business Systems Analyst in Information Technology will work closely with a Senior Analyst in Language Access Services staff to help make CIDCS more robust and uniform, including development and implementation of a new court interpreter scheduling system and adding cross-assignment functionality to realize branch efficiencies.

### **Impact of Denial of Proposal**

Projected expenditures for the TCTF 0150037 program in 2022-23 include the following: (1) anticipated increases in staffing levels; (2) projected increases in staff workload costs; (3) the ongoing expansion of court interpreter services into all civil matters pursuant to AB 1657; (4) increased contractor costs; and, (5) cost of living adjustments and estimated benefit costs. Based on current projections, expenditures will exceed the program appropriation by up to \$15 million in 2022-23. Without additional funding, courts may have to cut back interpreter services in civil matters, which significantly impacts rights of LEP court users and their ability to address remedies.

California has approximately 1,800 certified and registered court interpreters that perform around 1,000,000 interpretations per year. The total appropriation for TCTF 0150037 for court interpreter services for 2020-21 was approximately \$130 million, of which \$87,000 is included for maintenance of the CIDCS. The current CIDCS system funding is extremely limited, and the current system is outdated and constrained in its ability to store and track data. Judicial Council staff must also make manual improvements to the system, which was not established or envisioned for modern usage, including the scheduling or assignments of interpreter, or ability to scale up and add remote services and additional customers. Without the funding in this proposal, the branch will continue to use an outdated system, will be able to track and report interpreter data only on a limited basis, and will not be able to incorporate modern features to CIDCS that are in line with current business practices. A new system and staff are needed that can plan and execute scheduling and other features to efficiently deploy and support a large interpreter workforce and serve California's approximately 7 million LEP residents and potential court users.

### **Outcomes and Accountability of Proposal**

Providing adequate funding for court interpreter services will allow more courts to provide interpreters in multiple languages in growing numbers of civil cases. 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 for 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. The JCC continues to issue regular reports regarding Language Access Plan (LAP) progress to court leadership and public audiences for the purposes of accountability and to demonstrate what concrete and active steps courts are taking to expand language access services, including projects and outcomes related to successful progress on the various recommendations contained in the LAP. The CIDCS elements of this proposal will also support

several measurable outcomes: (1) establishing a standardized platform for CIDCS with low code development requirements; (2) ease of data integration; (3) ability to scale up to allow outside parties; (4) payment and remote access features; and (5) the low cost of the proposal relative to the annual appropriation for court interpreter services. A Senior Application Development Analyst and Senior Business Systems Analyst in Information Technology will work closely with a Senior Analyst in Language Access Services staff dedicated to court interpreter data collection and improvement efforts. This team will help make CIDCS more robust and uniform, including development and implementation of a new court interpreter scheduling system and adding in-person and remote interpreting assignment functionality to realize branch efficiencies and better serve the public with certified and registered interpreters. A workplan will be developed with measurable outcomes including system development, launch, added functionality, and feedback mechanisms for system or improvement needs. Progress will be reported to the branch and public and will include internal and external stakeholders. Training will also be developed at all stages for court staff, court interpreters, and other justice system partners.

#### **Required Review/Approval**

Technology Committee  
Advisory Committee on Providing Access & Fairness

#### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, and Diversity

Goal III: Modernization of Management and Administration

Goal IV: Quality of Justice and Service to the Public

The Strategic Plan for Language Access in the California Courts states that qualified interpreters must be provided in the California courts to LEP court users in all court proceedings, including civil proceedings (Recommendation 8), and that in order to achieve the goal of universal provision of interpreters in judicial proceedings, the appropriate use of technology must be considered. (Goal 2: Provide Qualified Language Access Services in All Judicial Proceedings)

#### **Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature *Charlene Depner*

<b>Requesting Entity</b>	Executive Office
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<b>Proposal Title</b>	Additional Legal Services Staff for Public Access Work
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**Proposal Summary**

The Judicial Council of California (JCC) request 4.0 positions and \$767,000 ongoing General Fund to address the rapidly increasing volume of work related to requests for legal guidance and support with public access requirements for judicial branch records and proceedings. The additional employees are needed to ensure timely, consistent, and high-quality legal services for an escalating number of projects, which include:

- (1) analyzing and responding to public access records requests (under rule 10.500) on behalf of the Judicial Council and the seven appellate courts;
- (2) providing legal guidance to all California courts and all 15 Judicial Council offices about requirements for public access to judicial branch records;
- (3) providing subject matter expertise to assist in managing judicial branch litigation involving public access to branch records and proceedings;
- (4) providing legal guidance on the emerging subject of remotely conducted and remotely attended judicial branch proceedings, and related public access questions;
- (5) providing legal guidance to the Judicial Council, its 31 standing advisory bodies, and all other tasks forces and working groups that report to the council regarding open meeting requirements;
- (6) providing legal guidance to the Judicial Council, its advisory bodies, and its staff offices and all California courts on questions regarding data governance, data sharing and public access; and
- (7) providing guidance on related legal issues, including copyright, privacy, records retention, and updates to the Judicial Council’s Trial Court Records Manual.

Funding is sought for four (4) full-time Legal Services employees, specifically:  
 1 Supervising Attorney, 2 Attorney IIs, and 1 Senior Analyst.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23	0001	4.0	\$767,000	0	0	\$767,000
2023-24	0001	4.0	\$767,000	0	0	\$767,000
2024-25	0001	4.0	\$767,000	0	0	\$767,000
					<b>3 Year Total</b>	\$2,301,000
					<b>Ongoing</b>	\$767,000
					<b>One-Time</b>	0

\*Please include all costs associated with request including costs for other offices and courts.

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## **Problem or Issue**

Since the Judicial Council adopted rule 10.500 of the California Rules of Court in 2010, the volume of requests for judicial branch records has grown exponentially each year. The Judicial Council and the California courts regularly receive a high volume of requests for records and information from many types of requesters including news media, researchers, academics, advocates, justice partners, government entities, other states, litigants, and interested members of the public. The requests are increasingly complex, present novel legal issues (for example, privacy) and are often submitted to multiple branch clients simultaneously. As discussed above in the summary, there a number of related and emerging issues related to public access, including remote appearances, open meetings, public access litigation challenges, and data governance and data sharing.

The LS Transactions and Business Operations Unit (TBOU) is currently responsible for handling most public access issues. The unit has one Supervising Attorney, six Attorneys, and one Analyst. The TBOU unit's core functions are: providing legal advice to courts and the Judicial Council on contract and procurement matters; drafting and reviewing contracts and solicitation documents (RFPs) and negotiating the terms of the transaction; and, providing assistance in resolving pre-litigation contract disputes and providing advice on contract, procurement, or access litigation. TBOU was assigned responsibility for the rule 10.500 work in 2015 without any increase in staffing.

Of current TBOU personnel, two attorneys, and one analyst are substantially dedicated, among numerous other tasks, to providing legal guidance and drafting responses for judicial branch entities requiring assistance with records requests (PAJAR work). The Supervising Attorney also spends a high proportion of time on access issues, and other unit attorneys (as well as occasionally attorneys from other LS units) are called upon to assist as well. Because of the growth and time sensitivity of PAJAR requests, LS recently transferred an attorney from a different unit to support the PAJAR work, leaving an unfulfilled need in the previous unit. Other LS units also research or handle public access related issues.

The public access team frequently fields complex questions of public access to judicial branch proceedings, and provides guidance regarding data governance, data sharing, and public access to data. During the pandemic, many new questions have arisen, for example, about the proper balance between public access rights and public health, and the use and limits of technology. Resulting changes and new technology funding may produce long-term adjustments in branch operations, further increasing demand for LS guidance on a variety of emerging public access and data governance issues. Importantly, these issues arise for every judicial branch client and most Judicial Council offices.

The substantial growth in public access-related workload now consumes the full time demands of three TBOU employees, thereby reducing the number of staff available for other core TBOU work and exceeding TBOU's capacity. Other LS units also continue to contribute to handling of public access issues through legal research, litigation, or assisting with specialized advice on unique PAJAR

requests and assisting a responding Judicial Council office. Absent greater resources, LS will not be able to meet the growing demand, providing the timely, complete, and high-quality legal guidance every branch client requires, while still remaining current on numerous other core legal functions. Moreover, a dedicated unit will allow it to address all public access issues rather than a patchwork approach. Funding for additional staff is necessary to allow LS to meet all urgent client needs, while also evaluating and implementing long-needed improvements that would increase efficiency and effectiveness.

