



JUDICIAL COUNCIL
OF CALIFORNIA

JUDICIAL BRANCH BUDGET
COMMITTEE

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS FOR MARCH 9, 2022

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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

Date: March 9, 2022
Time: 1:00 – 4:00 p.m.
Public Videocast: <https://jcc.granicus.com/player/event/1656>

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

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

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the December 7, 2021 and February 16, 2022, Judicial Branch Budget Committee meeting(s).

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

This meeting will be conducted by electronic means with a listen only videocast 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 attention: Angela Cowan. Only written comments received by 1:00 p.m. on Tuesday, March 8, 2022, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-1)

Item 1

2022-23 Budget Change Concepts (Action Required)

Review of 2023-24 Budget Change Concepts.

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

IV. ADJOURNMENT

Adjourn to Closed Session

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

Call to Order and Roll Call

Approval of Minutes

Approve of closed meeting minutes of the January 20, 2022, Judicial Branch Budget Committee meeting.

Item 1

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

Program Status Updates

Review and discussion of administrative matters regarding Innovation Grants.

VI. ADJOURNMENT

Adjourn Closed Session



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JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

December 7, 2021

1:00 p.m. to 3:30 p.m.

<http://jcc.granicus.com/player/event/1477>

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

Advisory Body Members Absent: n/a

Others Present: Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller; Hon. Jonathan Conklin, Ms. Rebecca Fleming, Ms. Angela Cowan, Ms. Heather Pettit, Mr. Catrayel Wood, Ms. Oksana Tuk

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 1:03 p.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the November 4, 2021 Judicial Branch Budget Committee (Budget Committee) meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-8)

Item 1 - \$7 million ongoing Court Reporter Funding Allocation Methodology (Action Required)

Consideration of a recommendation from the Trial Court Budget Advisory Committee (TCBAC) on an allocation methodology for \$7 million included in the Budget Act of 2021 to cover costs associated with increased transcript rates.

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

Action: *The Budget Committee unanimously approved the following recommendations from the TCBAC to be considered by the Judicial Council at its January 20-21, 2022 business meeting:*

1. Approve an allocation methodology that allocates the \$7 million appropriation to each trial court proportionally, based on an average of the prior three-year transcript expenditures;
2. Establish 2020-21 actual expenditures, adjusted to reflect the September 23, 2021 effective date of the increased transcript rate outlined in Attachment 1B, as a baseline to determine cost increases and identify unspent funds for General Fund reversion each fiscal year as necessary; and
3. Direct staff to update the three-year average for the allocation methodology each year based on the most recent data available for actual expenditures on transcripts.

Item 2 - \$30 million ongoing Court Reporter Funding Allocation Methodology (Action Required)

Consideration of a recommendation from the TCBCAC on an allocation methodology for \$30 million included in the Budget Act of 2021 to increase the number of court reporters in family and civil law case types.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee

Action: The Budget Committee unanimously approved the following recommendations from the TCBCAC, to be considered by the Judicial Council at its January 20-21, 2022 business meeting:

1. Approve an allocation methodology that allocates the \$30 million funding proportionally to each trial court based on the most-recently published non-criminal AJN, and after a \$25,000 funding floor is provided to those courts that fall below the floor amount through the model;
2. Capture a baseline number and associated costs for court reporters in non-criminal case types, effective July 1, 2021, to ensure that these funds are not being used to supplant existing expenditures in these areas, consistent with the requirements in the budget language;
3. Update the AJN data and Schedule 7A data used each year based on the most recent information available at the time of allocation for each fiscal year; and
4. Identify unspent funds for General Fund reversion each fiscal year as necessary.

Item 3- Court Interpreter Program (CIP) Allocation Methodology (Action Required)

Consideration of a recommendation from the TCBCAC of an allocation methodology for CIP funding effective July 1, 2022.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

Action: The Budget Committee unanimously approved the following recommendations from the TCBCAC to be considered by the Judicial Council at its January 21, 2022, business meeting:

1. Approve a proportional allocation methodology based on a three-year average of expenditure data available (2017-18, 2018-19, and 2019-20), up to the CIP appropriation amount effective

2022-23, while the subcommittee continues review of pandemic impact and reporting data considerations effective in 2023-24;

2. Require courts to return to the Judicial Council all unspent 2021-22, 2022-23 and ongoing CIP allocated funds, which will first reimburse courts with a shortfall in each respective year not to exceed the overall appropriation amount, with any remaining funds reverting to the TCTF as restricted program funding;

3. Allocate staff interpreter benefits dollar-for-dollar to courts reporting cost benefit changes effective 2022-23; and

4. Require receiving courts to offset extraordinary interpreter expenses to courts providing cross-assignments (or "home courts") and charge the subcommittee with working with Judicial Council staff on development of a payment/reimbursement method.

Item 4- Base Funding Floor Increase Requests (Action Required)

Consideration of a recommendation from the TCBAC on a base funding floor increase for the Superior Courts of Alpine and Sierra Counties, effective July 1, 2022.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Action: *The Budget Committee unanimously approved the recommendation from the TCBAC to approve a \$150,000 increase to the current base funding floor amount of \$800,000 effective July 1, 2022, for both Alpine and Sierra Superior Courts, for consideration by the Judicial Council at its January 20-21, 2022 business meeting.*

Item 5 - 2021-22 State Trial Court Improvement and Modernization Fund (IMF) Allocation Adjustment for the Judicial Council Information Technology Office (Action Required)

Consideration of a recommendation from the TCBAC to adjust the 2021-22 IMF allocation for Information Technology (IT) telecommunications, statewide planning, and development support programs.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Heather Pettit, Chief Information Officer/Director, Judicial Council Information Technology Services
Mr. Jason Haas, Senior Analyst, Judicial Council Budget Services

Action: *The Budget Committee unanimously approved the following recommendation to be considered by the Judicial Council at its March 12, 2022 business meeting:*

Approve a change to the 2021-22 approved LA allocation from the IT Statewide Planning and Development Support program (SPDS) (\$168,667) and the IT Telecommunications Support program (\$195,750), totaling \$364,417, shifting this amount to SO to allow for the hire of 4.0 FTE positions for the SPDS and 5.5 FTE positions for the Telecommunications Support program. Approval of this funding shift request for 2021-22 allocations carries the understanding that future year allocation requests for these positions will be the same. Long-term funding for the 9.5 FTEs

will result in no additional cost to the previous 2022-23 IT SPDS and Telecommunications Support program estimated expenditures

Item 6 - Delegation of Trial Court Trust Fund (TCTF) Authority (Action Required)

Consideration of a recommendation from the TCBAC to delegate authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council between programs or projects.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Action: *The Budget Committee unanimously approved the TCBAC recommendation to delegate authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council from one program or project to another, subject to any restrictions or conditions provided by the council, as necessary, to address unanticipated needs and contingencies, for consideration by the Judicial Council at its January 20-21, 2022 business meeting.*

Item 7 - 2020-21 Final One-Time Reduction for 3 Percent Fund Balance Cap (Action Required)

Consideration of a recommendation from the TCBAC on final one-time reductions for 2020- 21 fund balances related to the 3 percent fund balance cap.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

Action: *The Budget Committee unanimously approved the TCBAC recommendation to approve the 3 percent fund balance cap reduction allocation of \$7,669,000 to match the trial courts' final calculations of the amount above the 3 percent fund balance cap, which nets to \$232,000 with offsetting FHOB requests, for consideration and recommendation to the council at its January 20-21, 2022 business meeting.*

Item 8- 2022 TCBAC Annual Agenda (Action Required)

Consideration of the 2022 annual agenda of the TCBAC.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Brandy Olivera, Manager, Judicial Council Budget Services

Action: *The Budget Committee unanimously approved the 2022 annual agenda of the TCBAC.*

INFORMATION ONLY ITEMS (NO ACTION REQUIRED ITEMS 1)

Info 1 - Trial Court Trust Fund Funds Held on Behalf (FHOB) Expenditure Reporting

Quarterly report on the 2021-22 FHOB project expenditures and planned expenditures that are complete.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

Action: *No action taken*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 2:19 p.m.

Approved by the advisory body on enter date



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JUDICIAL BRANCH BUDGET
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JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

February 16, 2022

8:00 a.m. to 9:00 a.m.

<http://jcc.granicus.com/player/event/1629>

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

Advisory Body Members Absent: n/a

Others Present: Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller; Hon. Jonathan Conklin, Ms. Rebecca Fleming, Ms. Angela Cowan, Ms. Kelly Meehleib, Ms. Donna Newman, Ms. Maria Lira

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 8:01 a.m. and took roll call.

Approval of Minutes

Approval of the open meeting minutes from the December 7, 2021 meeting was deferred to the March 7, 2022 Judicial Branch Budget Committee open meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-8)

Item 1 - Allocations for Court-Appointed Counsel and Juvenile Dependency Counsel Collections Program Funds

Consideration of Trial Court Budget Advisory Committee recommendation on three separate allocations for Court Appointed Counsel funding including the allocation of \$1,144,748 in Juvenile Dependency Counsel Collections Program funds collected in FY 2020-21, the reallocation of an estimated \$878,001 in unspent trial court funding for court appointed counsel in dependency cases for FY 2021-22; and the allocation of \$1,543,180 in new Family First Prevention Services Act federal pass-through funding.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Cochair, Trial Court Budget Advisory Committee
Ms. Kelly Meehleib, Supervising Analyst, Judicial Council Center for Families, Children & the Courts Ms. Vida Terry, Senior

Analyst, Judicial Council Center for Families, Children & the Courts

Action: *The Budget Committee unanimously approved the following recommendations from the TCBCAC to be considered by the Judicial Council at its March 10-12, 2022 business meeting:*

1. *Allocate \$1,144,748, the 2020-21 Juvenile Dependency Counsel Collections Program (JDCCP) Funds as shown in Attachment 1A; and*
2. *Allocate 2021-22 Trial Court Allocations of \$878,001 estimated unspent funding as shown in Attachment 1B.*
3. *Allocate 2021–22 Family First Prevention Services Act (FFPSA) augmentation funding of \$1,543,180 as shown in Attachment 1B contingent upon actual receipt of the funding.*

Item 2 - Collections Performance Measures and Benchmarks

Consideration of a recommendation to approve revised performance measures and benchmarks required pursuant to Penal Code section 1463.010(c) in reports to the legislature and for use by court and county collections programs.

Presenter(s)/Facilitator(s):

Ms. Donna Newman, Supervisor, Judicial Council
Budget Services
Ms. Maria Lira, Senior Fiscal Analyst, Judicial Council
Budget Services

Action: *The Budget Committee unanimously approved the following recommendations from the TCBCAC, to be considered by the Judicial Council at its March 10-11, 2022 business meeting:*

1. *Approve the seven proposed metrics developed by Forrester Research, Inc. in compliance with Penal Code section 1463.010 and Government Code section 68514, to be applied to the 2021-22 Collections Reporting Template and reported in the 2021-22 report to the Legislature and the Department of Finance due December 31, 2022.*
2. *Delegate authority to Budget Services, Administrative Division to make technical changes to the metrics in response to any changes to program or statute.*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 8:40 a.m.

Approved by the advisory body on enter date

Judicial Branch
2023-24 BCP Concept Tracking List

BCP included in the 2022-23 Governor's Budget and is pending legislative approval.
 BCP Proposed for the 2022-23 Governor's Budget and was denied.
 Request submitted to Budget Committee in 2022-23 and was not approved to move forward.

