



Judicial Council of California

Judicial Branch Budget Committee

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS MARCH 14, 2023

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Request for ADA accommodations should be made at least three business days before the meeting and directed to:
JCCAccessCoordinator@jud.ca.gov

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 14, 2023
Time: 1:00p.m. to 4:00p.m.
Public Videocast: <https://jcc.granicus.com/player/event/2223>

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 January 18, 2023 Judicial Branch Budget Committee meeting and the February 22, 2023 action by email between meetings.

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

This meeting will be conducted by electronic means with a listen only conference line 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 Monday, March 13, 2023, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-2)

Item 1

**SB 170 One-Time \$30 Million Court Interpreter Employee Incentive Grant (CIEIG) Award
Recommendations for 2022-23 (Action Required)**

Consideration of award recommendations to distribute CIEIG to the trial courts through the grant application process for cycle 2.

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

Mr. Douglas Denton, Principal Manager, Judicial Council Center for Families, Children & the Courts.

Item 2

2024-25 Budget Change Concepts (Action Required)

Review of 2024-25 Budget Change Concepts

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

IV. ADJOURNMENT

Adjourn to Closed Session

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

Approval of Minutes

Approve closed meeting minutes of the January 18, 2023 Judicial Branch Budget Committee meeting.

Item 1

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

Review and discussion of administrative matters regarding Innovation Grants.

Adjourn Closed Session



JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

January 18, 2023

2:00 p.m. to 3:30 p.m.

<https://jcc.granicus.com/player/event/2160>

Advisory Body Members Present: Hon. David. M. Rubin, Chair; Hon. Ann Moorman, Vice Chair; Hon. Carin T. Fujisaki; Hon. Brad R. Hill; Hon. Maria Lucy Armendariz; Hon. C. Todd Bottke; Hon. Harold W. Hopp; Ms. Rachel W. Hill; and Mr. David H. Yamasaki

Advisory Body Members Absent: None.

Others Present: Hon. Jonathan Conklin, Ms. Rebecca Fleming, Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Angela Cowan, Ms. Fran Mueller, and Ms. Brandy Olivera

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 2:01 p.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the December 1, 2022 action by email between meetings and December 7, 2022 Judicial Branch Budget Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-1)

Item 1

2023 Trial Court Budget Advisory Committee (TCBAC) Annual Agenda (Action Required)

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

Action: *The Budget Committee unanimously voted to approve the 2023 TCBAC Annual agenda.*

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1 - Governor's Budget Proposal for 2023-24

Overview of the proposed 2023-24 Governor's Budget.

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

Action: *No action taken.*

ADJOURNMENT

There being no further open meeting business, the meeting was adjourned at 2:22 p.m.

Approved by the advisory body on enter date.



JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

February 22, 2023

11:00 a.m.

Action by Email Between Meetings

Advisory Body Members Present: Hon. David M. Rubin, Chair; Hon. Ann Moorman, Vice Chair; Hon. Carin T. Fujisaki; Hon. Brad R. Hill; Hon. Maria Lucy Armendariz; Hon. C. Todd Bottke; Hon. Harold W. Hopp; Ms. Rachel W. Hill; and Mr. David H. Yamasaki

Advisory Body Members Absent: None

Others Present: Ms. Angela Cowan

OPEN MEETING

Vote

Voting was opened at 11:08 a.m.

DISCUSSION AND ACTION ITEMS (ITEMS 1)

Item 1

Consideration of a Trial Court Budget Advisory Committee recommendation to allocate \$364,976 in Juvenile Dependency Counsel Collections Program funds collected in 2021-22 and to allocate an estimated \$1,145,000 in unspent dependency counsel funding for 2022-23.

Action: *The Budget Committee unanimously voted to approve the recommendations.*

ADJOURNMENT

Voting closed at 5:00 p.m.

Approved by the advisory body on **enter date**.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee

(Action Item)

Title: Court Interpreter Employee Incentive Grant: Award Recommendations for Cycle 2, Fiscal Year 2022–23

Date: 3/6/2023

Contact: Douglas G. Denton, Principal Manager, Judicial Council Language Access Services, Center for Families, Children & the Courts
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Eunice Lee, Senior Analyst, Judicial Council Language Access Services, Center For Families, Children & the Courts
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Issue

Senate Bill (SB) 170 amended the 2021 Budget Act and provided \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant (CIEIG). This funding is available until June 30, 2024. This grant provides one year of salary and training costs to help courts establish new, full-time court interpreter employee positions. For Cycle 1, fiscal year 2021–22, nine superior courts were awarded grants by the Judicial Council in May 2022, and courts received their grant allocation in the June 2022 distribution. For Cycle 2, fiscal year 2022–23, nine superior courts have applied for remaining CIEIG funding.

Background

SB 170 (Stats. 2021, ch. 240) amended the 2021 Budget Act in September 2021 and provided an additional \$30 million in one-time General Fund to the Court Interpreters Program Fund as restricted funding for one-year grants that support a year of salary and training and are intended to help the superior courts to create new, full-time court interpreter employee positions.¹

Per SB 170, a goal of the grant funding is to help courts reduce or, at a minimum, maintain the overall percentage spent on independent interpreter contractors or part-time interpreter employees to 20 percent or less. Courts are expected to maintain grant-funded positions beyond the grant year as long-term positions.