### **Background/History of Problem**

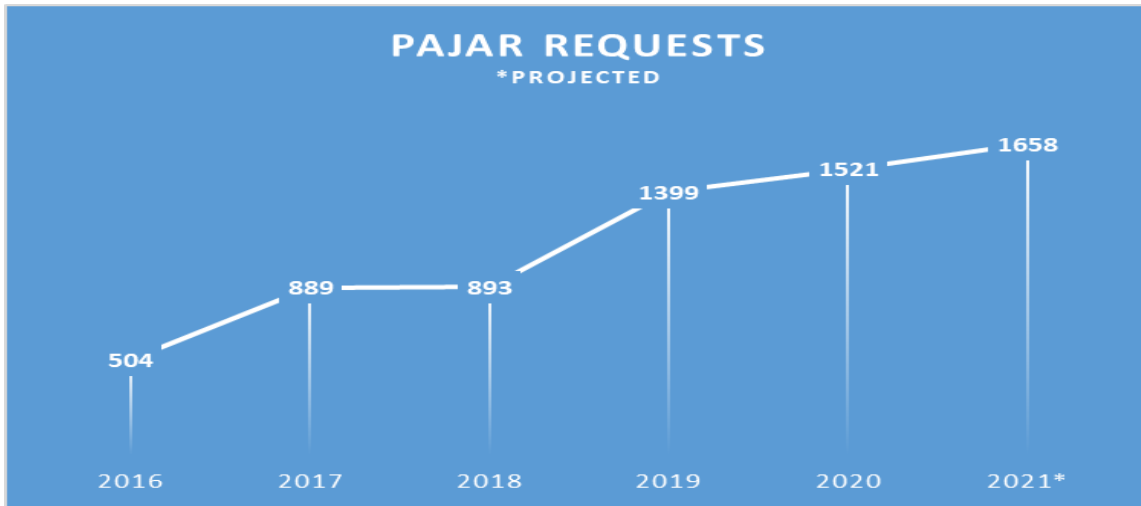
Transparency and accountability are guiding principles for the Judicial Council. Promoting public trust and confidence in the judicial branch, by assisting to remove inappropriate barriers to access, develop fair and understandable procedures, to ensure transparency and accountability, is a fundamental commitment. Consistent with these core values:

- \* in 2010, the Judicial Council adopted rule 10.500 of the California Rules of Court, establishing a comprehensive system for ensuring public access to judicial administrative records held by the council and the courts, while protecting constitutional privacy rights, and supporting effective judicial branch functioning;
- \* in 2014, the Judicial Council adopted rule 10.75, providing greater public access to meetings of the council's internal and advisory bodies and other multimember bodies the council creates;
- \* in 2020, a Judicial Council advisory body circulated for public comment proposed judicial branch data and information governance policy concepts; and
- \* since 2010, another Judicial Council advisory body, in collaboration with council staff, has published and updated a Trial Court Records Manual, providing standards and guidelines for creating, storing, and retaining court records, protecting privacy, and preserving access.

These significant public access-related judicial branch projects are examples of those for which LS staff must provide timely, high-quality legal analysis and guidance, to ensure compliance, protect the judicial branch, and ultimately serve the public.

Since assuming responsibility for managing the Judicial Council's PAJAR program in 2015, the volume of requests for LS for services has increased dramatically, threatening to overwhelm available staff resources. The PAJAR growth is illustrated by the number of requests LS has handled on behalf of the Judicial Council, the appellate courts, and the trial courts since 2016: in 2016 - 504; in 2017 - 889; in 2018 - 893; in 2019 - 1,399; in 2020 - 1,521; and in 2021 - 1,658 (projected).





Initially, responsibility for PAJAR transitioned among various Judicial Council offices. When rule 10.500 was adopted, the Judicial Council received no additional funding or assigned FTEs. Likewise, when LS took on responsibility for PAJAR in 2015, it received no additional funding or assigned FTE's, and instead distributed the increased work among existing (already fully occupied) personnel.

The same staff, while responsible for other core work functions, are also addressing questions about public access to judicial branch proceedings (most recently related to the pandemic), open meetings requirements, data governance, privacy, and records retention, with the volume of those questions growing also. Since March 2019, for example, LS has managed 37 litigation matters involving access to court proceedings and the public access team assisted with analysis and advice. As the judicial branch moves forward, facilitating safe, equal, and timely access to the courts by allowing remote attendance at proceedings, many new legal questions have arisen, for example, about privacy. Governance of, and access to, branch data also are emerging issues of considerable significance and growing interest both within the branch and for the public. Judicial Council advisory bodies that address technology issues confront questions about data ownership, distribution, sharing, and control.

To effectively provide reliable, consistent, timely, high-quality legal services for all of these public access issues, LS seeks the funding to establish a dedicated team, with a Supervising Attorney focused exclusively on these issues, and additional attorney and staff support. There is now sufficient breadth of work to justify funding for additional staff positions to meet the ever-increasing demand and allowing other staff to resume their focus on other core functions. Many other public agencies have large teams or entire offices to handle public records requests and public access issues.

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**Impact of Denial of Proposal**

LS continues its best efforts to address all demands, but the access issues are not receiving the focused attention they deserve – resulting in delay and deferment of critical work on all fronts. PAJAR work is increasing in both volume and complexity – this in turn has taken LS staff away from other core work causing delays in service. Work on other initiatives throughout the agency risks moving forward without the level of legal examination and analysis merited. Without further relief to address the growing demand of this work type, the work will continue to be dispersed and result in inefficiencies, lack of focus, delays, and higher risk of compliance issues and litigation to the judicial branch. Delays in completion of other responsibilities and projects also will continue.

**Outcomes and Accountability of Proposal**

Additional staff to address important and growing public access related matters and issues will result in more efficient and dedicated handling and ensure proper analysis and handling. Importantly, more staff will allow a refocus of energies on other work and priorities. This work will also promote modernization and technology advancement for courts.

**Required Review/Approval**

This proposal was approved by the Judicial Council Chief Deputy Director.

**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, Diversity  
Goal II: Independence and Accountability  
Goal IV: Quality of Justice and Service to the Public

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature: *Deborah Brown*

Contact Name: Eric Schnurpfeil – Deputy Chief Counsel; 415 865 8936

**Concept 22-22**

**This proposal has been withdrawn by the TCBAC.**

<b>Requesting Entity</b>	Trial Court Budget Advisory Committee
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<b>Proposal Title</b>	Trial Court Workload Formula Gap Funding to 85 percent
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**Proposal Summary**

The Judicial Council of California requests \$148.1 million General Fund beginning in 2022-23 and ongoing to fund all trial courts to at least 85 percent of their Workload Formula need.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services (A)</b>	<b>Operating Expenses &amp; Equipment (B)</b>	<b>Local Assistance (grants/trial court funding) (C)</b>	<b>Total (D=A+B+C)</b>
2022-23	General Fund				\$148,124,000	\$148,124,000
2023-24	General Fund				\$148,124,000	\$148,124,000
2024-25	General Fund				\$148,124,000	\$148,124,000
					<b>3 Year Total</b>	\$444,372,000
					<b>Ongoing</b>	\$148,124,000
					<b>One-Time</b>	0

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

Adequate and sufficient funding is needed by the trial courts to continue to provide core services and ensure equal access to justice across California. The current Workload Formula, as approved by the Judicial Council, serves as the basis for the workload-based funding and adjustments. The estimated statewide average for Workload Formula funding for 2021-22 is 80.6 percent, and funding compared to measure workload need is as low as 76.6 percent for the lowest funded court. Funding courts to at least 85 percent of their measured workload need would address inequities in funding and improve the quality of justice for court users.

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## Background/History of Problem

In 1998, the Lockyer-Isenberg Trial Court Funding Act was enacted by the Legislature. It created a new paradigm in which formerly county-funded limited and general jurisdiction courts became state-funded. The Legislature's intent of this omnibus bill was to address the great disparity in funding levels found in 58 county court systems to ensure that all Californians would have access to justice and similar experiences across jurisdictions in resolving their legal disputes in the trial courts. The enactment of Trial Court Funding followed more than a decade of failed or deficient funding attempts by the Legislature to bring more equity to funding the trial courts. Previous initiatives in the 1980s and 1990s included block grants and realignment funds, but these solutions were critically under-appropriated and only made modest gains in addressing the funding disparities.