Concept Tracking #	JCC Office	Title	Description	2023-24 Positions	2023-24 Cost Estimate	Fund Source	Previous Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments	
1	23-01	CJER	CJER Web Media Producer	Funding for 1.0 position (Web Media Producer) to meet the increased demand for new online courses for judicial officers and court personnel, as well as support the increased demand for maintaining and updating the digital content provided on CJER Online.	1.0	198,000	GF	No	n/a	n/a	
2	23-02	CJER	CJER Video Media Producer	Funding for 1.0 position (Video Media Producer) to meet the increased demand for videos created by CJER and continued production work for the Supreme Court and Executive Office.	1.0	198,000	GF	No	n/a	n/a	
3	23-03	CJS	Collaborative Justice Court Programs: Trial Court and Statewide Administrative Support	Funding 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	Yes	CJCAC	CJCAC	BCP was submitted for inclusion in 2022-23 Governor's Budget and was denied by DOF.
4	23-04	CJS	Maintaining a Sufficient Pool of Competency to Stand Trial Court Evaluators	Funding to support trial courts in addressing the increased number and costs of Penal Code (PC) § 1368 competency to stand trial evaluations required throughout the state. Also provides 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.	1.0	10,232,000	GF	Yes	CJCAC	CJCAC	BCP was submitted for inclusion in 2022-23 Governor's Budget and was denied by DOF.
5	23-05	FS	Trial Court and Court of Appeal Deferred Maintenance	Funding to support deferred maintenance projects for trial courts and Courts of Appeal.	3.0	120,694,000	GF Reimb	Yes	TCFMAC TCBAC	TCFMAC	BCP combined with similar facilities concepts and submitted for inclusion in 2022-23 Governor's Budget. BCP was denied by DOF.
6	23-06	FS	Water Conservation and Leak Detection Measures in Courthouses	Funding to implement water leak detection equipment and software for water conservation measures in approximately 160 courthouses owned and managed by the JC.	0.0	4,000,000	GF	Yes	TCFMAC	TCFMAC	BCP combined with similar facilities concepts and submitted for inclusion in 2022-23 Governor's Budget. BCP was denied by DOF.
7	23-07	FS	Facility Modification Prioritization and Costs	Funding to address increased need for facility modifications in court facilities.	0.0	35,000,000 7,000,000	GF Reimb	Yes	TCFMAC TCBAC	TCFMAC	BCP was submitted for inclusion in 2022-23 Governor's Budget and was partially approved (\$15 M GF and \$4 M Reimb) by DOF.
8	23-08	FS	New Trial Court Facility Operations and Maintenance	Funding for operations and maintenance (O&M) of trial court facilities recently completed and planned to open to the public through 2023-24.	0.0	5,966,000	GF	No	TCFMAC TCBAC	TCFMAC	
9	23-09	FS	San Diego Hall of Justice Facility Modernization	Funding to support the Judicial Council's share of the cost to alleviate existing deficiencies by completing all major systems maintenance modernize the San Diego Hall of Justice.	0.0	27,096,000	GF	Yes	TCFMAC	TCFMAC	BCP was submitted for inclusion in 2022-23 Governor's Budget and was deferred by DOF.
10	23-10	FS	Trial Court Capital-Outlay Funding: 2023-24 through 2026-27	Funding for phases of 7 trial court capital-outlay projects (2 in-progress and 5 new) and \$5 million ongoing for project assessments/program support.	0.0	392,678,000	GF	No	CFAC TCBAC	CFAC	Capital Outlay BCPs for the earlier phases of these projects were submitted for inclusion in the 2022-23 Governor's Budget and approved by DOF. This request is for the next phase of these projects and the addition of one project that had a study previously approved by DOF. Funding for the \$5 M in project assessment/program support was not previously submitted.
11	23-11	IT	Branchwide IT Modernization	Funding to support judicial branch modernization efforts for the trial courts, Courts of Appeal, and the Supreme Court. The funds will be used for the recruitment of management, project management, engineers, development architects, and security staff positions.	27.0	34,533,000	GF	Yes	Tech ITAC	Tech	BCP was submitted for inclusion in the 2022-23 Governor's Budget and is pending legislative approval.
12	23-12	TCBAC	Trial Court Civil Assessment Maintenance of Effort	Funding to backfill civil assessment revenues 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	Yes	TCBAC	TCBAC	
13	23-13	TCBAC	Trial Court Workload Formula Gap Funding to 100 Percent	Funding to provide all trial courts 100 percent of their Workload Formula need.	0.0	544,155,000	GF	Yes	TCBAC	TCBAC	2022-23 Governor's Budget includes \$100 M in funding to be allocated by the Judicial Council to expand equal access, promote greater fiscal equity, and materially reduce the funding gap between courts and is pending legislative approval.
14	23-14	TCBAC	Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index) and Catch Up	Funding to address general inflationary cost increases for trial courts based on the Consumer Price Index (CPI).	0.0	458,745,000	GF	Yes	TCBAC	TCBAC	2022-23 Governor's Budget includes \$84.2M to provide a 3.8 percent CPI adjustment in recognition of trial court operational cost pressures due to inflation.
15	23-15	TCBAC	Trial Court Civil Assessment Backfill	Funding to transition the deposit of civil assessment revenues into the General Fund instead of the Trial Court Trust Fund (TCTF) after \$48.3 million for the Maintenance of Effort (MOE) shortfall has been fulfilled.	0.0	55,000,000	GF	No	TCBAC	TCBAC	
16	23-16	ACS	Proposition 66 Costs in the Courts of Appeal	Funding to support new workload and costs associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 in the Courts of Appeal.	14.5	8,925,000	GF	Yes	APIAC	APIAC	BCP submitted for inclusion in the 2022-23 Governor's Budget and was denied by DOF.

**Judicial Branch
2023-24 BCP Concept Tracking List**

- BCP included in the 2022-23 Governor's Budget and is pending legislative approval.
- BCP Proposed for the 2022-23 Governor's Budget and was denied.
- Request submitted to Budget Committee in 2022-23 and was not approved to move forward.

#	Concept Tracking #	JCC Office	Title	Description	2023-24 Positions	2023-24 Cost Estimate	Fund Source	Previous Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments
17	23-17	ACS	Appellate Court Security	Funding to provide four necessary California Highway Patrol Judicial Protection Section (CHP-JPS) officers for four single-officer courthouses of the state appellate courts.	4.0	1,292,000	GF	Yes	APJAC	APJAC	BCP submitted for inclusion in the 2022-23 Governor's Budget and was denied by DOF.
18	23-18	HCRC	HCRC Case Team Staffing and Establishment of Los Angeles Office	Funding to address long delays and backlogs of appointments of counsel for persons on death row who have a right to counsel in state habeas corpus proceedings and because of changes in the law related to habeas case processing.	70.0	14,600,000	GF	Yes	HCRC	HCRC	Submitted as part of the Prop 66 BCP in 2022-23 Denied by DOF
19	23-19	CFCC	Self-Help Centers - Expanding In-Person, Remote and On-Line Services	Funding to address 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 two key initiatives (1) Expanding Self-Help Centers in courts to address unmet needs through in-person and remote services; and (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.	5.0	27,428,000	GF	Yes	ACPAF	ACPAF	BCP submitted for inclusion in the 2022-23 Governor's Budget and was denied by DOF.
20	23-20	CFCC	Legal Support for Court Rules and User-Friendly Forms	Funding to implement new laws through court rules and forms, and provide user-friendly forms and tools that advance the Judicial Branch commitment to remove barriers to court access and case completion.	12.0	2,931,000	GF	No	n/a	n/a	
21	23-21	CFCC	Language Access Efforts in the California Courts	Funding to support the efforts of the Strategic Plan for Language Access in the California Courts by adding staff to expand the court interpreter pool and support innovative approaches to court interpreter testing, training, recruitment, and outcome metrics.	2.0	585,000	GF	Yes	ACPAF	ACPAF	
22	23-22	CFCC	Increase Expenditure Authority for Court Interpreters' Fund (0327)	Funding to address the shortage of interpreters by providing trainings for near passers of the bilingual interpreting examination and budget bill language authorizing adjustments to expenditure authority to support efforts to increase the number of available court interpreters.	0.0	200,000	CIF	No	ACPAF	ACPAF	
Total Requests					145.5	1,814,756,000					

Internal Committees	
Tech	Technology Committee
Advisory Committees	
APJAC	Administrative Presiding Justices Advisory Committee
ACPAF	Advisory Committee on Providing Access & Fairness
CFAC	Court Facility Advisory Committee
CJCAC	Collaborative Justice Courts Advisory Committee
HCRC Exec Dir	Executive Director of HCRC
ITAC	Information Technology Advisory Committee
TCBAC	Trial Court Budget Advisory Committee
TCFMAC	Trial Court Facility Modification Advisory Committee

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Center for Judicial Education and Research
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Proposal Title	Center for Judicial Education and Research Web Media Producer
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Proposal Summary

The Judicial Council of California (JCC) Center for Judicial Education and Research (CJER) is requesting 1.0 position for a Web Media Producer to meet the increased demand for new online courses for judicial officers and court personnel as well as support the increased demand for maintaining and updating the digital content provided on CJER Online.

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)
2023-24	GF	1.0	162,000	36,000	0	198,000
2024-25	GF	1.0	162,000	24,000	0	186,000
2025-26	GF	1.0	162,000	24,000	0	186,000
2026-27	GF	1.0	162,000	24,000	0	186,000
2027-28	GF	1.0	162,000	24,000	0	186,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	186,000
					One-Time	12,000

Problem or Issue

CJER’s education services and products have continued to move to a digital platform to meet courts needs and expand access to education products regardless of court travel budgets. The number of educational resources provided on the site makes it invaluable to judges and court personnel alike, but also places a demand on CJER staffing resources to maintain, update, and produce remote education products including videos, podcasts, webinars, online courses, and digital publications. Currently, CJER only has two Web Media Producers to support the CJER Online website. As the number of educational resources on the site continue to increase (at present consisting of over 700 videos, 125 podcasts, 81 online courses, 200 publications, and many additional resources and reference materials), CJER staffing resources in this area have remained stagnant. The impact of the increased demand on these two positions has been the prioritization of the maintenance of the website and a resulting reduction in the ability to both program new online courses and update existing online courses. At the same time, demand for online courses continues to grow. The two current staff members service daily web page update requests and continue to create and produce new digital educational products.

**Judicial Branch
2023-24 Budget Change Proposal Concept
(4 Page Maximum Length)**

CJER Online is also preparing to migrate to a Drupal platform, including the migration of all posted video and audio files to a new media hosting service provider, which will require many staff hours. Without a staffing increase, CJER will be obligated to outsource this work. An additional Web Media Producer position will enable CJER to continue to provide the needed education services in a cost-effective manner for courts and to continue to expand online education offerings. After the migration projects are completed, CJER will be able to increase its educational offerings by adding 1-2 new complex online courses and 3-4 online course updates annually, while continuing to offer consistent and timely web services.

Background/History of Problem

CJER educates the state's approximately 2,500 justices, judges, and subordinate judicial officers and nearly 20,000 court staff as required by California Rules of Court rules 10.451–10.491. California's judicial officers and court personnel participate in mandatory and elective in-person and distance education to perform their responsibilities competently, impartially, and efficiently. Judicial branch education supports standardizing court practices and procedures to ensure that all Californians have equal access to participate in court proceedings and are treated fairly.

The CJER Advisory Committee consists of judicial officers and court executives who direct nine curriculum committees to identify educational needs and develop content priorities. Each curriculum committee includes judicial officers and court staff who are subject matter experts. CJER staff apply current principles of adult education to design high-quality products that meet long-term judicial branch goals, use public funds responsibly, and incorporate recent changes in the law.

CJER's education offerings for both judicial officers and court staff include in-person and live remote courses as well as videos, webinars, podcasts, publications, job aids, program materials, and online courses.

Distance education began in earnest 19 years ago. At that time, CJER had two Web Media Producers focused solely on developing web content and maintaining the website for judicial officers and court personnel. As the number and complexity of distance education products grew over the years, staffing levels have remained stagnant. As a result, while 19 years ago CJER was able to produce 3-4 new online courses each year, today, that number has shrunk to almost zero. Additionally, existing staff now struggle to update existing distance education products timely given the amount of time required to maintain the CJER Online website.

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Impact of Denial of Proposal

The impact of denying the request for an additional Web Media Producer is the reduction in the amount of education services and products that CJER can provide annually. CJER's Education Plan for the next two years was restricted by the current staffing levels in its media production department. CJER's current staff of two Web Media Producers are not able to continue to meet the current needs of the department or support the additional requests received from other JCC offices. CJER Online is also planning to migrate the website to a new media hosting vendor named Drupal. Contracted support would not be sufficient to fulfill the increased demand for online education projects.

Outcomes and Accountability of Proposal

The expected outcomes for fully funding the additional Web Media Producer for CJER will be able to increase education products by 1-2 complex online courses or complex course updates and 3-4 online course updates per year. It will also allow for continued timely updates and responses to the CJER Online website and to any new web services requests as the need for distance education continues to increase throughout the state. Additionally, the position will provide the support needed to help migrate the website to Drupal a new media hosting vendor, limiting the costs of hiring temporary consultants.

Required Review/Approval

n/a

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

Goal V: Education for Branchwide Professional 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: *Karene Alvarado*

Contact Name: Oscar Aguirre

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Center for Judicial Education and Research
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Proposal Title	Center for Judicial Education and Research Video Media Producer
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Proposal Summary

The Judicial Council of California (JCC) Center for Judicial Education and Research (CJER) is requesting 1.0 position for a Video Media Producer to meet the increased demand for videos created by CJER and continued production work for the Supreme Court and Executive Office.

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)
2023-24	GF	1.0	162,000	36,000	0	198,000
2024-25	GF	1.0	162,000	24,000	0	186,000
2025-26	GF	1.0	162,000	24,000	0	186,000
2026-27	GF	1.0	162,000	24,000	0	186,000
2027-28	GF	1.0	162,000	24,000	0	186,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	186,000
					One-Time	12,000

Problem or Issue

CJER’s education services and products have continued to move to a digital platform in order to meet court needs and expand access to education products regardless of court travel budgets. The largest impact to remote learning has been the need for increased video creation and content. CJER’s three Video Media Producers have currently created and are supporting over 700 videos. In order to continue to meet the increasing demand for services, CJER is requesting an additional Video Media Producer position to aid in maintaining the current video catalog and increase video production while improving the quality of production. The additional staff will also assist in supporting Executive Office special video requests and video production work for events like Oral Arguments, Commission on Judicial Appointments (COJA) Hearings, Legacy Project videos, and Judicial Council meetings.

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Background/History of Problem

CJER educates the state’s approximately 2,500 justices, judges, and subordinate judicial officers and nearly 20,000 court staff as required by California Rules of Court rules 10.451–10.491. California’s judicial officers and court personnel participate in mandatory and elective in-person and distance education to perform their responsibilities competently, impartially, and efficiently. Judicial branch education supports standardizing court practices and procedures to ensure that all Californians have equal access to participate in court proceedings and are treated fairly.

The CJER Advisory Committee consists of judicial officers and court executives who direct nine curriculum committees to identify educational needs and develop content priorities. Each curriculum committee includes judicial officers and court staff who are subject matter experts. CJER staff apply current principles of adult education to design high-quality products that meet long-term judicial branch goals, use public funds responsibly, and incorporate recent changes in the law.

CJER designs and delivers its offerings on a two-year planning cycle to meet the judicial branch’s evolving educational needs. Implicit bias and cultural awareness content are integrated into products across all subjects. CJER’s education offerings for both judicial officers and court staff include in-person and live remote courses as well as videos, webinars, podcasts, publications, job aids, program materials, and online courses.

The need for distance education products that can be accessed at users’ convenience has continued to grow and so has the CJER video library. Not only has the need for stand-alone video products increased, but faculty are also more frequently requesting shorter videos be produced for use as visual aids in live instructor-led courses. Additionally, CJER media producers produce videos for the Chief Justice, other JCC offices, and support JCC meetings, Supreme Court webcasts, COJA hearings, and the Appellate Legacy Video Project. CJER has had only three Video Media Producer positions for the last 20 years and the demand for these products has doubled in that same amount of time. An additional Video Media Producer position is necessary in order for CJER to be able to continue to meet not only the demand for educational video products, but also the video production needs of the Supreme Court, the courts of appeal, and other JCC offices.

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Impact of Denial of Proposal

The impact of denying the request for an additional Video Media Producer is the reduction in the amount of education video content and denial of requests from other JCC offices for video production services. The CJER Education Plan for the next two years was restricted by the current staffing levels in media production. CJER's current staff of three Video Media Producers are not able to continue to meet the current demand for educational videos or the additional requests received from other JCC offices.