When Trial Court Funding became law, many financial entanglements between the counties and the state, and the courts and their counties, had to be addressed including the transfer of funds provided by counties for court operations to the state to offset the new financial obligations undertaken by the state. These annual maintenance of effort (MOE) payments were codified in law and used during the transition period and for many years to partially fund the courts. Some MOE payments are still made by counties today, although many have stopped due to subsequent legislative relief to underfunded counties.

In 2012, at the direction of the Judicial Council, the courts undertook the development of the Workload Formula to articulate the resource needs of the trial courts based on the number of annual filings and weighting factors applied to each kind of filing. The Judicial Council commissioned a Resource Assessment Study (RAS) that collected more than one million data points to determine the average amount of time required to process each case type from filing to final adjudication. RAS developed an average number of minutes per case type and then multiplied those weighting factors by the number of filings in each case type in each court. The aggregate number of minutes for all case types in a court comprised the 'workload' for each court. This workload was then used to calculate how many staff were needed to process these cases, based on the annual number of work hours in a year. The Workload Formula has been in use in the courts since 2013-14 and now forms the basis for articulating the workload needs of the courts. It has successfully informed the redistribution of existing and new funding to close the gap between severely and moderately under-resourced courts. The Legislature and the Judicial Council continue to address remaining inequities across the spectrum of courts. Despite efforts to achieve equity in funding related to workload, trial courts are still not fully funded, and many are inadequately funded according to the Workload Formula model.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The requested \$148.1 million General Fund would bring all trial courts in the state to at least 85 percent of their measured workload need and align with overarching judicial branch priorities and goals of equity, fairness, and parity.

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### **Impact of Denial of Proposal**

Courts operating with funding that is below their measured need experience a lack of adequate judicial resources which contributes to operational delays and is a barrier for access to justice. Without adequate funding based on each court's workload need, trial courts across the state will continue to experience difficulties in providing quality services and responding to the diverse needs of court users.

### **Outcomes and Accountability of Proposal**

If additional workload-based funding is provided, the trial courts will be able to:

- Stabilize service hours and days that courts are open and available to the public;
- Improve service delivery by reducing wait and case processing delays;
- Implement technological improvements; and
- Improve employee retention rates.

The funding would be provided to 32 of the 58 trial courts and would assist the courts in enhancing service levels to the public in a variety of aspects.

This request would continue to ensure stability of funding and progress towards equity of funding for the trial courts. It supports the Judicial Branch goals of providing an adequate, stable, and predictable funding for a fully functioning branch.

### **Required Review/Approval**

Trial Court Budget Advisory Committee

### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, and Diversity

Goal IV: Quality of Justice and Service to the Public

Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

### **Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature: *Fran Mueller*

Contact Name: Oksana Tuk

<b>Requesting Entity</b>	Trial Court Budget Advisory Committee
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<b>Proposal Title</b>	Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index)
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$162.2 million General Fund in 2022-23 to provide an adjustment to trial court budgets to reflect general inflationary cost increases as reflected in changes in the Consumer Price Index (CPI) for 2020-21, 2021-22, 2022-23, and then annually thereafter.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001	0	0	0	162,165,000	162,165,000
2023-24	0001	0	0	0	220,684,000	220,684,000
2024-25	0001	0	0	0	279,203,000	279,203,000
					<b>3 Year Total</b>	662,052,000
*Please include all costs associated with request including costs for other offices and courts. Cost analysis based on current CPI factors, with the 2024-25 amount estimated at 3.0% (consistent with the 2023-24 fiscal year).					<b>Ongoing</b>	279,203,000 plus additional \$50-\$70M each consecutive year
					<b>One-Time</b>	

**Problem or Issue**

Trial courts must support their infrastructure and baseline business costs, for which there is currently no inflationary factor, to account for cost of doing business increases experienced by the trial courts. Absent funding that recognizes inflationary cost increases, courts would be unable to sustain their current level of services, risking the quantity and quality of court services to the public, and impacting access to justice.

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## **Background/History of Problem**

In 1998, the Lockyer-Eisenberg Trial Court Funding Act [AB 233 (Stats. 1997, Ch. 850)] (Trial Court Funding) was enacted by the Legislature. It created a new paradigm in which the 58 county-funded limited and general jurisdiction courts became state-funded. The Legislature's intent of this omnibus bill was to address the great disparity in funding levels found in the county court systems to ensure that all Californians would have access to justice and similar experiences across jurisdictions in resolving their legal disputes in the trial courts.

In 2005-06, the Legislature codified a funding approach for the trial courts in Government Code section 77202, to ensure that state appropriations for the trial courts are not eroded and that sufficient funding is provided to trial courts to sustain service levels and accommodate operational cost changes without degrading the quality of court services to the public.

In addition to State General Fund appropriations to the JCC to support the trial courts, Government Code section 77202 authorized that: "... a cost-of-living and growth adjustment computed by multiplying the year-to-year percentage change in the state appropriation limit as described in Section 3 of Article XIII B of the California Constitution..."

Costs related to employee salaries, goods and services vendors (e.g., janitors, legal publications, per diem court reporters, office supplies, postage, technology equipment, and services, etc.) and other professional contractors (e.g., trial experts, forensic services, mediators, court appointed counsel, etc.) continue to increase and the Workload Formula does not address these cost increases to maintain service levels and sustain ongoing operations of trial court. Over time, this has resulted in less purchasing power for the trial courts and an erosion or elimination of critical services. The public relies on the courts to support their infrastructure and baseline business costs to maintain equal access to the justice system. These are the costs for which there is currently no inflationary factor to account for regular periodic cost increases experienced by trial courts when procuring and providing these services.

## **Impact of Denial of Proposal**

Without an annual automatic inflationary adjustment, courts may be compelled to reduce and/or eliminate service levels to close the gap between available funds and escalating costs. When funding does not keep pace with inflation, service reductions typically occur first in non-mandated services. The decline or elimination of these services often disproportionately affects the most marginalized Californians (e.g., children; persons with mental disabilities; displaced, non-English speakers; victims of domestic violence; and low-income/fixed-income adults).

Services that assist California's marginalized populations come directly from trial court budgets, such as minor's counsel in family law disputes, probate investigators, family mediators, self-help staff and outreach, collaborative justice courts, and translation of forms and public information into



multiple languages. These are among the most precariously funded services offered by courts, and are often considered expendable, as there are fewer public safety and individual liberty issues associated with these services and fewer statutory mandates than those that exist in criminal cases. Typically, courts must prioritize criminal case processing over case types that impact other vulnerable court users or that leverage county partnerships to address underlying social issues, such as homelessness and mental illness.

### **Outcomes and Accountability of Proposal**

The proposal intends that the CPI percentage change would be applied to each trial court's base budget, regardless of where the court falls in respect to the Workload Formula, recognizing that this adjustment is used exclusively to ensure that actual service levels are not diminished for employee and other operating costs and that they reflect the increased costs resulting from inflation.

Providing an annual percentage adjustment based upon CPI would assist the courts in maintaining services to the public and protect against further service reductions including reducing court hours; closing court locations; and increasing wait times and case processing delays.

### **Required Review/Approval**

Trial Court Budget Advisory Committee

### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal I: Access, Fairness, and Diversity

Goal III: Modernization and Management of Administration

Goal II: Independence and Accountability

Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

### **Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature: *Fran Mueller*

Contact Name: Catrayel Wood

<b>Requesting Entity</b>	Trial Court Budget Advisory Committee
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<b>Proposal Title</b>	Trial Court Civil Assessment Maintenance of Effort
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**Proposal Summary**

The Judicial Council of California (JCC) requests \$48.3 million ongoing General Fund to backfill civil assessment revenues from 38 of 58 courts that are currently funding base allocations due to a 2007 reduction in county Maintenance of Effort (MOE) payments that was not backfilled. This request would help stabilize the Trial Court Trust Fund (TCTF) funding that supports base trial court operations and provide equity among all courts receiving civil assessment revenue.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	0001				\$48,300,000	\$48,300,000
2023-24	0001				\$48,300,000	\$48,300,000
2024-25	0001				\$48,300,000	\$48,300,000
					<b>3 Year Total</b>	\$144,900,000
					<i>Ongoing</i>	\$48,300,000
					<i>One-Time</i>	

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

In 2006-07, AB 227 (Stats. 2007, Ch. 383) reduced the county revenue MOE by \$48.3 million. The county MOEs had been reduced in previous years, each time the reduction to the MOE was replaced by an increase in General Fund transfer to the TCTF. However, in this instance the legislative actions that reduced MOE payments for the counties, did not result in increased General Fund support to the TCTF.

Due to the lack of General Fund backfill from the reduced county MOE payments, 38 of the 58 trial courts are required to make an MOE payment from their civil assessment revenue under current Judicial Council policy. Some courts receive the civil assessment revenue assessed in their court back dollar for dollar. Those courts obligated with an MOE payment do not receive their civil assessment revenue back on a dollar-for-dollar basis unless they first meet their MOE threshold. For example, a court that is contributing to the MOE backfill payment will receive \$0 in civil assessment revenue if they do not meet their full MOE backfill obligation, whereas a court not contributing to the MOE backfill payment will receive each dollar they collect in civil assessment revenue. This means some

courts are collecting revenue but not receiving the same fiscal benefit as other courts, and this creates a funding inequity.

### **Background/History of Problem**

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 an 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, county 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, \$48.3 million of the MOE obligation was not. The total MOE contributed by the counties was reduced to \$659 million, which resulted in an ongoing reduction of \$48.3 million to support trial court's base allocations.

In lieu of allocating a reduction to the trial courts based on the shortfall, the JCC 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 38 of the courts before distributing the remainder back to those 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 all 58 trial courts based on the authorized allocation methodology to support trial court operations. In 2019-20, 28 of the 38 courts contributing to the MOE buyout received revenue back in the amount of \$36.2M.

The MOE buyout amount, funded by the civil assessment revenue of \$48.3 million is retained in the TCTF to replace the reduced MOE payments made by the counties and support the trial courts' base allocations. The civil assessment revenue collected in 2019-20 was \$97.2 million, including the \$48.3 million shifted to cover the MOE shortfall.

### **Impact of Denial of Proposal**

Denial of this proposal leaves in place the inequity of funding for those 38 courts that are obligated to contribute to the MOE and support base trial court allocations.

### **Outcomes and Accountability of Proposal**

Approval of this proposal would bring equality in funding to all courts that are not able to meet their MOE payment threshold. In addition, relieving the 38 trial courts of their MOE obligation would provide stabilized, equal funding to all trial courts, which will assist the courts in maintaining access to justice for all Californians.

### **Required Review/Approval**

Trial Court Budget Advisory Committee

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**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal VII: Adequate, Stable, and Predictable Fund for a Fully Functioning Branch

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature: *Fran Mueller*

Contact Name: Jason Haas

<b>Requesting Entity</b>	Administrative Presiding Justices Advisory Committee
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<b>Proposal Title</b>	IT Modernization for Supreme Court and Courts of Appeal
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**Proposal Summary**

The Judicial Council of California (JCC) requests 9.0 positions (including 1.0 technology manager and 2.0 system administrators for the Supreme Court and 1.0 technology manager for each Appellate District), and \$3.67 million General Fund in 2022-23, and \$3.57 million annually thereafter for ongoing costs related to technology initiatives to enable the Supreme Court and Courts of Appeal to modernize with the use of technology for the benefit of the public, the California State Bar, justice partners, trial courts, justices and court staff.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2022-23	001	9.0	1,751,000	1,923,000		\$3,674,000
2023-24	001	9.0	1,751,000	1,820,000		\$3,571,000
2024-25	001	9.0	1,751,000	1,820,000		\$3,571,000
*Please include all costs associated with request including costs for other offices and courts.					<b>3 Year Total</b>	\$10,816,000
					<i>Ongoing</i>	\$3,571,000
					<i>One-Time</i>	\$103,000

**Problem or Issue**

The Supreme Court and Courts of Appeal (“appellate courts”) are seeking to modernize their technology to better align with the judicial branch Strategic and Tactical Plans for Technology, as well as the Chief Justice’s Access 3D. In partnership with the Judicial Council, the courts have developed a prioritized, multi-year strategic technical roadmap to elevate their use of technology for the benefit of the public, the Bar, partner governmental agencies, trial courts, justices, and court staff. This request aligns with the branchwide Modernization BCC, which includes the resources necessary for branchwide modernization of services for the appellate courts including:

Online access to case information, including documents

- Self-represented litigant portal and expansion of self-help site
- Enhancement of Transcript Assembly Program (TAP) for all 58 trial courts
- Modernization of Appellate Court Case Management System (ACCMS), including system

enhancements (including electronic notifications), migration to cloud, and ongoing support and upgrades

- E-filing solution upgrade

The above set of initial projects have been identified as critical for building out the Digital Court and either do not exist or are limited in availability for the appellate courts. However, what is not included in the branchwide Modernization BCC, are the resources necessary to modernize court business operations. With the current staffing levels, the necessary technology to run the appellate courts operations is significant. Based on industry technology support standards, the courts need an additional 9 FTE's to support daily operations. Key areas to be addressed with their staff resources:

- Enhancement of security protocols for all system access and alignment with branch Identity Management and Security recommendations
- Upgrades to courtroom technology, including livestream and remote viewing
- Upgrades to justice and staff technology

### **Background/History of Problem**

The need for technology in the appellate courts has accelerated over the last several years, with internal, legislative, and public demands for information and data, paired with the need for innovative and efficient ways to deliver it. Increasing online access to the courts (including case access and educational material), along with maintaining confidential records and cybersecurity concerns are new challenges facing the appellate courts. In addition, the increased use of data and its availability are on the immediate horizon for the appellate courts.

The JCC currently devotes approximately .25 FTE Manager, 1.0 FTE IS Supervisor, 1.0 FTE Sr. Application Development Analyst, 2.0 FTE Application Development Analysts, and 3.0 FTE Sr. Business Systems Analysts to support global appellate court applications, including the ACCMS, Document Management, E-filing, and peripheral systems.

Establishing appropriate resources and adequate funding will provide each court what it needs to implement relevant technologies to achieve the goals outlined in the digital court and provide IT support staff at a level that meets the demand of court staff whose daily operations are dependent on the technologies and associated technical environments.

Each court has limited onsite resources to support 13 locations throughout the state with over 1,000 employees. JCC assists in the support of these environments when resources are available; however, these resources are 100 percent dedicated to JCIT operations. The last true investment in technology came from a BCP in 2007-08, which provided funding for core infrastructure such as networking, servers, and application data center hosting to sustain the basic requirements for operating the case management system. Beyond that infrastructure funding, the courts and JCC have no additional resources to actively improve services using technology at the appellate courts. The requested

resources in this BCP will enable the appellate courts to address technology deficiencies in both systems and resources, ultimately improving not just as individual courts, but creating alignment with the appellate courts, as well as with the trial courts.

Over the past five years, the Courts of Appeal have received funding to pay for fixed cost increases, such as general salary increases, retirement, health benefits, and rent. Specifically, in 2019-20 the Courts of Appeal received \$5 million ongoing to address its highest priority of workload growth due to more complex litigation, new case duties related to recent law changes seeking retroactive decisions, and voter approved initiatives requiring Courts of Appeal review. This new and additional workload put a significant strain on existing resources and staff. The Courts of Appeal could not effectively dispose of cases because of these factors, and the courts had been forced to hold positions vacant due to insufficient funding. Additional resources were needed to increase case output and production and to resolve parties' disputes in a just and timely manner. This additional funding allowed the courts to hire additional staff to reduce backlogs and case processing times. However, this funding had to address critical operational shortfalls, and there has been no funding to address technology needs.

### **Impact of Denial of Proposal**

The appellate courts are a critical part of the State of California's court system. They need to achieve the strategic goal of the Digital Court in order to truly improve access to justice and to allow public access for all California court customers. Many of the existing technology initiatives are woefully out of date. They are not compliant with current best practices for security, they do not interface well with other technologies, and some are no longer supported. Without this funding, the needed management, technology improvements and on-going support of many of the technology initiatives may not be met, as system enhancements critical to the system that support modern and supportable digital services will continue to be delayed. Court schedules for other related technology initiatives and projects may also be impacted.