Outcomes and Accountability of Proposal

The expected outcomes for fully funding the requested Video Media Producer position for CJER are to increase the video products by six fully produced educational videos (60-120 minutes each) annually and improve the quality of CJER Education videos by increasing the number of production hours allocated to each project. The additional support will allow CJER to incorporate more vignettes and integrated videos into online and live instructor-led courses, which will increase varying education methods into the programming to improve participant engagement and retention. An additional Video Media Producer will permit CJER to continue to provide quality video production services for the Supreme Court and JCC Executive Office. Annually, CJER is requested to provide video services for events like oral arguments, COJA Hearings, Judicial Council meetings, legacy videos, award videos, video messages for the Chief Justice, and videotaping and production for activities such as the JCC in-person, all-staff meetings.

Required Review/Approval

n/a

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

Goal V: Education for Branchwide Professional 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: *Karene Alvarado*

Contact Name: Oscar Aguirre

**Judicial Branch
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Requesting Entity	Collaborative Justice Courts Advisory Committee
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Proposal Title	Collaborative Justice Court Programs: Trial Court and Statewide Administrative Support
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Proposal Summary

The Judicial Council of California (JC) requests \$15 million General Fund and 5.0 positions in 2023-24, and \$30 million and 5.0 positions annually thereafter 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) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	5.0	\$835,000	\$302,000	\$13,863,000	\$15,000,000
2024-25	GF	5.0	\$835,000	\$677,000	\$28,488,000	\$30,000,000
2025-26	GF	5.0	\$835,000	\$677,000	\$28,488,000	\$30,000,000
2026-27	GF	5.0	\$835,000	\$677,000	\$28,488,000	\$30,000,000
2027-28	GF	5.0	\$835,000	\$677,000	\$28,488,000	\$30,000,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$30,000,000
					One-Time	\$15,000,000

Problem or Issue

Individuals with substance use disorders and mental illness are disproportionately represented in the criminal justice system. Well over half of the criminal justice population have behavioral health issue (a mental illness, substance use disorder or both). 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, and many have both things. Cases involving behavioral health issues often have complications that result in longer time to disposition and increased workload on the courts. These complications are exacerbated when the individual does not have stable housing. Subject matter expert estimates of the proportion of collaborative court participants that lack stable housing range from 30-80%.

Collaborative courts have been successfully addressing issues related to behavioral health and

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criminal justice; however, the operating costs for collaborative courts in California are significant. In addition to the increased workload associated with additional hearings, courts are impacted by increased administrative and other program related duties that include tracking participant progress, coordinating information exchange and communication among justice system partners, gathering program data and reporting outcomes to funders, and identifying resources for program sustainability.

This increased and largely unfunded workload comes at a time when collaborative courts are 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 and may lead to reductions in the court workload in the long run; however, implementation of these programs result in increased workload demands on the courts.

Background/History of Problem

Drug and other collaborative justice 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. California is home to over 400 collaborative courts, including adult and juvenile drug courts, dependency drug courts, mental health courts, veterans treatment courts, homeless courts, and youth courts. Every county in California has at least one type of collaborative court except for three of the state's least populous counties (Alpine, and Colusa, Imperial).

Court specific costs for collaborative programs average \$1,200 per participant. The number of participants statewide is estimated to be approximately 22,750 a year, costing approximately (\$1,200 x 22,750 = \$27,300,000) per year. Over \$27 million is estimated to be spent by the courts currently with unstable funding. Additional funding and the implementation of a statewide data collection system as well as training and development opportunities, will provide the courts with the stability that they need to greatly expand their caseload sizes and to ensure that unfunded diversion programs can be adequately implemented. Courts no longer receive dedicated state funding for their collaborative courts and typically rely on in-kind funding that they absorb from their general fund operating costs. Many courts also receive federal grants (California is typically awarded approximately 3-4 federal collaborative court grants annually) or support from counties (including AB 109 Criminal Justice Realignment funding).

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 (estimated to be up to 17-26% for drug courts). According to research sponsored by the National Institute of Justice, drug

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courts save approximately \$6,700 per 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). That funding was realigned in 2011 and allocated directly to county behavioral health departments. As a result of this realignment, many courts were no longer able to access the funding to support court administrative courts associated with the programs and must bear the costs out of their own budgets. Since funding was realigned, most courts have been forced to seek out grants and outside resources to support their collaborative court programs. This lack of funding stability results in limits on program and caseload sizes and places a significant burden on the courts as they must absorb the extra work associated with collaborative court programs. Courts have been able to adapt to the lack of stable funding partially by obtaining outside grants to maintain current operations, but they are generally not able to expand their programs or develop new ones effectively.

Of the \$15 million first year funding requested, \$13,863,000 will be distributed to the courts to develop their collaborative court programs and submit data to a statewide data repository. Of the \$30 million in on-going funding that is being requested, \$28,488,000 will be similarly distributed to the courts. 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 as well as previous statewide allocation amounts.

The application process will be modeled after the process used prior to the 2011 drug court funding realignment as well as successful programs in other states. It will ensure that each court receiving funds develops a collaborative plan with all relevant stakeholders, including county behavioral health departments, defense and prosecution attorneys, 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. This project will build upon a current federal grant funded Judicial Council that identify and standardize data collected by collaborative courts throughout the state. 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

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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. This will likely impact their ability to implement new diversion programs developed by the legislature. 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. Research from the National Institute of Justice suggests that drug courts can reduce recidivism between 17-26 % and result in approximately \$6,700 savings per participant. These savings would not be realized without stable funding for these programs. This need for these programs has become even more paramount during the pandemic when people with mental health and substance abuse issues are disproportionately impacted and crime rates are increasing. Additional funding for collaborative courts may be one of the more effective tools to combat the recent increases in crime that the state appears to be experiencing in the last two years.

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, 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.

Tracking
Number: 23-03

**Judicial Branch
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Director Signature: Shelley Curran
Contact Name: Francine Byrne

**Judicial Branch
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Requesting Entity	Collaborative Justice Courts Advisory Committee
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Proposal Title	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 \$10.232 million General Fund beginning in 2023-24 and \$10.220 million on-going to support trial courts in addressing the increased number and costs 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) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	1.0	\$173,000	\$36,000	\$10,023,000	\$10,232,000
2024-25	GF	1.0	\$173,000	\$24,000	\$10,023,000	\$10,220,000
2025-26	GF	1.0	\$173,000	\$24,000	\$10,023,000	\$10,220,000
2026-27	GF	1.0	\$173,000	\$24,000	\$10,023,000	\$10,220,000
2027-28	GF	1.0	\$173,000	\$24,000	\$10,023,000	\$10,220,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$10,220,000
					One-Time	\$10,232,000

Problem or 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. The trial court must appoint and pay for a psychiatrist or licensed psychologist to evaluate the defendant when a doubt of competency is raised. The trial courts are responsible for paying for court-appointed evaluators from their operating budget and struggle with identifying qualified evaluators at a time when the number of evaluations have increased substantially. Between 2010-11 to 2018-19, the number of filings for declaring doubt about the defendant’s competency (including both felony and misdemeanor) increased by nearly 200%. If evaluations cannot be conducted in a timely manner, the courts report that defendants often remain unmedicated and decompensating while in jail awaiting transfer to a state hospital or other competency restoration program.

Funding this proposal will assist courts in offsetting the cost of competency evaluations and support

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Judicial Council costs related to the development and maintenance of an inventory of evaluators that courts can use when appointing qualified experts. One analyst will be devoted to identifying and maintaining a list of evaluators throughout the state, maintaining information related to evaluator fee schedules, implementing a recruitment program that may include partnering with medical schools, and developing an online resource for courts that includes information on evaluator requirements.

With the exception of the 1.0 analyst (estimated at \$209,000 including wages, benefits and overhead costs) the requested funding will be allocated directly to the courts to fund the costs of competency evaluations. This funding request is needed to offset the impact of the increase in costs associated with IST evaluations over the last 5 years. The allocation methodology for the court funding will be identified by the Trial Court Budget Advisory Committee in consultation with the Collaborative Justice Courts Advisory Committee and may utilize PC §1368 filings data reported by courts in Judicial Branch Statistical Information System (JBSIS). This proposal supports several recommendations that were recently put forth by the California Health and Human Services' Incompetent to Stand Trial Solutions Work Group (recommendations S.6, M.4, M.6, and L.3).

Background/History of Problem

Many individuals in the criminal justice system struggle with mental illness. An estimated 56% of people in state prison, and 64% of people in jail 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 court proceedings or whether they are incompetent to stand trial (IST). During this suspension, 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.

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, whereas misdemeanor defendants are referred to restoration services in the community.

Felony IST referrals to the Department of State Hospitals (DSH) have increased 60% from 2013-14 to 2017-18, according to DSH's 2018 Annual Report, the most recent report available. 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 2010-11 to 2018-19 Penal Code section 1368 (including both felony and misdemeanor) filings increased from 7,547 annually to 22,638 annually, an increase of nearly 200%. As criminal proceedings begin to resume following pandemic related impacts to the courts, courts are already reporting that Penal Code section 1368 filings are returning to

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pre-COVID rates of increase.

According to information gathered by Judicial Council staff, courts experience numerous challenges as a result of the increased number of IST evaluations, including:

- 1) Increase evaluation costs, which strain court budgets: Courts reported a 15-25% average annual increase in the number of evaluations needed as well as increase in the cost per evaluation.
- 2) Maintaining sufficient numbers of evaluators, especially for courts in remote locations: prior to the COVID -19 pandemic, 65% of the responding court reported having challenges maintaining enough psychiatrists and 49% faced challenges finding qualified psychologists. This was largely due to a lack of funding, and courts consistently reported that they were unable to pay market rates for evaluators. The difficulty finding qualified evaluators was exacerbated by the COVID-19 pandemic.
- 3) Variation in payment amounts and evaluator availability throughout the state: Courts reported a range of average payments per evaluation across jurisdictions, from as low as \$300 to as high as \$2,000 per evaluation. Courts in rural areas report the most difficulty in finding qualified evaluators.

Competency evaluation costs are anticipated to continue to increase. Factors contributing to this anticipated increase are threefold: 1) increased costs to accommodate the anticipated increase in the number of competency evaluations required annual by the court, 2) steeper fees for more experienced evaluators in adherence to the DSH standards of education and training for competency evaluators, 3) and costs associated to required competency evaluation content in compliance with Rule of Court 4.130(d)(2). Although the rates of evaluations vary based on a number of factors, national subject matter experts suggest that a thorough competency evaluation costs approximately \$850. Using this rate and assuming a 15% annual increase, approximately \$10,023,000 is needed to cover the increased costs between 2018-19 (22,638 evaluations x \$850 = \$19,242,300) and 2023-24 (estimated 34,430 evaluations x \$850 = \$29,265,500) alone.

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 that reflect best practices for evaluation.

Impact of Denial of Proposal

By denying this proposal, trial courts will continue to experience delays in the time it takes to receive an evaluation after doubt is declared. Some courts wait four to six weeks to receive the report, and more complicated cases can take even longer. These delays will impact court calendars and can cause defendants to wait in jail without access to needed treatment. Denying this proposal will also continue to strain the court budgets. Courts report needing to adjust budgets and staffing to accommodate the

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increased costs related to IST evaluations, including carrying personnel vacancies to offset evaluation costs.

Outcomes and Accountability of Proposal

Funding allocations will be distributed to all counties in the first year. The Judicial Council will have improved data reporting by all courts that include disaggregated mental health filing data. Courts will have access to an established and regularly updated inventory of qualified competency evaluators. The Judicial Council will have improved data tracking on actual court expenditures on competency to stand trial evaluations.

Required Review/Approval

Trial Court Budget Advisory Committee

Collaborative Justice Courts Advisory Committee

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

Goal I: Access, Fairness, and Diversity

Goal II: Independence and Accountability

Goal III: Modernization and Management of Administration

Consistent with Goal I, this proposal will assist the courts in increasing the number of qualified competency evaluators to better facilitate access to restoration services and court-connected diversion programs. Consistent with Goal II, this proposal will assist the judicial branch in securing sufficient resources to recruit and maintain a pool of qualified competency evaluators that will enable the court to ensure efficient and effective services to the public. Consistent with Goal III, a pool of qualified competency evaluators will help courts ensure that justice is administered in an efficient, effective, and timely manner, and will support courts in promoting the use of effective problem-solving programs and support the timely administration of justice. Additionally, this proposal aligns with the IST Solutions Workgroup's Report and Recommended Solutions presented to California Health & Human Services Agency (CalHHSA) and the Department of Finance. The Legislature enacted Welfare & Institutions Code section 4147 in 2021, which charged CalHHSA and DSH with convening the IST Solutions Work Group to identify solutions to address the increasing number felony IST referrals. Recommendation M.4 calls for the establishment of a statewide pool of evaluators and increased court funding to pay for evaluators.

Approval

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

Tracking
Number: 23-04

**Judicial Branch
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(4 Page Maximum Length)**

Director Signature: *Shelley Curran*

Contact Name: Francine Byrne

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	Trial Court and Court of Appeal Deferred Maintenance
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Proposal Summary

The Judicial Council of California (JCC) requests 3.0 positions and \$100.7 million ongoing General Fund, and an additional \$20 million in reimbursement authority ongoing from the State Court Facilities Construction Funds (SCFCF) 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) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	3.0	\$586,000	\$120,108,000		\$120,694,000
2024-25	GF	3.0	\$586,000	\$120,074,000		\$120,660,000
2025-26	GF	3.0	\$586,000	\$120,074,000		\$120,660,000
2026-27	GF	3.0	\$586,000	\$120,074,000		\$120,660,000
2027-28	GF	3.0	\$586,000	\$120,074,000		\$120,660,000
					5 Year Total	\$603,334,000
					Ongoing	\$120,660,000
					One-Time	\$34,000

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

Problem or Issue

The current funding level for facility modifications (FMs) is insufficient to address JCC needs statewide, resulting in deferred maintenance projects. Deferred maintenance are maintenance projects not completed that would otherwise maintain facilities in acceptable and operable condition. Owing to the lack of FM funding over time, a significant deferred maintenance project backlog has developed.

In 2018–19, the FM Program received a one-time \$50 million investment from the General Fund to address immediate deferred maintenance. This funding was applied to 9 completed projects (2 roof replacement projects, 4 elevator/escalator projects, 2 wheelchair lift replacement projects, and 1 statewide assessment) and 19 projects currently in construction (16 elevator/escalator projects, 1 roof replacement project, and 2 fire protection projects).