### **Outcomes and Accountability of Proposal**

Implementation and management of the following projects at the appellate courts over the next five fiscal years (starting in 2022-23): (1) Enhancement of security protocols for all system access and alignment with branch Identity Management and Security recommendations (2) Upgrades to courtroom technology, including livestream and remote viewing (3) Upgrades to justice and staff technology

### **Required Review/Approval**

Administrative Presiding Justices Advisory Committee  
California Appellate Court Clerks Association  
Technology Committee

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**Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Providing the resources for appellate courts supports the following goals of the Judicial Branch’s Strategic Plan: Goal II - Independence and Accountability, by improving the instruments to report to the public and other branches of government on the appellate courts’ use of public resources; Goal III - Modernization of Management and Administration, by having a lead court resource to ensure that data collected by the judicial branch are complete, accurate, and current and provide sound bases for policy decisions, resource allocations, and reports; and Goal VI - Branchwide Infrastructure for Service Excellence, by having the incumbent technology managers encourage and sustain innovation in the use of new information-sharing technologies. These resources also align with the Goals of the Judicial Branch Strategic Plan for Technology: Goal 1 - Promote the Digital Court, by using technology to provide access to the public, the Bar, partner governmental agencies, trial courts, justices, and court staff; Goal 3 - Advance IT Security and Infrastructure, by creating systems that align with branchwide security models; and Goal 4 - Promote Rule and Legislative Change, by using a technology roadmap to create a global view that will identify statute and rule changes needed to advance the use of appropriate technological processes at the appellate level.

**Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*

Director Signature: *Heather Pettit*

Contact Name: **Hermawan Trinh**



<b>Requesting Entity</b>	Executive Office
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<b>Proposal Title</b>	Judicial Branch Data and Information Governance
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**Proposal Summary**

The Judicial Council of California (JCC) requests 10.0 positions and \$11.5 million General Fund in 2022-23 and \$7.5 million annually thereafter to establish and implement branch data and information governance needed to improve and expand Judicial Branch data access, use, and sharing. This proposal aligns with investment in branch technological infrastructure to modernize data management protocols and platforms by employing technological advances in data warehousing, compilation, and data analytics and information-sharing. The proposal will fund JCC headcount for IT infrastructure, data analytics support, and data stewardship; and additional technology needed to enhance data management and reporting and fund new phases of work following investments made with 2019-20 BCP funding and 2021-22 modernization funding (both of which were one-time funding allocations). The proposal will result in a sustainable data program to address the data needs of the branch, requests for court data, and planning required to deliver services to the people of California and measure their effectiveness.

Does this proposal require a statutory change? Yes  No

**Estimated Cost (Rounded to thousands) \***

<b>Fiscal Year</b>	<b>Fund Source</b>	<b>Positions</b>	<b>Personal Services</b>	<b>Operating Expenses &amp; Equipment</b>	<b>Local Assistance (grants/trial court funding)</b>	<b>Total</b>
			<b>(A)</b>	<b>(B)</b>	<b>(C)</b>	<b>(D=A+B+C)</b>
2022-23	GF	10	\$1,879,000	\$9,613,300		\$11,492,300
2023-24	GF	10	\$1,879,000	\$5,590,600		\$7,469,600
2024-25	GF	10	\$1,879,000	\$5,590,600		\$7,469,600
					<b>3 Year Total</b>	\$26,431,500
					<b>Ongoing</b>	\$21,506,500
					<b>One-Time</b>	\$4,925,000

\*Please include all costs associated with request including costs for other offices and courts.

**Problem or Issue**

The Judicial Council is mandated by law to create and report standards and measures that promote the fair and efficient administration of justice for case processing, the efficient use of judicial resources, and for general court administration. Data reported by the trial courts and JCC administrative data are fundamental to making critical policy decisions. Examples of these types of decisions include: long-range capital planning based on forecasts of judicial workload; impact of proposed legislation, the creation and allocation of new judgeships; workload-based funding using estimates of staff workload; and estimating the cost to the courts for implementing new policies and programs. All of these policy decisions depend on accurate, reliable, and timely operational data.

To meet the reporting needs of the judicial branch, data solutions have been implemented as one-offs to meet a particular need and have been limited to existing technology. These solutions tend to be inefficient, and overly burdensome, requiring staff to fill in the gaps of information and processes. This siloed approach increases the technology footprint and the overall cost of support for the courts and the branch.

Currently there are no dedicated resources for the Judicial Branch's data analytics program. Parts of the organization with data needs have utilized existing staff for data governance and analytics, but these efforts require a much greater investment of time and resources to focus on this work. The branch has been able to work around these limitations while we investigate and pilot options but this approach is not sustainable for ongoing reliable operations.

### **Background/History of Problem**

In 2018, the Information Technology Advisory Committee (ITAC) formed a Data Analytics Workstream with participants from across the judicial branch. Its mission was to recommend for the branch a data analytics strategy that included developing branchwide data and information governance policy recommendations. In May 2021, the Judicial Council will receive a report from ITAC on proposed Data and Information Governance Policy Concepts. The report contains recommendations for policy development in key areas of data and information governance: classification, access, use, sharing, maintenance, and disposal/retention.

At the same time, the technology track of the Workstream focused on technologies, tools, and templates to help the branch utilize data analytics. Leveraging learnings from a data analytics innovation grant awarded to Orange Superior Court, the branch has built a statewide data management platform to manage and integrate data from various sources, including the Judicial Branch Statistical Information System (JBSIS), pre-trial program, statewide index, and ability to pay program.

On a separate but related track, the Judicial Branch has made significant investments to modernize court case management systems, improving the branch's capacity to collect data. Then, an initial investment made with 19-20 BCP one-time funding supported six data analytics pilots and mapping and reporting for all JBSIS casetypes plus appellate case management system data (ACCMS). However, there is additional integration work required so that data from the various case management systems used by courts can be brought into the data warehouse. And, there are additional statewide

reporting systems that should be brought into the statewide data warehouse to improve data sharing across data sources and allow for more advanced analytics. Further support for this work was provided with 2021-22 modernization funding to enrolls additional pilots, to further implement data governance, and to pilot a data literacy program for court staff. In the future, we anticipate a need for these types of resources at each individual court in order to fully maximize the potential to use data for operational and policy making functions.

These technology investments must be supported by a specialized team to help the courts extract and analyze the data to get meaningful information about case processing practices.

### **Impact of Denial of Proposal**

Previous resources provided for this work focused on technology but not the governance and personnel infrastructure needed. There are insufficient staff resources to support this work. Some 19-20 Data Analytics BCP funding was used for contractor resources to support the program and 2021-22 modernization funding was also used to support pilot efforts for data analytics, but the branch needs to invest in and create an in-house team to sustain the work ongoing. If this work is not funded, our ability to produce timely and complete data on court processes will be limited.

### **Outcomes and Accountability of Proposal**

Enroll additional courts onto JBSIS platform; complete integration work for additional CMS systems; enroll additional data sources beyond JBSIS; provide more timely reporting of data and enable current data to be used in analysis and prediction of trends and implementation of new programs in anticipation of future growth and need of services for the people of California.

### **Required Review/Approval**

### **Proposal is Consistent with the Following Strategic Plan Goals/Other Considerations**

Goal III: Modernization and Management of Administration  
Goal VI: Branchwide Infrastructure for Service Excellence  
Goal I: Access, Fairness, and Diversity

### **Approval**

*I certify that I have reviewed this concept and an accurate, succinct, well written, and effectively justified request is being submitted.*



**Director Signature:**

**Contact Name: Leah Rose-Goodwin, (415) 865-7708**

**(Information Only)**

**Title:**           **Prioritization of Trial Court Budget Change Proposal Concepts for 2022-23**  
**Date:**            4/27/2021  
**Contact:**       Ms. Brandy Olivera, Manager, Judicial Council Budget Services  
                      415-865-7195 | [brandy.olivera@jud.ca.gov](mailto:brandy.olivera@jud.ca.gov)

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**Issue**

To share prioritization information on the trial court budget change proposal (BCP) concepts developed by other advisory committees in which the Trial Court Budget Advisory Committee (TCBAC) was identified as having purview and the opportunity to provide input, and to share updated prioritization and one modified concept previously submitted to the Judicial Branch Budget Committee at its March 11, 2021 meeting.

This information is to aid in the Judicial Branch Budget Committee’s final review, approval, and submission of BCP concepts to the Judicial Council at its July 8-9, 2021 business meeting.

**Background**

On April 22, 2021, the TCBAC held its annual meeting to prioritize the four concepts in which it was identified as having purview, and to revisit the six concepts previously submitted by this committee<sup>1</sup>. The outcome of the meeting, and information for the Judicial Branch Budget Committee’s consideration, is as follows:

#	BCP Concept (in priority order)	Estimated 2022-23 Dollar Amount	Submitted By
1	Trial Court Workload Formula Gap Funding to 85 Percent <sup>2</sup>	\$148,124,000	TCBAC
2	Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index)	\$162,200,000 (With an additional \$50,000,000 to \$70,000,000 each year beginning in 2023-24)	TCBAC

<sup>1</sup> TCBAC meeting materials (April 22, 2021), <https://www.courts.ca.gov/documents/tcbac-20210422-materials.pdf>.

<sup>2</sup> This concept is being reduced from funding to 100 percent and estimated amount of \$677,400,000 to focus this request on bringing trial courts below 85 percent of funding Workload Formula need up to 85 percent.

#	BCP Concept (in priority order)	Estimated 2022-23 Dollar Amount	Submitted By
3	Trial Court Deferred Maintenance	\$100,666,000 (Includes \$34,000 one-time in 2022-23)	This BCP concept is included in TCBAC's priorities and led by the Trial Court Facility Modification Advisory Committee (TCFMAC).
4	Trial Court Civil Assessment Maintenance of Effort	\$48,300,000	TCBAC
5	Trial Court Capital Outlay Funding: 2022-23 through 2025-26	\$2,052,000,000 (one-time, four-year plan; concept includes an amount to be determined for trial courts for increased costs due to completion of current projects)	This BCP concept is included in TCBAC's priorities and led by the Court Facility Advisory Committee.
6 <sup>3</sup>	Financial Obligations of the Court Facilities Trust Fund	\$52,400,000	TCFMAC
	Phoenix System Functional Requirements	\$1,744,000 (includes \$783,000 one-time in 2022-23)	Information Technology Advisory Committee
	Trial Court Facility Modification Prioritization and Costs	\$35,000,000	TCFMAC
	Water Conservation and Leak Detection in Courthouses	\$1,750,000 (one-time)	TCFMAC
<b>Withdrawn</b>			
---	Trial Court Baseline Funding Restoration of 2020-21 Budget Reductions <sup>4</sup>	\$167,800,000	TCBAC

<sup>3</sup> This ranking represents the four concepts in which the TCBAC provided input. Overall, the committee supports these concepts at position #6, but without prioritization.

<sup>4</sup> This concept is being withdrawn as it is now included in the 2021-22 Governor's Budget Proposal.

## Materials for Discussion and Possible Action

### Item 2

## Allocation Methodology of Trial Court Funding in 2021-22 Governor's Budget (Action Required)

**(Action Item)**

**Title:**        **Allocation Methodology of Trial Court Funding in 2021-22 Governor’s Budget**

**Date:**         5/12/2021

**Contact:**     Brandy Olivera, Manager, Judicial Council Budget Services  
415-865-7195 | [Brandy.Olivera@jud.ca.gov](mailto:Brandy.Olivera@jud.ca.gov)

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**Issue**

Consider a recommendation from the Trial Court Budget Advisory Committee (TCBAC) on the allocation methodology for the \$72.2 million in new, discretionary funding for trial court operations included in 2021-22 Governor’s Budget effective July 1, 2021. This recommendation will be presented to the Judicial Council for consideration at its July 8-9, 2021 business meeting and is contingent on the proposed funding being included in the final enacted 2021 Budget Act.

**Background**

**2021-22 Governor’s Budget Proposals**

The 2021-22 Governor’s Budget includes \$4.2 billion in operating and facility funds for the judicial branch. This includes \$381.1 million in new General Fund (GF) monies, despite the economic downturn caused by the global pandemic and continuing need for statewide fiscal constraint. There are no additional operational reductions proposed for the judicial branch in 2021-22. The proposed budget reflects critical funding needs to support the essential services provided by all areas of judicial branch operations.

In February 2021, Governor Newsom and legislative leaders announced an agreement that would restore the previously enacted 2020 Budget Act reductions of \$200 million for the judicial branch, effective July 1, 2021. Of this amount, the proposal would restore the \$167.8 million reduction included in the 2020-21 trial court allocations.

To maintain timely access to justice in the trial courts and to help courts address impacts of the disruptions caused by the pandemic, the proposed budget also includes \$72.2 million ongoing GF, which was described as new, discretionary funding, and represents an overall increase of 3.7 percent compared to the 2020 Budget Act. This funding is for general trial court operations and is intended to assist courts in continuing to provide fair and timely access to justice, including taking actions to continue making modifications to improve court processes. This funding will also support the courts' efforts to implement recently enacted legislation.

## **Non-Sheriff Court Security**

At its July 28, 2015 business meeting, the council approved the following policy as it relates to court-provided (non-sheriff) security:<sup>1</sup>

- Beginning in 2016-17 and thereafter, if any new GF augmentation is received, courts with court-provided (non-sheriff) security since 2010-11 would be provided funding based on the same growth funding percentage that the county sheriff receives; and
- If the growth percentage provided to the county sheriffs exceeds the GF augmentation percentage increase to the trial courts, the funding provided (to courts with court-provided security) will equal the GF augmentation percentage increase and will cease if a court discontinues its court-provided security services.

In 2019-20, 39 eligible courts received a total of \$455,000 in additional security funding due to the \$24.5 million received for the cost of 25 new judgeships. The total security base allocation is now \$43 million.

Consistent with council policy, the TCBAC considered, and included in its recommendation, the application of the non-sheriff court security adjustment as it relates to new funding proposed for 2021-22.

## **\$72.2 Million Methodology Recommendation**

The Workload Formula is the current process for allocating new, discretionary funding to the trial courts in an equitable manner. It was updated most recently by the Judicial Council at its January 17, 2020 business meeting, and includes the steps as outlined below:<sup>2</sup>

*[Apply security deduction.]*

1. *Bring all Cluster 1 courts up to 100 percent of funding need.*
2. *Allocate up to 50 percent of remaining funding to courts under the statewide average funding ratio. Allocated funds will bring courts up to but not over the statewide average funding ration.*

<sup>1</sup> Judicial Council meeting report (July 28, 2015), <https://www.courts.ca.gov/documents/jc-20150728-itemG.pdf>; Judicial Council meeting minutes (July 28, 2015), <https://www.courts.ca.gov/documents/jc-20150728-minutes.pdf>.

<sup>2</sup> Judicial Council meeting report (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=7976128&GUID=DC14BAC5-0079-4C0C-A0E6-52C7EC068BB0>; Judicial Council meeting minutes (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711572&GUID=AC46528C-6E37-406A-A1CE-B41CC33E29EB>.



- a. *The first 50 percent allocation of new funding to courts below the statewide average will be scaled by courts' distance from the statewide average and size based on the courts' Workload Formula need.*
3. *Allocate remaining funding to all courts based on the Workload Formula.*
4. *Allow no court's allocation to exceed 100 percent of its need unless it is the result of a funding floor calculation.*

The recommendation from TCBCAC, with preliminary numbers, is to allocate the \$72.2 million new, discretionary funding via the Workload Formula and consistent with this council-approved policy (Attachment A).

### **Base Funding Floor Courts**

Currently, there are two base funding floor courts, Alpine and Sierra, that receive a set allocation amount of \$800,000 beginning in 2019-20.<sup>3</sup> There is a separate process in place in which this allocation amount is reviewed annually, as requested by the applicable courts, for presentation to the TCBCAC each December to determine whether an inflationary adjustment is needed.<sup>4</sup> As a result, these two courts would be excluded from receiving any portion of the \$72.2 million in new operational funding, and their 2021-22 allocation amounts would remain unchanged from 2020-21 allocation amounts.