The 2019 Facilities Condition Assessments (FCAs) for most JCC portfolio facilities was funded through

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the use of \$5 million provided for the infrastructure assessment included in the 2018-19 Budget Act. The FCAs helped identify needed but unfunded FMs, which are captured in the JCC's latest Five-Year Master Plan - Deferred Maintenance Report for Fiscal Year 2021–22. This report reflects the robust deferred maintenance backlog, which is a total of 22,743 deferred maintenance projects estimated at \$5.0 billion and of which \$3.7 billion is the Judicial Council's share.

The proposal is requested as ongoing to help address the JCC's need for \$3.7 billion and to ultimately reduce the number of deferred maintenance projects. This resource request includes fund for 3.0 positions necessary to have a staffing structure in place that can efficiently and effectively manage the FM program and provide project oversight. JCC has found that irregular funding for projects and staff is ineffective for managing facilities program. Significant annual funding for projects maintains facilities in acceptable and operable condition.

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 judicial officers. Facilities Services administers a portfolio of approximately 450 facilities. The portfolio includes a variety of building types including courthouses, detention facilities, offices, parking structures, and parking lots.

Impact of Denial of Proposal

Denial of this proposal results in continued growth of the deferred maintenance backlog along with corresponding increase in emergency repairs, owing to the inverse relationship between underfunded deferred maintenance projects and emergency repairs. Buildings will continue to operate in a run-to-failure environment, with aged building systems being replaced only at failure. This approach to facilities management is highly undesirable, increases replacement and repair costs, and depletes funding otherwise dedicated to planned FMs.

Outcomes and Accountability of Proposal

Ongoing funding helps address the JCC's need for \$3.7 billion in necessary deferred maintenance, by providing resources to complete critical projects for buildings to perform as designed and provide a safe and suitable environment for service to the public.

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

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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: *Pella McCormick*

Contact Name: Pella McCormick, Director

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	Water Conservation and Leak Detection Measures in Courthouses
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Proposal Summary

The Judicial Council of California (JCC) requests \$4 million one-time General Fund in 2023–24 to implement water leak detection equipment and software for water conservation measures. Funds will be used to install water meter data logging equipment and software in approximately 160 courthouses owned and managed by the JCC.

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)
2023-24	GF			\$4,000,000		\$4,000,000
2024-25						
2025-26						
2026-27						
2027-28						
*Please include all costs associated with request including costs for other offices and courts.					<i>Ongoing</i>	
					<i>One-Time</i>	\$4,000,000

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 judicial officers. Facilities Services administers a portfolio of approximately 450 facilities. The portfolio

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includes a variety of building types including courthouses, detention facilities, offices, parking structures, and parking lots. In recent years, the Facilities Services program budget has been impacted by a growing number of 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 a substantial amount of damage, which draws from already impacted budgets for facility repairs.

Outcomes and Accountability of Proposal

Upon approval of 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 and prevent unnecessary damage to facilities as well as conserve water resources from installation of commercial weather-based irrigation controllers that optimize irrigation based on local weather and soil conditions.

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

Judicial Council's Water Conservation Policy, adopted in June 2015

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: Pella McCormick, Director

**Judicial Branch
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 (4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	Facility Modification Prioritization and Costs
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Proposal Summary

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

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)
2023-24	GF			\$35,000,000		\$42,000,000
2024-25	GF			\$35,000,000		\$42,000,000
2025-26	GF			\$35,000,000		\$42,000,000
2026-27	GF			\$35,000,000		\$42,000,000
2027-28	GF			\$35,000,000		\$42,000,000
*Please include all costs associated with request including costs for other offices and courts.					5 Year Total	\$210,000,000
					<i>Ongoing</i>	\$42,000,000
					<i>One-Time</i>	

Problem or Issue

Annual funds budgeted from the SCFCF for FMs have remained steady at \$40 million since 2014. This funding is supplemented annually by an additional \$25 million from the SCFCF’s, to address the most critical repairs and replacements of courthouse building systems. The current funding for FMs is insufficient to address needs statewide, as the \$65 million annual FMs funds only the most critical building system life cycle replacements or renovation of major building systems, such as HVAC, vertical transportation, and electrical equipment. The cost of repairs and replacements under the FM program has increased consistent with inflation; however, no adjustments have been made to the FM budget since 2014. The reduced purchasing power of \$10 million from the annual budget \$65 million only buys \$54 million of FM now given inflation/construction cost escalations. The reduced purchasing power forces the JCC to operate many building systems in a run-to-failure mode. Failure of building systems result in emergency events, creating higher building maintenance and repair costs, and posing the risk of court closures.

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A corresponding \$7 million increase in reimbursement authority is being requested to supplement the current \$13 million to ensure there is sufficient authority to meet the JCCs contractual obligation to perform FMs in shared facilities and recoup reimbursement for the counties share of those costs.

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 judicial officers. Facilities Services administers a portfolio of approximately 450 facilities. The portfolio includes a variety of building types including courthouses, detention facilities, offices, parking structures, and parking lots.

Impact of Denial of Proposal

Denial of the proposal will result in Facilities continued current run-to-failure environment and resources drained as the need increases for more Priority 1 - Emergency FMs.

Outcomes and Accountability of Proposal

Supplementing the FM program’s funding allows for prioritized FMs, which could exceed more than five hundred, 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 FM 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.

Tracking
Number: 23-07

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(4 Page Maximum Length)**

Director Signature: *Pella McCormick*

Contact Name: Pella McCormick, Director

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	New Trial Court Facility Operations and Maintenance
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Proposal Summary

The Judicial Council of California (JCC) requests \$6 million ongoing General Fund in 2023–24 for operations and maintenance (O&M) for nine facilities recently completed/planned to open to the public through 2023–24: 1 in FY 2020-21 (Yreka Courthouse); 3 in FY 2021-22 (New Sonoma, El Centro, and Redding Courthouses); 1 in FY 2022-23 (Glenn-Willows); and 4 in FY 2023-24 (New Sacramento Criminal Courthouse, New Sonoma Hall of Justice, New Indio Juvenile/Family Courthouse, and New Mid-County Civil Courthouse).

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)
2023-24	GF			\$5,966,000		\$5,966,000
2024-25	GF			\$5,966,000		\$5,966,000
2025-26	GF			\$5,966,000		\$5,966,000
2026-27	GF			\$5,966,000		\$5,966,000
2027-28	GF			\$5,966,000		\$5,966,000
*Please include all costs associated with request including costs for other offices and courts.					<i>Ongoing</i>	\$5,966,000
					<i>One-Time</i>	

Problem or Issue

Currently, no mechanism exists for funding increases in O&M owing to new courthouse construction. The Court Facilities Trust Fund (CFTF), which was created to provide such a source, has been overrun by growth of the JCC portfolio. This proposal is requested to address the ongoing funding deficit currently incurred/planned to be incurred. Providing annual O&M funding will address the need for limited CFTF resources.

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Background/History of Problem

The 2019 Budget Act included \$20.15 million ongoing General Fund for O&M but only for 2.9 million square feet (SF) of space in the current portfolio (net of retired space), which resulted from new construction projects authorized by SB 1732 and SB 1407. This augmentation was based on a 2017 industry standard combined rate of \$6.90 per SF for maintenance and utilities from the International Facilities Management Association (IFMA).

Similarly, this proposal's total cost for O&M for 9 projects is based on the following formula for estimating maintenance and utility costs: \$6 million annually is derived from the net increase of 736,571 new trial courthouse SF at a combined rate of \$8.10 per SF. The combined rate of \$8.10 per SF was derived from updating the 2017 IFMA rate of \$6.90 using the latest IFMA rate for maintenance and escalating the rate for utilities using the US Bureau of Labor Statistics, Consumer Price Index. Page 4 of this concept presents this calculation in Table 1 and the basis for the net SF increase to the JCC portfolio in Tables 2-4.

Because need exceeds O&M funding, Judicial Council staff maintain facilities in a run-to-failure environment that focuses exclusively on projects that respond to failed building systems. This run-to-failure environment results in otherwise avoidable disruptions to court operations because needed renewals of building systems are not timely performed. Court operations are affected by issues such as HVAC (heating, ventilation, and air conditioning) system failures, electrical service outages, and facility closures resulting from water leaks. Without an adequate O&M budget to perform preventative maintenance, these critical systems will continue to fail, interrupt court operations, and limit the public's access to justice.

Impact of Denial of Proposal

Denial of this proposal will result in draining already limited CFTF resources for increases in O&M owing to new courthouse construction, with new facilities also maintained in a run-to-failure environment.

Outcomes and Accountability of Proposal

The Trial Court Facility Advisory Committee oversees court facility maintenance and repairs that must be performed periodically throughout the life of a facility to keep the building, equipment, and utilities infrastructure in a condition adequate to support its designed level of service. Broad oversight of the entire existing facility management program under one advisory committee helps ensure that the various aspects of the program are coordinated and are as cost-effective as possible. Critical to this effort is annual O&M funding that eliminates draining already limited CFTF resources.

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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: *Pella McCormick*

Contact Name: Pella McCormick, Director

**Judicial Branch
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Table 1: Annual O&M Costs for New Trial Court Facilities

O&M Cost Component	Average Cost per SF	Net New Portfolio SF	Annual Operating Cost
Maintenance	\$4.51	736,571	\$3,321,935
Utilities	\$3.59	736,571	\$2,644,290
		Total	\$5,966,225

Table 2: Square Footage Summary for New Trial Court Facilities

Table SF	Total Square Feet (SF)
Table 3: New Courthouse Construction Projects	1,232,464
Table 4: Buildings Replaced by New Courthouse Construction Projects	495,893
Total Net SF Increase to JCC Portfolio	736,571

Table 3: New Courthouse Construction Projects

#	County	Bldg. ID	Capital Project Name	Current Phase	Construction End	Gross Square Feet
1.	Siskiyou	47-H1	New Yreka Courthouse	Completed	June 2021	67,459
2.	Tuolumne	55-D1	New Sonora Courthouse	Completed	August 2021	60,800
3.	Imperial	13-G1	New El Centro Courthouse	Construction	June 2022	46,810
4.	Shasta	45-E1	New Redding Courthouse	Construction	June 2022	166,887
5.	Glenn	11-A1	Renovate and Addition to Willows Courthouse	Construction	August 2022	41,867
6.	Sacramento	34-I1	New Sacramento Criminal Courthouse	Construction	November 2023	543,437
7.	Sonoma	49-H1	New Hall of Justice	Construction	December 2023	167,147
8.	Riverside	33-C5	New Indio Juvenile and Family Courthouse	Construction	February 2024	53,047
9.	Riverside	33-F2	New Menifee Justice Center	Construction	March 2024	85,010
					Total	1,232,464

Table 4: Buildings Replaced by New Courthouse Construction Projects

#	County	Bldg. ID	Replaced Building Name	Capital Project Name	Planned Transaction Type	Court Exclusive Square Feet
1.	Siskiyou	47-A1	Siskiyou County Courthouse	New Yreka Courthouse	Equity Release	9,449
2.	Imperial	13-E2	Brawley Court	New El Centro Courthouse	Equity Release	5,897
3.	Shasta	45-A1	Main Courthouse	New Redding Courthouse	Equity Release	20,005
4.	Shasta	45-A2	Justice Center	New Redding Courthouse	Equity Release	9,807
5.	Shasta	45-A7	Courthouse Annex	New Redding Courthouse	Equity Release	20,261
6.	Shasta	45-C1	Juvenile Hall	New Redding Courthouse	Equity Release	1,127
7.	Glenn	11-A1	Historic Courthouse	Renovate and Addition to Willows Courthouse	JCC Retains Title	22,330
8.	Sacramento	34-A1	Gordon Schaber Sacramento Superior Court	New Sacramento Criminal Courthouse	Sale	291,083
9.	Sacramento	34-A7	OCIT	New Sacramento Criminal Courthouse	Equity Release	4,817
10.	Sonoma	49-A1	Hall of Justice	New Hall of Justice	Equity Release	58,099
11.	Sonoma	49-A2	Main Adult Detention Facility	New Hall of Justice	Equity Release	11,204
12.	Riverside	33-C3	Indio Juvenile Court	New Indio Juvenile and Family Courthouse	Sale	15,303
13.	Riverside	33-F1	Hemet Courthouse	New Menifee Justice Center	Equity Release	26,511
					Total	495,893

**Judicial Branch
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 (4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	San Diego Hall of Justice Facility Modernization
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Proposal Summary

The Judicial Council of California (JCC) requests \$27.1 million one-time General Fund over the next three fiscal years to support the JCC’s estimated share of the total cost to modernize the San Diego Hall of Justice (HOJ). Funding includes \$11 million in 2023–24, \$8 million in 2024–25, and \$8 million in 2025–26.

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)
2023-24	GF			\$11,000,000		\$11,000,000
2024-25	GF			\$8,048,000		\$8,048,000
2025-26	GF			\$8,048,000		\$8,048,000
2026-27						
2027-28						
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	
					One-Time	\$27,096,000

Problem or Issue

This project will alleviate existing deficiencies by completing all major systems maintenance to modernize the HOJ. The building will be comfortable, safe, and reliable in continuing to serve the public. All facility improvements will be made to the benefit of the state, JCC, superior court, County of San Diego, and the public, allowing the court’s judicial officers and staff to operate under safer and more reliable conditions.

The HOJ is located in the city of San Diego and serves the county’s central region for the Superior Court of San Diego County. The HOJ is a 14-story high-rise building, with three underground levels for parking, and is approximately 525,400 SF in size. The building was constructed in 1996 and is owned and managed by the County of San Diego. Linked by a pedestrian bridge to the court’s Central Courthouse, the HOJ houses 16 courtrooms for civil matters, including small claims, unlawful detainers, and civil restraining orders. It provides other public services such as a self-help center. The court occupies approximately 40 percent of the space in the building, and the remaining space is occupied by various county justice agencies, such as the Office of the District Attorney and the

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Probation, Sheriff, Child Support Services, and Health and Human Services departments. Owing to the HOJ's age, the County of San Diego has proposed a multi-year facility modernization. By 2023–24, all major building systems will be at or beyond their useful life. This project involves all major systems maintenance to modernize the building, for it to be comfortable, safe, and reliable in continuing to serve the public. The total estimated cost of the project is \$67.3 million. The JCC occupies 40.24 percent of this facility per the Joint Occupancy Agreement executed with the county. Based on this percentage, the JCC's share of the total project cost is estimated at \$27.1 million, which is to be paid over three fiscal years, starting with 2023–24. Based on occupying 59.76 percent of the facility, the county's share of the total project costs is estimated at \$40.2 million, which is also to be paid over three fiscal years.