### **Alternatives Considered**

During the TCBCAC meeting on April 22, 2021, the Funding Methodology Subcommittee of the TCBCAC presented an alternative recommendation for the committee's consideration<sup>5</sup>. While this alternative allocation option was presented and discussed for consideration, there were two other alternatives discussed for consideration. The three allocation options considered include:

- A. Allocate the funding as new, discretionary funding following the current Workload Formula policy (TCBCAC recommendation);
- B. Allocate the funding utilizing the 3.7 percent Consumer Price Index (CPI) calculation used to determine the \$72.2 million amount and distribute 3.7 percent to all courts based on their 2020-21 Workload Formula allocations; and

<sup>3</sup> Judicial Council meeting report (March 15, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7058011&GUID=805D0070-0C38-40C7-A8CE-F08E82D8DDD5>; Judicial Council meeting minutes (March 15, 2019), <https://jcc.legistar.com/View.ashx?M=M&ID=640295&GUID=4C88EDD5-7207-4839-BB72-89B184E22C9B>.

<sup>4</sup> TCBCAC meeting report beginning on page 10 (July 25, 2019), <https://www.courts.ca.gov/documents/tcbac-20190725-materials.pdf>; TCBCAC meeting minutes (July 25, 2019), <https://www.courts.ca.gov/documents/tcbac-20190725-minutes.pdf>

<sup>5</sup> TCBCAC meeting report (April 22, 2021), <https://www.courts.ca.gov/documents/tcbac-20210422-materials.pdf>; TCBCAC meeting minutes (April 22, 2021), <https://www.courts.ca.gov/documents/tcbac-20210422-minutes.pdf>.

- C. Allocate the funding as new, discretionary funding with a modification to the current Workload Formula policy that uses a majority of the funding to bring courts below the statewide average funding level up to the statewide average funding level.

The discussion throughout the development of the \$72.2 million allocation recommendation included:

- The intent of the new, proposed funding as described in the 2021-22 Governor’s Budget for general trial court operations;
- The basis of the original proposal submitted by the judicial branch to the Department of Finance, which requested the funding as a 3.7 percent CPI increase in recognition of inflationary cost increases for all courts;
- An approach to address inequities for courts below the statewide average funding level without impacting courts above the average (the current Workload Formula policy would achieve this incrementally each time the courts experience a second year of no new money);
- Support for the existing Workload Formula policy without alterations to assist courts with operational cost increases;
- The fact that cluster 1 inequities have already been addressed consistent with the Workload Formula policy; and
- That CPI should be an ongoing discussion to allow courts to rise and fall together in relation to funding.

### **Consumer Price Index Allocation**

This alternative recognizes the intent behind CPI in providing an inflationary adjustment for existing court costs.

In a 2021-22 budget change proposal (BCP) submitted to the Judicial Branch Budget Committee, the TCBAC included the basis for CPI to provide an adjustment that reflects general inflationary cost increases to allow courts the ability to provide access to justice through thoughtful and predictable funding changes<sup>6</sup>.

The BCP further explains that the Workload Formula does not address funding to maintain service levels and sustain ongoing operations of the trial courts. Because the public relies on the courts to support their infrastructure and baseline business costs to maintain access to the justice system, an annual CPI adjustment would broadly support employee salaries and salary-driven benefits, goods and services provided by vendors, and other professional contractors.

It is intended that the CPI percentage change would be provided to all 58 courts, regardless of whether the court is above the median average equity threshold based on the current Workload

<sup>6</sup> Judicial Branch Budget Committee meeting report (May 28, 2020), <https://www.courts.ca.gov/documents/jbbc-20200528-materials.pdf>; Judicial Branch Budget Committee meeting minutes (May 28, 2020), <https://www.courts.ca.gov/documents/jbbc-20200528-minutes.pdf>.

Formula, as this adjustment is used exclusively to ensure that actual service levels are sustained for employee and other operating costs.

Attachment A includes a 3.7 percent pro rata allocation of the \$72.2 million, which excludes a non-sheriff security carve out and is counted towards the Workload Formula. The methodology for this allocation mirrors the calculation used in developing the \$72.2 million amount, which is a 3.7 percent calculation for each court based on their 2020-21 Workload Formula allocation.

### **Additional Funding for Courts Below the Statewide Average Funding Level**

This alternative recognizes an opportunity to address inequity in funding among the trial courts below the statewide average funding level and address overarching branch priorities and goals of equity, fairness, and parity. This alternative included a slight deviation from the current Workload Formula methodology. Instead of following the Workload Formula step 2 (noted on page 2) by allocating up to 50 percent of funding to courts under that statewide average funding ratio, the recommendation outlines an approach to allocate the amount of funding required to fully bring these courts to the statewide average funding level. Any remaining funding would then follow steps 3 and 4 of the Workload Formula as described.

Attachment A includes a breakdown of this alternative, which includes only cluster 1 courts and courts below the statewide average funding level receiving funding as the \$72.2 million is not enough to bring courts all the way up to the statewide average funding level and have remaining funds to allocate to all courts. Courts below the statewide average funding level are only brought up to 77.8 percent of funding need; before the new funding is applied, the statewide average funding level is actually 77.9 percent.

### **Recommendation**

The TCBAC recommends the following for the Judicial Branch Budget Committee's approval for consideration by the Judicial Council at its July 8-9, 2021 business meeting:

Allocate the \$72.2 million in new, discretionary funding included in the 2021-22 Governor's Budget proposal as follows:

- a) Apply security deduction.
- b) Bring all Cluster 1 courts up to 100 percent of funding need.
- c) Allocate up to 50 percent of remaining funding to courts under the statewide average funding ratio. Allocated funds will bring courts up to but not over the statewide average funding ratio.
  - i. The first 50 percent allocation of new funding to courts below the statewide average will be scaled by courts' distance from the statewide average and size based on the courts' Workload Formula need.

- d) Allocate remaining funding to all courts based on the Workload Formula.
- e) Allow no court's allocation to exceed 100 percent of its need unless it is the result of a funding floor calculation.

**Attachments**

**Attachment A:** TCBAC Recommendation with Alternatives

INFORMATION IS PRELIMINARY AND SUBJECT TO CHANGE.