The JCC has a contractual obligation to commit these funds to this project; but and owing to the complexity of the scope, it has no available financial resources. The JCC's budget for its entire facility modification (FM) program is limited to \$65 million annually, and therefore, the commitment of the entire share from the annual FMs program budget, or a portion of it over multiple fiscal years, is infeasible, as it will restrict funds earmarked for emergency FMs statewide.

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 judicial officers. Facilities Services administers a portfolio of approximately 450 facilities. The portfolio includes a variety of building types including courthouses, detention facilities, 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, which could otherwise be applied to much needed facility repairs across the portfolio.

Outcomes and Accountability of Proposal

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

Required Review/Approval

Trial Court Facility Modification Advisory Committee

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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: *Pella McCormick*

Contact Name: Pella McCormick, Director

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Court Facilities Advisory Committee
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Proposal Title	Trial Court Capital-Outlay Funding: 2023–24 through 2026–27
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Proposal Summary

The Judicial Council of California (JCC) requests \$393 million one-time General Fund in 2023–24 for seven trial court capital-outlay projects and \$5 million annually thereafter, to provide the necessary resources for project assessments/program support. This request is based on projects in the 2022-23 California Five-Year Infrastructure Plan (on page 4 of this report) and includes funding for the Nevada City Courthouse project. A total request of \$3.3 billion is proposed over four years of initial and/or continuing phases for 20 projects plus assessments/program support.

Does this proposal require a statutory change? Yes No

Estimated Cost (Rounded to thousands) *

Fiscal Year	Fund Source	Operating Expenses & Equipment	Capital Outlay	Total	
2023-24	GF	\$5,000,000	\$387,678,000	\$392,678,000	
2024-25	GF	\$5,000,000	\$1,631,003,000	\$1,636,003,000	
2025-26	GF	\$5,000,000	\$478,148,000	\$483,148,000	
2026-27	GF	\$5,000,000	\$766,472,000	\$771,472,000	
				4 Year Total	\$3,283,301,000
				Ongoing	\$5,000,000
				One-Time	\$3,283,301,000

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

Problem or Issue

This JCC courthouse construction program funding request is part of the five-year \$3.4 billion Governor’s Infrastructure Capital Funding Plan presented in the California Five-Year Infrastructure Plan for 2022–23. This plan determines the funding priority for projects from the JCC’s Statewide List of Trial Court Capital-Outlay Projects. 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.

For 2023-24, the JCC proposes an investment of \$393 in the JCC courthouse construction program. The focus of this investment is both programmatic and administrative, with funding strategies to build

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needed capacity and provide oversight. The \$393 million investment includes \$238 million for the 6 projects in the Governor’s funding plan (on page 4 of this report) plus \$150 million for the Nevada City Courthouse project and \$5 million for project assessments/program support. The \$5 million ongoing portion of this request will provide resources for project assessments such as confirmation of scopes, schedules, and budgets and program support such as development of policies and standards.

Background/History of Problem

In 2002, the responsibility of California’s courthouses shifted from the counties to the state under the Trial Court Facilities Act (Sen. Bill 1732; Stats. 2002, Ch. 1082). With this shift, the JCC began to address the shortage of space, antiquated facilities, and inadequate infrastructure that threaten the ability of the justice system to accommodate the needs of residents and businesses. Addressing the state’s aging and deficient court buildings with substantial long-term funding required to renovate, replace, and create new court facilities has been critical. This continued support for the JCC’s courthouse construction program is evident by the Governor’s funding plan for 2022–23 (on page 4 of this report)—which proposes funding for 21 projects from the JCC’s Statewide List of Trial Court Capital-Outlay Projects over the next five fiscal years.

Funding for the Nevada City Courthouse project is needed as the project’s study—to compare the merits and disadvantages of options for the Nevada Court in Nevada City—is completed by the end of 2021–22. Senate Bill 1407 (Stats. 2008, ch. 311), authorized up to \$5 billion in lease revenue bonds to fund critically needed new and renovate court facilities in the state. The Nevada County Courthouse project was ranked as an immediate need making it a high priority for funding.

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 causes trial courts to continue to operate from facilities with deficiencies that hinder service to the public.

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 JCC’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, and Diversity
Goal IV: Quality of Justice and Service to the Public
Goal VI: Branchwide Infrastructure for Service Excellence
Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

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(4 Page Maximum Length)**

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: Pella McCormick, Director

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Governor’s Budget for FY 2022–23

2022 Infrastructure Capital Funding Plan

(Dollars in Thousands)

Judicial Branch	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	Total
<u>Judicial Branch</u>						
Mendocino County - New Ukiah Courthouse	127,213 B	0	0	0	0	127,213
Butte County - Juvenile Hall Addition and Renovation	3,193 C	0	0	0	0	3,193
San Bernardino County - Juvenile Dependency Courthouse Addition and Renovation	721 W	7,811 C	0	0	0	8,532
Fresno County - New Fresno Courthouse	21,158 A	18,114 D	710,097 B	0	0	749,369
Solano County - New Solano Hall of Justice (Fairfield)	21,408 AD	0	243,715 B	0	0	265,123
Los Angeles County - New Santa Clarita Courthouse	53,050 AD	0	466,122 B	0	0	519,172
Plumas County - New Quincy Courthouse	7,063 AD	0	93,402 B	0	0	100,465
San Luis Obispo County - New San Luis Obispo Courthouse	29,169 A	0	6,605 D	256,121 B	0	291,895
Monterey County - New Fort Ord Courthouse	0	135,964 B	0	0	0	135,964
Los Angeles County - New West Los Angeles Courthouse	0	67,487 AD	0	16,604 D	659,591 B	743,682
Kern County - New Mojave Courthouse	0	5,559 AD	0	81,148 B	0	86,707
San Joaquin County - New Tracy Courthouse	0	2,743 D	45,390 B	0	0	48,133
Lake County - New Clearlake Courthouse	0	0	4,464 AP	0	1,511 W	5,975
Placer County - New Tahoe Area Courthouse	0	0	6,646 AD	0	44,190 B	50,836
Los Angeles - New Inglewood Courthouse	0	0	54,562	0	13,381 D	67,943
Orange County - New Orange County Collaborative Courthouse	0	0	0	20,385 AD	0	20,385
Contra Costa County - New Richmond Courthouse	0	0	0	18,781 AD	0	18,781
San Francisco County - New San Francisco Hall of Justice	0	0	0	85,109 AD	0	85,109
Placer County - New Placerville Courthouse	0	0	0	0	11,171 AD	11,171
Santa Barbara County - New Santa Barbara Criminal Courthouse	0	0	0	0	5,803 D	5,803
Los Angeles County - New Van Nuys Courthouse	0	0	0	0	30,825 D	30,825
Judicial Branch Total	\$262,975	\$237,678	\$1,631,003	\$478,148	\$766,472	\$3,376,276

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

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Judicial Council Information Technology
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Proposal Title	Branchwide Information Technology (IT) Modernization (Placeholder for budget change proposal that is included in the 2022-23 Governor’s Budget, but funding is not yet approved through the legislative process.)
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Proposal Summary

The Judicial Council of California (JCC) requests 27.0 positions and \$34.5 million General Fund in 2023-24; 42.0 positions and \$38.5 million General Fund in 2024-25; 50.0 positions and \$40.1 million General Fund in 2025-26; and a total of 50 positions and \$40.0 million ongoing funding to support judicial branch modernization efforts for the 58 trial courts, six appellate courts, and the Supreme Court. The funds will be used for the recruitment of management, project management, engineers, development architects, and security staff positions as well as for court modernization efforts to provide physical, remote, and equal access to justice.

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)
2023-24	GF	27.0	6,372,000	28,161,000		34,533,000
2024-25	GF	42.0	9,358,000	29,161,000		38,519,000
2025-26	GF	50.0	10,846,000	29,161,000		40,007,000
2026-27						
2027-28						
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	40,007,000
					One-Time	0

**Judicial Branch
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Problem or Issue

The judicial branch was provided one-time funding of \$25 million each year in 2020-21 and 2021-22 for trial court modernization efforts. The focus of the use of these funds was based on the immediate needs triggered by the pandemic and the current state of trial court operations. This request is for permanent, ongoing funding for the full judicial branch including trial courts, Courts of Appeal, and the Supreme Court to meet the goals of the digital court and implement and maintain its Judicial Branch Modernization Programs.

Current 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.

Without permanent funding, it will be difficult for many courts to achieve the goals of the digital court. Even with established, on-going modernization funding, it will take a minimum of 10 years to achieve the Digital Court objective outlined in the Judicial Branch Strategic and Tactical Plans for Technology.

Another key challenge with the initial, one-time funding is that these funds were designated for trial court modernization and branch modernization that benefit the trial courts. Significant modernization efforts are also needed throughout the branch, including the Supreme Court and the Courts of Appeal. Permanent, on-going funding would be used to implement and maintain technology solutions that have been investigated, designed, and prototyped to date and provide the necessary permanent positions and funding for the following Judicial Branch Modernization Programs:

1. Implementation of the Judicial Branch Information Security Office
2. Modernization of Appellate and Supreme Courts to align with the California Courts Connected Framework
3. Modernization of Trial Courts to align with the California Courts Connected Framework
4. Judicial Branch Modernization Initiatives to align with the California Courts Connected Framework
5. Modernization Program Annual Project Allocation

The goal of these programs would be to continue to enhance judicial branch modernization efforts and bridge the gap between branch modernization initiatives and individual court initiatives.

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Background/History of Problem

The judicial branch received one-time funding of \$25 million each year in 2020-21 and 2021-22 for trial court modernization to benefit the public. It is important to note that the Courts of Appeal and Supreme Court were not included in this modernization funding. For the trial courts, the Judicial Council Technology Committee (Technology Committee) conducted extensive outreach to all the courts to determine a roadmap for technology initiatives to improve access to justice. A survey conducted in 2020, which included responses from all 58 counties provided insights on the immediate needs of the trial 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 by the courts' responses included Digital Evidence and Notification & Messaging solutions. The survey also indicated that most of the courts are just beginning their journey to implement these technology solutions. The first year (2020-21) of the Modernization Funding focused on advancing these top priorities for the trial courts. By analyzing the survey results, 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 became clear, however, there is a significant range 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, and assisting courts in their implementation journey was needed to ensure success. The Technology Committee also recognized the need for funding branch initiatives that align with the Chief Justice's vision for Access 3D: Physical, remote, and equal access. In preparation for the second year (2021-22) of the Modernization funding, the Technology Committee worked with the courts on their roadmap and implementation strategies for using technology to modernize their operations and provide better access to the public and court users.

As a result, the Technology Committee introduced a new framework to assist courts on their journey to the Access 3D, entitled 'California Courts Connected Court 3D' and creating a roadmap for their court to achieve the goals in the Strategic Plan for technology by leveraging technology solutions that are Physical, Remote, and Equal. This framework brings together all the required technologies that individual courts can leverage to achieve the Chief Justice's vision of Access 3D and achieve the branch goals in the Strategic and Tactical Plans for Technology.

As part of the 2021-22 funding allocation, the courts completed a technology inventory to assist them in determining where they were within the framework to determine where resources should be dedicated, and priorities set. During this round of funding, 201 projects were requested by the trial courts. Based on court priorities and available funding, it would take three years to fulfill the 2021-22 requests. Furthermore, after reviewing the Court 3D California Courts Connected Inventory (a self-

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assessment of each court's current technology profile), these are only a portion of the actual needs for courts to achieve the California Courts Connected Court 3D model and the Chief Justice's vision for Access 3D: Physical, remote, and equal.

Although the initial two years of funding has been critical in pushing the judicial branch toward achieving the digital court, the funding did not include critical areas of the branch that require modernization, specifically, the Supreme Court and the Courts of Appeal or the permanent staff required to support, oversee, and manage these new modernization efforts as they are implemented and maintained. 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 and appellate courts, the California Courts Connected Court 3D model will take many years to accomplish and will also need the flexibility to evolve as technology evolves.

Considering the current resources, the reality is that without permanent, ongoing funding and staff, many of the courts will be unable to achieve many of the goals established in the digital court framework. Without permanent, ongoing funding, many of the branchwide programs including security, language access, remote services, and digital and online services would need to end and other initiatives that have begun could not be further implemented and maintained.

Impact of Denial of Proposal

The one-time funding of \$25 million each year in 2020-21 and 2021-22 has provided initial funding for the larger roadmap for court modernization for the trial courts. While these funds have helped towards modernizing trial courts towards their digital court goals, without permanent funding, courts will not be able to implement their roadmaps and will come to a standstill in terms of modernization. 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 the trial courts, Courts of Appeal, the Supreme Court, and Judicial Council administration. Without permanent funding and resources, the full branch cannot make any more advances in IT modernization and will be unable to meet the goals of the digital court and implement and maintain its Judicial Branch Modernization Programs.

Outcomes and Accountability of Proposal

With the one-time 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: benefit the public, comply with branchwide policies and standards, be vetted and approved by the Technology Committee, fall into one of the Judicial Council approved categories, and have measurable outcomes reported quarterly to the Technology Committee. Each program category also has key requirements.

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Required Review/Approval

Information Technology Advisory Committee
Technology 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

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**

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Budget Advisory Committee
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Proposal Title	Trial Court Civil Assessment Maintenance of Effort
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Proposal Summary

The Judicial Council of California (JCC) requests \$48.3 million General Fund beginning in 2023-24 and ongoing to backfill civil assessment revenues from 38 of 58 trial courts that are currently funding base allocations due to a 2007 reduction in county Maintenance of Effort (MOE) payments that was not backfilled.

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)
2023-24	GF				\$48,300,000	\$48,300,000
2024-25	GF				\$48,300,000	\$48,300,000
2025-26	GF				\$48,300,000	\$48,300,000
2026-27	GF				\$48,300,000	\$48,300,000
2027-28	GF				\$48,300,000	\$48,300,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$48,300,000
					One-Time	

Problem or Issue

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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, and each time the reduction to the MOE was replaced by a corresponding 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 an offset of 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 JCC policy. The remaining 20 courts receive the full amount of civil assessment revenue assessed in their court. The 38 courts obligated with an MOE payment do not receive any civil assessment revenue unless they first meet their MOE threshold. Upon meeting their threshold, these courts would receive the difference in civil assessment revenue, if any; 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, thus contributing to 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 \$1.2 million. Over the next several years, county MOE obligations were adjusted further by 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 courts' 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 JCC 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 2020-21, 27 of the 38 courts contributing to the MOE buyout received revenue back in the amount of \$25 million. This amount would have increased to \$56 million for the 38 courts without the MOE obligation.

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. Currently, the state's TCTF backfill policy would backfill any shortfall for the annual

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\$48.3 million MOE. The average of 2017-18 and 2018-19 actual civil assessment receipts (prior to the COVID-19 pandemic), is \$103 million, including the annual \$48.3 million MOE obligation.

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

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

Required Review/Approval

Trial Court Budget Advisory Committee

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

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

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Budget Advisory Committee
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Proposal Title	Trial Court Workload Formula Gap Funding to 100 Percent
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Proposal Summary

The Judicial Council of California (JCC) requests \$544.2 million General Fund beginning in 2023-24 and ongoing to fund all trial courts to 100 percent of their Workload Formula need.

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)
2023-24	GF	0	0	0	544,155,000	544,155,000
2024-25	GF	0	0	0	544,155,000	544,155,000
2025-26	GF	0	0	0	544,155,000	544,155,000
2026-27	GF	0	0	0	544,155,000	544,155,000
2027-28	GF	0	0	0	544,155,000	544,155,000
*Please include all costs associated with request including costs for other offices and courts.					<i>Ongoing</i>	544,155,000
					<i>One-Time</i>	

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 JCC, serves as the basis for the workload-based funding and adjustments. The estimated statewide average for Workload Formula funding for 2021-22 is 80.4 percent and is as low as 73 percent for the lowest funded court. Funding courts to 100 percent of their measured workload need would address inequities in funding, improve the quality of service for court users, and increase access to justice.

The 2022-23 Governor’s Budget includes \$215.4 million for trial courts (\$100 million to address funding equity, \$84.2 million for a 3.8 percent Consumer Price Index adjustment, and \$39.1 million for additional judgeships). If these proposals are included in the final 2022-23 enacted budget, the estimated cost of this budget concept would be reduced accordingly.

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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 JCC, the courts undertook the development of the Workload Formula to determine the resource needs of the trial courts based on the number of annual filings and weighting factors applied to each kind of filing. The JCC 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 determining 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 JCC continue working to address remaining inequities across the spectrum of courts. The last time equity funding was received was in 2018-19 when the Budget Act of 2018 included \$47.8 million to be allocated to trial courts that were below 76.9 percent of their overall Workload Formula need. The intention was to equalize funding among courts by bringing courts that were below the statewide average funding level up to the average.

Despite efforts to achieve equity in funding related to workload, trial courts are still not fully funded.

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The public’s right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The requested \$544.2 million General Fund would bring all trial courts in the state to 100 percent of their measured workload need and align with overarching judicial branch priorities and goals of equity, fairness, and parity.

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 would continue to experience difficulties in providing quality services and responding to the diverse needs of court users.

Outcomes and Accountability of Proposal

The funding would be provided to 44 of the 58 trial courts and would assist the courts in enhancing service levels to the public in a variety of aspects. If additional workload-based funding is provided, the trial courts would 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.

This request would continue to ensure stability of funding and progress towards equity of funding for the trial courts. It supports the judicial branch’s goal of providing 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

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Budget Advisory Committee
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Proposal Title	Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index) and Catch Up
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Proposal Summary

The Judicial Council of California requests \$458.7 million General Fund in 2023-24 to address general inflationary cost increases for trial courts based on the Consumer Price Index (CPI), of which \$255.1 million is one-time General Fund for a retroactive catch-up adjustment for 2020-21, 2021-22, and 2022-23. Beginning in 2024-25 and annually thereafter, an automatic CPI adjustment would be calculated and added to trial court budgets.

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)
2023-24	GF	0	0	0	458,745,000	458,745,000
2024-25	GF	0	0	0	274,492,000	274,492,000
2025-26	GF	0	0	0	345,378,000	345,378,000
2026-27	GF	0	0	0	416,263,000	416,263,000
2027-28	GF	0	0	0	487,148,000	487,148,000
Cost analysis based on current CPI factors, with the 2025-26, 2026-27, and 2027-28 amounts estimated at an annual increase of 3.2% (consistent with the 2024-25 fiscal year). The one-time amount represents a retroactive catch up of inflationary cost increases for 2020-21, 2021-22, and 2022-23.					Ongoing	487,148,000 plus additional \$70-\$80M each consecutive year
					One-Time	255,138,000

Problem or Issue

Trial courts must support their infrastructure and baseline business costs, for which there is currently no ongoing annual inflationary adjustment, to account for cost of doing business increases. 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.

Due to rising inflation, courts are currently facing steep price increases that put further pressure on limited operating budgets and reduce their purchasing power. The CPI climbed 7 percent in 2021, the

Judicial Branch
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largest 12-month gain in the United States since June 1982, according to national Labor Department data.

Background/History of Problem

In 1998, the Lockyer-Eisenberg Trial Court Funding Act 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 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 judicial branch to support the trial courts, Government Code section 77202 authorizes the use of 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 and as specified.

Costs related to various areas of operation such as 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 trial court operations. 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 annual inflationary factor to account for ongoing and regular cost increases experienced by trial courts when procuring and providing these services.

The 2021-22 Budget Act included \$72.2 million General Fund for a 3.7 percent CPI adjustment to address inflationary cost increases. In addition, the 2022-23 Governor's Budget includes \$84.2 million General Fund for a second year CPI adjustment of 3.8 percent. If this proposal is included in the final 2022-23 enacted budget, this budget concept would be revised accordingly.

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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 discretionary, 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 health issues.

Outcomes and Accountability of Proposal

The CPI percentage change would be applied to each trial court's Workload Formula allocation, 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 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 II: Independence and Accountability
Goal III: Modernization and Management of Administration
Goal VII: Adequate, Stable, and Predictable Funding 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: *Fran Mueller*

Contact Name: Oksana Tuk

**Judicial Branch
 2023-24 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Budget Advisory Committee
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Proposal Title	Trial Court Civil Assessment Revenue Shift and Backfill
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Proposal Summary

The Judicial Council of California (JCC) requests \$55 million General Fund beginning in 2023-24 to transition the deposit of civil assessment revenues into the General Fund instead of the Trial Court Trust Fund (TCTF) after \$48.3 million for the Maintenance of Effort (MOE) shortfall has been fulfilled.

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)
2023-24	GF				\$55,000,000	\$55,000,000
2024-25	GF				\$55,000,000	\$55,000,000
2025-26	GF				\$55,000,000	\$55,000,000
2026-27	GF				\$55,000,000	\$55,000,000
2027-28	GF				\$55,000,000	\$55,000,000
*The estimated cost of this proposal is offset by the amount of civil assessment revenue collected by the courts that would be deposited into the General Fund.					<i>Ongoing</i>	\$55,000,000
					<i>One-Time</i>	

Problem or Issue

Declining and fluctuating civil assessment revenues adversely impact the trial courts' ability to plan proactively and maintain current service levels, risking the quantity and quality of court services to the public. Predictable funding is necessary to promote statewide equal access to justice for the people of California, utilizing a method that is not dependent on the collection of civil assessments while the Judicial Council continues to pursue its policy goals of achieving a more equitable fines and fees system.

In addition, under current civil assessment statute, there is a perceived conflict of interest between the imposition of the civil assessment by a court and the funding a court receives. This proposal would address the ongoing decline in civil assessment revenue, improve public trust by eliminating any perception that courts are imposing fines and fees to help their court specifically, and provide stable and reliable funding for court operations.

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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 \$1.2 million. Over the next several years, county MOE obligations were adjusted further by AB 1590 (Stats. 1998, Ch. 406), AB 2788 (Stats. 1998, Ch. 1017), SB 815 (Stats. 2007, Ch. 383), and finally 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 courts' base allocations.

To ensure that court operations would be held harmless by this action, 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 JCC withholds \$48.3 million from civil assessment revenue collected by 38 of the courts before distributing the remainder back to the courts on a dollar-for-dollar basis. The \$48.3 million retained from civil assessments to make up the MOE shortfall is then allocated back to the trial courts based on the authorized allocation methodology to support court operations.

Legislative changes have impacted civil assessment revenue. SB 405 (Stats. 2015, Ch. 385) amended Penal Code (PC) section 1214.1 and did not require a defendant to pay prior to scheduling a court hearing. It also allowed defendants an additional 10 days to appear in court. Additionally, the ability to collect civil assessments during amnesty was eliminated. SB 847 (Stats. 2018, Ch. 45) added Vehicle Code section 40280 which allows courts to reduce, waive, or suspend civil assessments based on an ability-to-pay determination.

Pursuant to Penal Code (PC) section 1214.1, courts are authorized to assess up to a \$300 penalty against a defendant who fails to appear in court for a proceeding or fails to pay all or any portion of a fine ordered by the court. This assessment is deposited in the TCTF as provided in Section 68085.1 of the Government Code. Civil assessment revenues have been declining in recent years. To the extent the 38 courts are not able to satisfy the annual \$48.3 million MOE, the difference is made whole as part of the state's TCTF backfill policy. In 2019-20, \$96.8 million was collected, of which \$54 million was the net amount available to applicable courts after MOE payments by the courts. In 2016-17, \$111.8 million was collected, of which \$67.2 million was the net amount after court MOE payments.

As displayed in the following table, civil assessment revenue has declined by approximately 13 percent over the four-year period from 2016-17 to 2019-20, representing a loss of \$14.9 million in revenues that support trial court operations.

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Historical Civil Assessment Revenue				
Description	2016-17	2017-18	2018-19	2019-20
Civil Assessment	\$111,750,000	\$104,660,000	\$102,437,000	\$96,817,000
MOE Offset from Courts	(44,550,000)	(44,334,000)	(46,109,000)	(42,796,000)
Net Civil Assessment	\$67,200,000	\$60,326,000	\$56,328,000	\$54,021,000
MOE Offset from TCTF	(3,753,000)	(3,969,000)	(2,194,000)	(5,507,000)
Total MOE Offset	(48,303,000)	(48,303,000)	(48,303,000)	(48,303,000)

This 2023-24 funding request of \$55 million was calculated using \$103 million, which is the average of 2017-18 and 2018-19 actual civil assessment receipts, reduced by the \$48.3 million MOE obligation.

The 2022-23 Governor’s Budget includes \$50 million General Fund to backfill civil assessment fee revenue loss due to a proposed reduction in the civil assessment from \$300 to \$150. If this proposal is included in the enacted 2022-23 budget, this concept would be revised accordingly.

Impact of Denial of Proposal

Denial of this proposal would keep the current structure of civil assessment deposits in place, which would adversely impact court operations and erode service levels for court users as these revenues continue to decline.

Outcomes and Accountability of Proposal

This proposal would provide the trial courts a consistent appropriation of \$55 million General Fund to the TCTF to support court operations in exchange for all civil assessment revenue being deposited to the General Fund. The trial courts would receive stable and reliable funding to help manage equality in administering justice and the General Fund is better suited to sustain the variability of the unpredictable civil assessment revenue stream rather than the TCTF. All trial courts would benefit from these reliable resources and the trial court allocations would still be appropriated by the Judicial Council.

Required Review/Approval

Trial Court Budget Advisory Committee

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

Goal I: Access, Fairness, and Diversity

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

**Judicial Branch
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Requesting Entity	Administrative Presiding Justices Advisory Committee
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Proposal Title	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 \$8.93 million General Fund in 2023-24; \$8.76 million General Fund in 2024-25; and \$8.76 million General Fund ongoing to support new workload and costs associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 (Prop 66) in the Courts of Appeal including appointed counsel, investigation, records storage, and technology upgrades.

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)
2023-24	GF	14.5	\$3,993,000	\$4,932,000	\$0	\$8,925,000
2024-25	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
2025-26	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
2026-27	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
2027-28	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$8,759,000
					One-Time	\$166,000

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 will be appealed in each year beginning in fiscal year 2023-24. 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. The Courts of Appeal cannot absorb the new workload from the superior courts. 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

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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, a full-time equivalent (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, estimated at 38 cases, will be appealed in each year for years beginning in 2023-24; 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 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. However, the Courts of Appeal cannot assume 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 2025-26.

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 (i.e., 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 Prop 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 includes one supervising appellate court attorney, 11.5 senior appellate court attorneys, and two judicial assistants.

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Impact of Denial of Proposal

The Courts of Appeal does not have the funding and staff resources to address the new workload resulting from the passage of Prop 66. If funding is not provided to the Courts of Appeal, all habeas corpus petitions related to capital convictions appeals will be delayed. In addition, the superior 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 four months of staffing time to review and prepare. These impacts delay the process of justice, which is precisely the opposite of what the proponents of Prop 66 and, by extension, the majority of Californians supported when Prop 66 was passed.