Court	2021-22 Workload Formula (WF) ("Need")	WORKLOAD FORMULA RECOMMENDATION <sup>1</sup>			CONSUMER PRICE INDEX (PRO RATA) 3.7% <sup>2</sup>			COURTS BELOW 77.9% STATEWIDE AVERAGE <sup>1</sup>		
		New 2021-22 \$72.2m Discretionary Funding	Updated 2021-22 WF Allocation	2021-22 WF Percentage (After New Funding)	New 2021-22 \$72.2m Discretionary Funding	Updated 2021-22 WF Allocation	2021-22 WF Percentage (After New Funding)	New 2021-22 \$72.2m Discretionary Funding	Updated 2021-22 WF Allocation	2021-22 WF Percentage (After New Funding)
	A	B	C	D	E	F		H	I	J
Alameda	91,100,442	1,218,811	81,327,271	89.3%	2,740,781	82,849,240	90.9%	-	80,108,459	87.9%
Alpine	436,233	-	855,389	196.1%	29,600	884,989	202.9%	-	855,389	196.1%
Amador	4,104,927	418,378	4,104,536	100.0%	125,601	3,811,759	92.9%	418,378	4,104,536	100.0%
Butte	15,499,673	207,366	12,485,679	80.6%	407,515	12,685,828	81.8%	-	12,278,313	79.2%
Calaveras	3,034,383	25,074	3,034,131	100.0%	104,177	3,113,233	102.6%	25,074	3,034,131	100.0%
Colusa	2,415,621	120,909	2,415,515	100.0%	76,762	2,371,368	98.2%	120,909	2,415,515	100.0%
Contra Costa	59,635,536	797,850	49,728,811	83.4%	1,617,204	50,548,165	84.8%	-	48,930,961	82.1%
Del Norte	3,448,591	74,935	3,448,571	100.0%	114,231	3,487,866	101.1%	74,935	3,448,571	100.0%
El Dorado	10,324,368	138,127	8,781,931	85.1%	276,749	8,920,552	86.4%	-	8,643,804	83.7%
Fresno	75,191,883	1,501,670	58,135,953	77.3%	1,912,141	58,546,424	77.9%	1,873,047	58,507,331	77.8%
Glenn	2,676,801	-	2,703,254	101.0%	91,982	2,795,236	104.4%	-	2,703,254	101.0%
Humboldt	9,021,637	120,698	7,786,754	86.3%	253,201	7,919,257	87.8%	-	7,666,056	85.0%
Imperial	9,738,693	-	10,152,919	104.3%	339,258	10,492,177	107.7%	-	10,152,919	104.3%
Inyo	2,271,352	4,476	2,271,245	100.0%	77,016	2,343,785	103.2%	4,476	2,271,245	100.0%
Kern	73,530,892	983,753	61,737,866	84.0%	2,051,783	62,805,897	85.4%	-	60,754,113	82.6%
Kings	11,675,695	156,206	9,445,563	80.9%	310,068	9,599,425	82.2%	-	9,289,356	79.6%
Lake	5,493,217	105,305	4,250,913	77.4%	141,055	4,286,664	78.0%	128,702	4,274,311	77.8%
Lassen	2,263,344	-	2,467,680	109.0%	85,747	2,553,427	112.8%	-	2,467,680	109.0%
Los Angeles	818,171,358	32,902,524	627,050,515	76.6%	19,865,278	614,013,270	75.0%	42,476,873	636,624,865	77.8%
Madera	13,010,199	816,196	10,018,861	77.0%	310,485	9,513,151	73.1%	920,662	10,123,327	77.8%
Marin	15,094,820	201,950	13,719,097	90.9%	468,848	13,985,995	92.7%	-	13,517,147	89.5%
Mariposa	1,798,556	215,018	1,798,436	100.0%	56,283	1,639,702	91.2%	215,018	1,798,436	100.0%
Mendocino	7,538,191	100,852	6,936,553	92.0%	226,975	7,062,676	93.7%	-	6,835,701	90.7%
Merced	18,692,196	250,079	14,870,718	79.6%	486,354	15,106,993	80.8%	-	14,620,639	78.2%
Modoc	1,219,811	-	1,235,745	101.3%	40,562	1,276,307	104.6%	-	1,235,745	101.3%
Mono	1,974,169	-	2,260,799	114.5%	77,564	2,338,363	118.4%	-	2,260,799	114.5%
Monterey	27,857,633	372,701	22,637,042	81.3%	746,974	23,011,315	82.6%	-	22,264,341	79.9%
Napa	10,602,266	141,845	8,641,807	81.5%	286,500	8,786,462	82.9%	-	8,499,962	80.2%
Nevada	7,272,182	231,772	5,578,452	76.7%	175,646	5,522,326	75.9%	311,856	5,658,536	77.8%
Orange	205,946,751	3,806,392	159,553,740	77.5%	5,284,984	161,032,332	78.2%	4,501,261	160,248,610	77.8%
Placer	25,911,569	424,828	20,166,341	77.8%	664,719	20,406,232	78.8%	420,461	20,161,973	77.8%
Plumas	1,680,815	-	1,705,220	101.5%	57,782	1,763,002	104.9%	-	1,705,220	101.5%
Riverside	148,036,024	1,980,539	122,797,945	83.0%	4,031,449	124,848,855	84.3%	-	120,817,406	81.6%

INFORMATION IS PRELIMINARY AND SUBJECT TO CHANGE.

Court	2021-22 Workload Formula (WF) ("Need")	WORKLOAD FORMULA RECOMMENDATION <sup>1</sup>			CONSUMER PRICE INDEX (PRO RATA) 3.7% <sup>2</sup>			COURTS BELOW 77.9% STATEWIDE AVERAGE <sup>1</sup>		
		New 2021-22 \$72.2m Discretionary Funding	Updated 2021-22 WF Allocation	2021-22 WF Percentage (After New Funding)	New 2021-22 \$72.2m Discretionary Funding	Updated 2021-22 WF Allocation	2021-22 WF Percentage (After New Funding)	New 2021-22 \$72.2m Discretionary Funding	Updated 2021-22 WF Allocation	2021-22 WF Percentage (After New Funding)
	A	B	C	D	E	F		H	I	J
Sacramento	124,301,381	6,479,349	95,429,287	76.8%	3,039,614	91,989,552	74.0%	7,769,837	96,719,775	77.8%
San Benito	4,030,123	-	4,207,716	104.4%	140,426	4,348,142	107.9%	-	4,207,716	104.4%
San Bernardino	150,487,957	3,781,129	115,787,020	76.9%	3,817,215	115,823,106	77.0%	5,089,842	117,095,733	77.8%
San Diego	191,505,706	2,562,110	163,162,414	85.2%	5,388,217	165,988,522	86.7%	-	160,600,305	83.9%
San Francisco	61,678,330	17,195	61,682,617	100.0%	2,066,636	63,732,058	103.3%	-	61,665,422	100.0%
San Joaquin	56,547,066	3,153,302	43,456,486	76.9%	1,370,361	41,673,545	73.7%	3,696,484	43,999,668	77.8%
San Luis Obispo	20,406,285	273,025	16,172,180	79.3%	548,477	16,447,633	80.6%	-	15,899,155	77.9%
San Mateo	48,051,532	642,870	41,747,850	86.9%	1,377,392	42,482,371	88.4%	-	41,104,980	85.5%
Santa Barbara	30,689,036	410,581	25,834,021	84.2%	852,937	26,276,376	85.6%	-	25,423,439	82.8%
Santa Clara	104,543,924	1,398,669	84,352,001	80.7%	2,826,584	85,779,917	82.1%	-	82,953,332	79.3%
Santa Cruz	18,583,838	248,629	15,184,223	81.7%	491,666	15,427,260	83.0%	-	14,935,594	80.4%
Shasta	16,930,842	226,514	13,845,957	81.8%	448,069	14,067,513	83.1%	-	13,619,443	80.4%
Sierra	405,754	-	807,141	198.9%	29,600	836,741	206.2%	-	807,141	198.9%
Siskiyou	4,512,234	134,067	3,463,606	76.8%	111,369	3,440,908	76.3%	181,461	3,511,001	77.8%
Solano	32,364,148	432,992	26,955,121	83.3%	882,304	27,404,433	84.7%	-	26,522,129	81.9%
Sonoma	32,716,204	437,702	26,511,768	81.0%	897,244	26,971,310	82.4%	-	26,074,066	79.7%
Stanislaus	35,282,048	472,479	27,936,357	79.2%	927,763	28,391,642	80.5%	-	27,463,878	77.8%
Sutter	9,183,121	551,686	7,065,387	76.9%	224,765	6,738,465	73.4%	631,750	7,145,451	77.8%
Tehama	6,309,266	84,410	5,361,533	85.0%	169,890	5,447,013	86.3%	-	5,277,123	83.6%
Trinity	1,957,377	103,082	1,957,311	100.0%	62,608	1,916,837	97.9%	103,082	1,957,311	100.0%
Tulare	33,580,726	986,141	25,783,629	76.8%	855,410	25,652,898	76.4%	1,331,909	26,129,398	77.8%
Tuolumne	4,989,741	66,757	4,373,433	87.6%	140,455	4,447,131	89.1%	-	4,306,676	86.3%
Ventura	50,758,430	680,918	40,140,550	79.1%	1,354,286	40,813,917	80.4%	35,859	39,495,490	77.8%
Yolo	17,607,955	1,146,399	13,570,890	77.1%	424,265	12,848,756	73.0%	1,276,382	13,700,873	77.8%
Yuba	5,150,429	-	5,708,303	110.8%	190,174	5,898,477	114.5%	-	5,708,303	110.8%
<b>Total</b>	<b>2,749,243,280</b>	<b>71,608,261</b>	<b>2,214,602,053</b>	<b>80.6%</b>	<b>72,173,000</b>	<b>2,215,166,791</b>	<b>80.6%</b>	<b>71,608,261</b>	<b>2,214,602,052</b>	<b>80.6%</b>

Floor courts

Cluster 1 courts

Courts below the statewide average funding level

<sup>1</sup> Includes carve out for non-sheriff security funding; all numbers are subject to change.

<sup>2</sup> Excludes carve out for non-sheriff security funding; 3.7% increase applied to 2020-21 Workload Formula allocation amounts.