Outcomes and Accountability of Proposal

With approval of this proposal, the Courts of Appeal will have the funding resources 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 funding and staff resources to support the new workload and other costs to adequately address the appeals and the costs associated with the implementation of Prop 66 including appointed counsel, investigation, records storage, and technology upgrades. 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

Goals IV: Quality of Justice and Service to the Public

Goals 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

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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: *Laura Speed*

Contact Name: Deborah Collier-Tucker

**Judicial Branch
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Requesting Entity	Administrative Presiding Justices Advisory Committee
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Proposal Title	Appellate Court Security
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Proposal Summary

The Judicial Council of California (JCC) is requesting \$1.29 million General Fund in 2023-24 and ongoing to provide four necessary California Highway Patrol Judicial Protection Section (CHP-JPS) officers for four single-officer courthouses of the state appellate 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)
2023-24	GF	4.0	\$1,174,000	\$118,000	0	\$1,292,000
2024-25	GF	4.0	\$1,174,000	\$118,000	0	\$1,292,000
2025-26	GF	4.0	\$1,174,000	\$118,000	0	\$1,292,000
2026-27	GF	4.0	\$1,174,000	\$118,000	0	\$1,292,000
2027-28	GF	4.0	\$1,174,000	\$118,000	0	\$1,292,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$1,292,000
					One-Time	0

Problem or Issue

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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. 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) the courthouse facilities including the approximately 900 judicial branch employees and members of the public using those facilities including monitoring video surveillance, walking the grounds, and responding 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, presenting a vulnerability to court security operations.

Background/History of Problem

In a 2010 study, the National Center for State Courts 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.

In 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.

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

In 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 Esther 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.

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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.

In January 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, and set up along the perimeter of the building.

Also in early 2021, a Federal Bureau of Investigations 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 minimum level of requested police protective services; will lack the needed officers to secure judicial events, conferences, outreach activities and other protective service detail operations; 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-directed violent 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 and 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

This proposal would 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 would 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. This proposal will also 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
Choose from drop down, advisory bodies who should review this proposal.

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

Goal VI: Branchwide Infrastructure for Service Excellence
Goal VII: Adequate, Stable, and Predictable Funding 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 would 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 JCC's Strategic Plan. Justices, judicial branch employees, and members of the public would 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: *Laura Speed*

Contact Name: Deborah Collier-Tucker

**Judicial Branch
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Requesting Entity	Habeas Corpus Resource Center
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Proposal Title	HCRC Case Team Staffing and Establishment of Los Angeles Office
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Proposal Summary

The Judicial Council of California requests 70.0 FTE positions and \$14.6 million General Fund, including \$450,000 in one-time funding, for the Habeas Corpus Resource Center (HCRC) to be implemented over three years: 30.0 positions and \$7.1 million General Fund, including \$450,000 in one-time funding, in 2023-24; 50.0 positions and \$10.9 million General Fund in 2024-25, and 70.0 positions and \$14.6 million General Fund ongoing effective in 2025-26; to address delays and backlogs of habeas cases.

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)
2023-24	GF	30.0	\$4,300,000	\$2,825,000		\$7,125,000
2024-25	GF	50.0	\$7,400,000	\$3,475,000		\$10,875,000
2025-26	GF	70.0	\$10,500,000	\$4,125,000		\$14,625,000
2026-27	GF	70.0	\$10,500,000	\$4,125,000		\$14,625,000
2027-28	GF	70.0	\$10,500,000	\$4,125,000		\$14,625,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$14,625,000
					One-Time	\$450,000

Problem or Issue

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As of February 2022, there are 362 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. 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. Although there is currently a moratorium on carrying out executions, judgments of death are still being imposed in California courts. Since March 13, 2019, when Governor Gavin Newsom signed Executive Order N-09-19 instituting the moratorium, there have been an additional 12 judgments of death imposed, adding to the backlog of cases without representation.

Consequently, this proposal begins to address the state’s need to find representation for the still increasing number of indigent inmates on death row. Of the 671 condemned inmates on death row, 362 or 54% of all condemned inmates have not been appointed habeas counsel. Of the 362, 73% or 264 inmates without habeas counsel have been waiting ten years or more. Astonishingly, 14 of these inmates have been waiting over 25 years for appointment of habeas 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. 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.

HCRC has been unable to accept new appointments at a rate sufficient to address the backlog because it is currently litigating 73 cases, including 20 cases in which the court has issued an Order to Show Cause requiring numerous work-intensive evidentiary hearings in the Superior Courts. This proposal seeks to further HCRC’s statutory mission to decrease the unrepresented inmates on death row. The proposal does this by expanding HCRC’s capacity to accept capital habeas corpus representation through measured growth in HCRC staff, creating up to 15 additional case teams to begin to address the backlog of men and women awaiting appointment of counsel. 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.

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, 33 attorneys, 19 investigators/litigation support assistants, 19

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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.

Two developments in recent years have substantially impacted habeas representation. In 2016, Proposition 66 was passed by the voters. This measure: (1) sought to expand the pool of qualified counsel willing and able to accept capital habeas corpus appointments, (2) transferred the authority for appointing counsel from the Supreme Court to the Superior Courts, and (3) reaffirmed 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 accelerate the timeline for habeas review in the Superior Courts. However, additional funding was not included in Proposition 66 to carry out its mandates. Only 4 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 addition, in March 2020, the California Department of Corrections and Rehabilitation (CDCR) began the Condemned Inmate Transfer Pilot Program (CTIPP), which allows eligible incarcerated persons in condemned housing to transfer out of condemned housing to other designated institutions and facilities that provide additional job placement opportunities. As of the end of February 2022, 116 condemned individuals had transferred out of condemned housing. In his fiscal year 2022-23 Budget the Governor has proposed making the CTIPP permanent.

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 given that only 4 new attorneys have so far been found to be able to take these extremely complex and specialized cases.

The transfer of condemned inmates has an impact on costs to the HCRC. Six of the seven designated institutions are outside the Bay Area and a number of those facilities are also in remote locations. This has increased travel costs (airfare + rental car + overnight accommodation) for client meetings and expert consultations with clients. There are also administrative/HR costs associated with increased demands on HCRC staff time. In the past, staff has been able to schedule multiple client visits in one day, but with clients located in various institutions throughout the state this is not feasible. Because many of these facilities are in the Southern half of California and the majority of cases that under Proposition 66 are to be transferred to the Superior Courts originated in Los Angeles, Orange, Riverside and San Bernardino Counties, the HCRC proposes hiring new cases teams based in an office to be set up 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 that will be addressed by this request will proceed.

Another impact of denial is that inmates who have yet to be appointed habeas corpus counsel will

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have also spent another year without representation because of a lack of investment by the state to expand capacity. The opportunity for condemned inmates to obtain judicial relief consistent with constitutional protections will continue to be delayed. As of 2020, only 116 of the more than 1000 people sentenced to death in California since 1978 have completed the postconviction review process in both state and federal court. Seventy of the 116 (60 percent) have received some form of post-conviction relief that invalidated the death judgments and resulted in their either being released or transferred to the general population. Moreover, nationwide approximately 4 to 6 percent of defendants condemned to death are found not guilty as a result of post-conviction proceedings, which in California conservatively represents 27 of the entire death row population and 15 of those waiting upwards of 25 years for appointment of habeas counsel who may be innocent.

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. The current 20+ year delay in appointment of counsel also increases the long-term incarceration costs of the death row population. Conservative estimates are that it costs \$90,000 per year more to house an inmate on death row rather than in the general population. If even half of the 362 unrepresented inmates on death row were to timely receive counsel and obtain relief consistent with the long-standing 40-year trends of penalty reversals, the state would realize a savings of \$16M dollars per year in incarceration savings alone.

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.

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

Gov. Code Section 68661

Approval

Tracking
Number: 23-18

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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: John A. Larson, Assistant Director

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Requesting Entity	Advisory Committee on Providing Access and Fairness
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Proposal Title	Self-Help Centers – Expanding In-Person, Remote and On-Line Services.
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Proposal Summary

The Judicial Council of California (JCC) requests 5.0 positions and \$27.428 million in General Fund in 2023-24 and \$27.371 million in 2024-25 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 two key initiatives (1) expanding self-help centers in courts to address unmet needs through in-person and remote services; and (2) providing 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) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	5.0	\$998,000	\$430,000	\$26,000,000	\$27,428,000
2024-25	GF	5.0	\$998,000	\$373,000	\$26,000,000	\$27,371,000
2025-26	GF	5.0	\$998,000	\$373,000	\$26,000,000	\$27,371,000
2026-27	GF	5.0	\$998,000	\$373,000	\$26,000,000	\$27,371,000
2027-28	GF	5.0	\$998,000	\$373,000	\$26,000,000	\$27,371,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$27,371,000
					One-Time	\$57,000

Problem or Issue

The 2021-22 Budget Act provides for continuation of \$19.1 million in funding for self-help centers until 2023-24, which began in 2018. That funding, with the on-going appropriation of 12.2 million, will enable the courts to continue to provide more than 1 million services a year to self-represented litigants. However, the courts have identified a need for \$74 million to fully fund self-help services. This BCP proposes to address this need by providing an additional \$26 million in direct funding to the courts, for a total of \$57 million, as an interim step to full funding as courts continue to innovate by providing hybrid services. This would be supplemented by state support for training, technical support and coordination for self-help centers, and increased legal educational resources for the public to enable the courts to use the funds as efficiently as possible – serving more litigants in more case types

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more effectively.

The “Impact of Self-Help Center Expansion in California Courts” (cost-benefit report) submitted to the Legislature in January 2020, describing the impact of the \$19.1 million in funding, documents that the 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.

This proposal would provide \$26 million in additional funding to the courts for self-help centers to enable them to provide both in-person and remote services to best meet the needs of the litigants, and to expand assistance in critical civil case types such as housing, consumer debt and small claims.

It would support those centers by providing education on civil legal issues and procedures for center staff so that they can address the more complicated questions that are raised by self-represented litigants and continue court coordination regarding effective service provision.

It would 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, including simplified forms and procedures.

Under this proposal, two new staff attorneys at the Judicial Council (JC) 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 case. Since many litigants will need to supplement on-line assistance with the ability to get more personalized assistance from a self-help center, the JC attorneys will also provide training and technical assistance to self-help centers on these issues. They will also work to develop simplified forms and procedures and informational materials to address common issues faced by self-represented litigants in civil case types.

Two analysts would be responsible for development of a new customer satisfaction tool to allow courts to have real time feedback on the services provided and to provide an opportunity for self-represented litigants to get information on next steps in their cases. Ongoing funding is requested for a software application to support this data collection effort. The analysts would be responsible for data quality assurance, data extraction and database management. They would also be responsible for

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tracking 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 analysts 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; support the databases developed by the attorneys and analyst; and provide administrative support for the contracting and invoicing process for the funds.

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. This will allow the public to do as much as possible on their own using on-line solutions supported by remote assistance from self-help center staff, saving time for the public, and allowing staff to provide more in-depth, in-person assistance for those that require that additional support. Centers can expand the types of legal problems they address to better meet community needs with statewide legal and technical support.

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 over \$300 per hour, this trend is expanding and increasing numbers that 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. These include significantly more complex procedures for eviction, restraining order and small claims debt cases.

As described in the cost benefit report, 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.

In response to the pandemic, courts adapted their service models to provide remote services – by phone, email, videoconferencing, live chat and other on-line services. As a result, courts were able to slightly increase the number of visits during the pandemic even though in-person services were dramatically reduced. However, courts report that they are unable to expand the numbers served without additional funding as many remote services take more time to provide than in-person assistance. For example, it is very hard to explain how to fill out specific lines on a form, or to review that form, by phone. Also, many litigants, including those with limited English, literacy or access to technology, have difficulty using on-line resources, making a hybrid approach optimal.

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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 Study. Courts will not be able to continue the expanded level of remote services and also address the needs of the public that needs in-person assistance due to language and technology barriers or the complexity of their issues. Self-represented 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

Expanded funding will allow more litigants to be served, in more case types and more effectively. Courts will be able to provide both remote and in-person services based on needs of the litigants. 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 will be used to document the usage of the websites and resources. A new customer satisfaction tool will be developed for self-help centers and on-line resources to collect expanded information on the outcomes of the services.

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, and Diversity
Goal III: Modernization and Management of 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*

Contact Name: **Bonnie Rose Hough**

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Requesting Entity	Judicial Council staff: Legal Services, Criminal Justice Services, Center for Families, Children & the Courts
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Proposal Title	Legal Support for Court Rules and User-Friendly Forms
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Proposal Summary

The Judicial Council of California (JCC) requests 12.0 positions and \$2,931,000 General Fund in 2023-24 and \$2,794,000 in 2024-25 and ongoing to fund the legal mandate to implement new laws through court rules and forms and provide user-friendly forms and tools that advance the Judicial Branch commitment to remove barriers to court access and case completion.

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)
2023-24	GF	12.0	\$2,502,000	\$429,000		\$2,931,000
2024-25	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
2025-26	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
2026-27	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
2027-28	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$2,794,000
					One-Time	\$137,000

Problem or Issue

The California Constitution charges the Judicial Council to “adopt rules for court administration, practice and procedure” (Art. VI, sec. 6). A significant element of adopting rules includes developing and maintaining court forms. Court forms are created or revised by the Judicial Council when mandated by the Legislature, in response to changes in the law, or when the council identifies a pressing public need to create or modify a form. Litigants use court forms to communicate details of their cases to the court. The superior courts are required to accept these statewide forms when they are filed. The number of newly mandated forms and forms requiring revision steadily increased from 88 in 2013 to 201 in 2020, an increase of 128 percent.

Need for Legal Subject Matter Experts

Legislation has also created a need for broader expertise in our attorney workforce, specifically in conservatorship, juvenile justice, domestic violence, family, small claims, unlawful detainer, criminal and traffic cases. The staff of Judicial Council offices responsible for forms in different subject areas use a consistent process defined in the council’s Forms Manual. All are experiencing a stream of new legislation that

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creates mandates for new court forms and have reached capacity in their function to analyze legislation, draft legally accurate forms in plain, understandable language, and incorporate comment from stakeholders and the public. Under-staffing rules and forms work undermines the Judicial Council’s responsibility to increase public access to the courts through legally accurate and accessible forms by the date required to timely implement new and amended legislation. Under-staffing rules and forms work also impacts other high value duties of legal staff. In the Center for Families, Children & the Courts and Criminal Justice Services nearly 90 percent of the attorney, analyst, and administrative coordinator full-time equivalent staff assigned to work on court forms have other full-time assignments. In Legal Services, although there are dedicated staff to support advisory committees, including developing rules and forms, current staffing is insufficient to keep up with the demand for new and amended rules and forms and a backlog of rules and forms work has developed. Rules and forms work, as part of the policy analysis and counsel to Judicial Council advisory committees, competes with other core legal assignments, including technical assistance and counsel to courts putting new requirements into practice; data analytics to guide decision-making; and multidisciplinary education for judges, court staff, and justice partners in self-help, housing and eviction, juvenile dependency, mental health, and other rapidly expanding program areas.

The Judicial Branch Strategic Plan commits the branch to removing all barriers to access and fairness for all litigants, including 4.3 million self-represented litigants who seek help in the courts every year. Traditionally, court forms were written for attorneys to complete, but often litigants cannot afford representation or face other access barriers such as limited English proficiency or disability. Estimated demand for assistance with court cases is substantial. The California Justice Gap study estimates that 71 percent of low-income household’s experience at least one legal problem every year. Without user-friendly, functionally accessible, and translated forms and resources, litigants in these cases confront barriers that will prevent them from benefitting from reforms or accessing justice at all.

Need for Forms Design and Accessibility Experts

The Judicial Council has incrementally developed, tested, and implemented processes for developing legally accurate, accessible resources, including forms and resources to address access barriers. The results have benefited litigants and courts alike. Today every court in the state has a Self-Help Center. The online California Courts Self-Help Center provides clear legal information in English and Spanish on hundreds of topics to 5,300,000 users annually, including 640,000 users of the Spanish version of the site. The online Self-Help Guide to the California Courts pairs this information with step-by-step instructions for case preparation, including information about when and how forms are to be used in this process. The Judicial Council also makes document assembly functionality available to the courts in limited areas where very complex or multiple forms are required for a filing. These applications guide a litigant through a series of questions and populate the full set of forms with consistent answers, providing the litigant with completed forms ready for e-filing or online document submission. Utilization increased from 49,000 in 2010 to 206,800 in 2018. Also in development is intelligent chat technology to assist users in navigating the court processes and to provide real-time support as they complete legal forms.

Currently, we have the capability to create court forms that are based on user testing, formatted so that litigants can fill them out easily and accurately, optimized into fillable “smart” forms so they can be easily filled out on

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the Judicial Council website, incorporating layouts that are accessible to the visually impaired, and translated into the most common languages spoken in California. The technology for increased access is available, but we lack the legal workforce to consistently provide legally accurate and plain language content that is aligned with rapidly changing legislation in a timely manner.

Background/History of Problem

The demand for court forms is high and rising. The top ten fillable court forms on the Judicial Branch website were downloaded a total of 2,031,000 times in 2020.

To adequately staff the development of all rules and forms proposals that are needed, and without impacting other necessary programs and work, will require approximately 12.0 additional full-time attorneys, analysts, and administrative support staff. The results of an analysis of the workload required to bring a form from legislation to public is below. The table shows the amount of time each of the different staff classifications are required to spend on a form.

Forms Workload	Supv. Atty	Attorney II	Senior Analyst	Admin Analyst	Coordinator	Total
	<i>Hours Required for Each Form</i>					
Legal analysis for need for form	1.0	2.0				3.0
Legal drafting pre public comment	6.0	12.0			4.0	22.0
Analyzing public comment	3.0	19.0	3.0	4.0	6.0	35.0
Final form proposal to Council	1.0	15.0	3.0	4.0	4.5	28.5
User Design	0.5		4.0	6.0	2.0	13.5
Accessibility modification and processing			4.0	9.0		13.0
Smart form review/processing			4.0	8.0	4.0	16.0
Manage forms library			3.0		1.0	4.0
Total	11.5	48.0	21.0	31.0	21.5	133
Total for Annual 155 Forms (see note)	1,783	7,440	3,255	4,805	3,333	20,615
Total Hours Required	1,783	7,440	3,255	4,805	3,333	20,615
Total Full Time Equivalent	1.0	4.0	2.0	3.0	2.0	12.0

The offices submitting this concept are collaborating with Information Technology on the Forms Project and anticipate that advanced forms technology and integration with e-filing and case management will create additional workload in legal review and forms processing for the team shown in the above table.

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Impact of Denial of Proposal

No staff available to take on expanding workload, leading to a failure to meet the Branch’s mandate to adopt rules and forms by the deadlines set by statute. Without timely adoption of statewide forms, courts may not have legally accurate forms and be required to modify their processes, creating a patchwork of different and potentially inconsistent responses to new legislation. Without these resources the Judicial Council and courts cannot continue the effort of simplifying forms for areas of law where self-represented litigants struggle to understand the legal requirements and create filings that can be accepted by the courts, reducing access to justice in key case types including protective orders, guardianship, evictions and consumer debt. When complex and difficult-to-complete forms are not simplified, the courts incur costs from reviewing and rejecting filings, lengthier hearings and continued hearings.

Outcomes and Accountability of Proposal

- Timely publishing new and revised forms in alignment with the effective date of the legislation they are implementing (approximately 200 to 220 forms per year).
- Increased access to justice by providing the public with additional legally accurate, well-designed forms that are accessible to the visually impaired, clearly written, in plain language format, translated for limited-English speakers, and able to be completed and filed online.
- Saved time and costs to litigants by providing forms that are comprehensible and easy to complete accurately, reducing needless interactions with the court for assistance.
- Saved time to courts because litigants have the tools to submit accurate forms.
- Providing legal subject matter experts to the Information Technology Modernization project of guided forms completion.

Required Review/Approval

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 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*

Contact Name: Don Will

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Requesting Entity	Advisory Committee on Providing Access and Fairness
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Proposal Title	Language Access Efforts in the California Courts
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Proposal Summary

The Judicial Council of California (JCC) requests 2.0 positions and \$585,000 General Fund for 2023-24 and \$516,000 ongoing General Fund for 2024-25 to support the efforts of the Strategic Plan for Language Access in the California Courts by adding staff to expand the court interpreter pool and support innovative approaches to court interpreter testing, training, recruitment, and outcome metrics.

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)
2023-24	GF	2.0	\$369,000	\$216,000		\$585,000
2024-25	GF	2.0	\$369,000	\$147,000		\$516,000
2025-26	GF	2.0	\$369,000	\$147,000		\$516,000
2026-27	GF	2.0	\$369,000	\$147,000		\$516,000
2027-28	GF	2.0	\$369,000	\$147,000		\$516,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$516,000
					One-Time	\$69,000

Problem or Issue

Current staffing in the JCC Center for Families Children & the Courts (CFCC) is limited to 1.0 senior analyst for data efforts and 1.0 analyst for court interpreter testing, which is inadequate for current and anticipated program needs. This request is for 2.0 senior analyst positions for CFCC to build out capacity for managing the court interpreter portal of the Court Interpreter Data Collection System (CIDCS) and making court interpreter testing improvements to expand the court interpreter pool. This new staffing is necessary to meet demands for increased training, testing, and certification to build an adequate interpreter workforce, and expand data collection to evaluate new innovations in testing and workforce expansion.

Background/History of Problem

CIDCS was established in 2004 and is limited in its functionality to store and track data. JCC staff must also make manual improvements to the system, which was not established or envisioned for modern usage, including remote usage. Within CFCC, CIDCS is currently supported by 1.0 senior

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analyst, which is inadequate for supporting this complex database, including designing services delivered by the portal, training, and data collection design. The 1.0 new senior analyst will work closely with an existing senior analyst and JCC Information Technology (IT) staff to assess and execute system improvements. These improvements include more consistent and accurate data collection and use of data analytics to measure court interpreter usage and evaluate the success of the court interpreter testing program.

Improvements are also needed for court interpreter testing. The supply of California court interpreters has remained relatively static since 2014. Court interpreter testing is currently supported by 1.0 analyst, which is insufficient for maintaining and expanding court interpreter testing needs. Court interpreters newly certified through the current testing program are not replacing the workforce numbers lost through retirements.

California has a shortage of qualified (i.e., certified and registered) court interpreters. Prior to the COVID-19 pandemic, the testing for certified languages was done in large gatherings twice a year over the course of a weekend. In 2020, the pandemic forced a halt to all in-person testing, and in 2021, staggered testing for four certified languages (Spanish, Vietnamese, Korean and Mandarin) took place over several months due to safety concerns regarding large gatherings. To address these testing gaps and anticipated court interpreter retirements in out years, the program will need additional staffing resources to ensure the court interpreter testing program is supported, modernized, and able to add new interpreters in all needed languages. This new work will include implementation of recommendations for court interpreter testing improvements to ensure that more interpreters are able to pass the required examinations for all needed languages and to address current and anticipated interpreter shortages.

Impact of Denial of Proposal

Without sufficient program staffing, California will be constrained in its efforts to assess and address current needs and expand the court interpreter pool. Without additional staffing to support substantial CIDCS improvements, the branch will only be able to track and report interpreter data on a limited basis and will not be able to incorporate modern features to CIDCS that are in line with current business practices. Without additional staffing dedicated to court interpreter testing, the testing program will similarly be limited in its efforts to add new interpreters and keep up with demand to ensure that there is a future pool of qualified interpreters in all needed languages.

Outcomes and Accountability of Proposal

New staff will work with IT to support several measurable outcomes for CIDCS: (1) establishing a standardized platform for CIDCS with low code development requirements; (2) ease of data integration; (3) ability to scale up to allow additional system users; and (4) payment and remote access features. The new staffing will support team efforts to 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.

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A work plan will be developed with measurable outcomes including system development, launch, added functionality, and feedback mechanisms for system or improvement needs. New staffing dedicated to court interpreter testing will also support team efforts to recruit qualified candidates and implement recommendations for court interpreter testing improvements, which will ensure that there are more examination passers in all needed languages to expand the interpreter pool.

Progress on CIDCS and court interpreter testing improvements, including data metrics and numbers of examination passers, 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 and Management of 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 limited English proficient 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*

Contact Name: Douglas G. Denton

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Requesting Entity	Advisory Committee on Providing Access and Fairness
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Proposal Title	Increase Expenditure Authority for the Court Interpreters' Fund (0327)
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Proposal Summary

The Judicial Council of California (JCC) requests increased expenditure authority for the Court Interpreters' Fund (Revenue Account 0327) (CIF) from \$156,000 a year to \$356,000 a year beginning in 2023-24 for five fiscal years to address the shortage of qualified interpreters by providing trainings for near passers of the bilingual interpreting examination. This proposal also requests budget bill language that would authorize adjustments to expenditure authority to better support efforts to increase the number of available court interpreters.

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)
2023-24	CIF			\$200,000		\$200,000
2024-25	CIF			\$200,000		\$200,000
2025-26	CIF			\$200,000		\$200,000
2026-27	CIF			\$200,000		\$200,000
2027-28	CIF			\$200,000		\$200,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	0
					One-Time	0

Problem or Issue

The CIF collects annual court interpreter renewal fees for expenditures that support the annual court interpreter testing contract and currently has a balance of approximately \$1.6 million. The current expenditure authority of \$156,000 per year is less than the money collected each year from annual fees as California has approximately 1,858 interpreters who pay annual renewal fees of \$100 per interpreter, totaling approximately \$186,000 in revenues annually. The additional \$200,000 per year would be used by JCC Language Access Services to provide trainings for near passers of the bilingual interpreting examination to help increase the pool of qualified interpreters. The near passer trainings have proven effective to help candidates prepare for and retake the bilingual interpreting examination.

Background/History of Problem

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California has a shortage of qualified interpreters. Under this proposal, the expenditure authority would be raised from \$156,000 to \$356,000 for five years beginning in 2023-24. The additional \$200,000 per year would allow JCC Language Access Services to utilize the \$1.6 million fund balance in support of training for near passers of the bilingual interpreting examination to increase the number of qualified interpreters for the state. This proposal also requests corresponding budget bill language that would allow for adjustments to expenditure authority to more readily respond to program needs to increase the number of court interpreters and support access to justice.

The CIF is a restricted revenue fund, separate from the Court Interpreters Program, Trial Court Trust Fund 0150037. Government Code section 68562 established the CIF to collect revenue and fees and carry out the purposes of Government Code, Title 8, Ch. 2, Article 4, Court Interpreter Services [68560 - 68566].

Pursuant to the code, the JCC revenue fund was established in 2002. The fund can be used to support JCC functions and services under the Article, including programs for interpreter recruitment, testing, certification, renewal, training, continuing education, and evaluation. The text of Government Code section 68562(f) is below:

“(f) The Judicial Council shall establish guidelines for fees or shall set and charge fees for applications to take the court interpreter examinations, for renewal of certifications, for certification of interpreters on the list of recommended court interpreters, for maintaining interpreters on the recommended list until January 1, 1996, and for other functions and services provided under this article. All fees and other revenues received by the Judicial Council under this article shall be transferred promptly to the Controller, and shall be placed in the Court Interpreters’ Fund, which is hereby created, the moneys in which shall be available to carry out the purposes of this article upon appropriation by the Legislature.
(Amended by Stats. 2002, Ch. 784, Sec. 220. Effective January 1, 2003.)”

Impact of Denial of Proposal

Without an increase in expenditure authority, JCC Language Access Services would have less funding to conduct additional near passer trainings. The near passer trainings have proven effective to help candidates to prepare for and retake the bilingual interpreting examination. Not using available funding would also limit the program’s ability to ensure that there is an adequate number of qualified court interpreters to provide access to justice and serve California’s approximately seven million limited-English proficient (LEP) residents and potential court users.

Outcomes and Accountability of Proposal

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The \$200,000 increase for a five-year period would allow the current \$1.6 million fund balance to support trainings for near passers of the bilingual interpreting examination to help increase the pool of qualified interpreters. The near passer trainings have proven effective to help candidates to prepare for and retake the bilingual interpreting examination and expand the pool of qualified interpreters, which provides access to justice and benefits LEP court users and courts. In 2022, JCC Language Access Services will be embarking on Requests for Proposals that will result in multiyear contracts with consultants that will provide the court interpreter testing and near passer training, and this funding would be used to augment the ongoing contracts. Progress regarding the success of near passer trainings and testing improvements would be regularly reported to branch stakeholders.

Following the five-year spend down, the annual expenditure authority would be reevaluated and adjusted accordingly to ensure program expenditures align with available revenue. JCC Language Access Services would work carefully to monitor the status of the fund on a yearly basis to ensure that the spend down is on track, that the fund maintains a prudent reserve, and determine if future increases in expenditure authority are warranted.

Required Review/Approval

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 and Management of 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).

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*

Contact Name: Douglas G. Denton