There are two categories of grants under the CIEIG, and courts are permitted to apply for only one of the two:

¹ See Attachment A, SB 170 language regarding the CIEIG.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee

- Category 1—\$18 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions.
- Category 2—\$12 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions to provide out-of-courtroom and in-courtroom services.

To be eligible for category 1 grant funding, the court must demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on interpreter contractors or part-time interpreter employees who provided services in any of the languages listed in Civil Code section 1632(b): Spanish, Chinese (Mandarin, Cantonese), Tagalog, Vietnamese, or Korean.

To be eligible for category 2 grant funding, the court must demonstrate that at least 80 percent of interpreter services in any of the languages listed in Civil Code section 1632(b) are currently provided by court interpreter employees.

Courts may apply for grants to hire interpreters in any certified (including American Sign Language) or registered languages if the court can demonstrate that there is a local need for interpreter employees in these languages. Courts must use grant funds to create new full-time interpreter employee positions and may not use funds to support current interpreter vacancies. Courts may convert part-time interpreter positions into full-time positions, if the funding helps reduce or maintain the overall percentage spent on interpreter contractors or part-time interpreter employees to 20 percent or less. Grants cannot be used for wage increases for current positions.

Cycle 1, 2021–22

For Cycle 1, 2021–22, a total of six courts applied for category 1 grants, and a total of three courts applied for category 2 grants. For the \$18 million available for category 1, a total of approximately \$1.645 million was requested for one year of salary and training for 12 new positions, leaving approximately \$16.355 million in remaining category 1 funding. For the \$12 million available for category 2, a total of approximately \$831,000 was requested for one year of salary and training for six new positions, leaving approximately \$11.169 million in remaining funding for category 2 (see Attachment B).

The council approved the Cycle 1 allocations on May 10, 2022.² The nine superior courts that

² Judicial Council circulating order (May 10, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10760445&GUID=FE0391BB-64E9-44C7-A492-C43D3693F709>; Judicial Council circulating order minutes (May 10, 2022), <https://jcc.legistar.com/View.ashx?M=M&ID=869099&GUID=990E26C2-797D-4F24-BAE0-4945FB131549>.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee

were awarded grants received their grant allocation in the June 2022 distribution.³

Cycle 2, 2022–23

In order to distribute the remaining grant funding of approximately \$27.5 million, council staff initiated a second grant application process (Cycle 2) for the CIEIG in 2022–23. Cycle 1 awarded courts who had not yet hired new employee interpreters were encouraged to reapply for grant funding because grant allocations were distributed on a one-time basis and unused funding does not carry over to the next fiscal year. On December 13, 2022, the guidelines, the application form, and court interpreter expenditure data were distributed to court executive officers and court staff for Cycle 2 of the CIEIG. The deadline for applications was January 27, 2023. As discussed below, several courts reapplied for grants because they have not yet been able to make hires under the Cycle 1 grants.

For category 1, Marin,⁴ San Benito, Shasta, and Ventura Superior Courts reapplied for a total of six new, full-time court interpreter positions in Mixteco (1) and Spanish (5). Kern and Mendocino Superior Courts did not reapply for six Spanish interpreter positions, citing difficulties with recruitment. Glenn and San Mateo Superior Courts did not previously apply for Cycle 1 funding and requested a total of five new, full-time court interpreter positions in Spanish. Glenn and San Mateo Superior Courts stated that the new positions would reduce the need to hire interpreter contractors on a daily basis to cover current calendars as well as save on staff time used for securing contractors.

For category 2, Alameda, San Bernardino,⁵ and San Diego Superior Courts reapplied for a total of seven new, full-time court interpreter positions, including for American Sign Language (1), Certified Deaf Interpreter (1), Cantonese (1), Mandarin (1), and Spanish (3).

For category 1, a total of approximately \$1.574 million was requested for one year of salary and training for 11 new positions, leaving approximately \$14.780 million in remaining funding for category 1. For category 2, a total of approximately \$1.051 million was requested for one year of salary and training for seven new positions, leaving approximately \$10.118 million in remaining funding for category 2 (see Attachment C). The Trial Court Budget Advisory Committee (TCBAC) is scheduled to approve the proposed Cycle 2 grant allocations in Attachment C on March 9, 2023. To date, approximately \$5.102 million has been requested out of the \$30 million available (see chart below).

³ The nine courts included Alameda, Kern, Marin, Mendocino, San Benito, San Bernardino, San Diego, Shasta, and Ventura Superior Courts.

⁴ For Cycle 2, Marin’s grant request is for a full-time interpreter position (the Cycle 1 request was for converting a part-time position into a full-time position).

⁵ For Cycle 2, San Bernardino’s grant request is for three full-time interpreter positions (the Cycle 1 request was for two positions).

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 BUDGET SERVICES
 Report to the Judicial Branch Budget Committee

CIEIG, Cycle 1 Requests		CIEIG, Cycle 2 Requests	
Balance Available	\$30,000,000	Balance Available	\$27,523,692
Category 1 Requests	-1,645,412	Category 1 Requests	-1,574,136
Category 2 Requests	-830,896	Category 2 Requests	-1,051,369
Total Requested	-2,476,308	Total Requested	-2,625,505
Remaining Balance	\$27,523,692	Remaining Balance	\$24,898,187

Semiannual Survey

On January 30, 2023, council staff distributed a semiannual survey to the Cycle 1 awarded courts to gather information about grant funding for the period July 1–December 31, 2022. The survey requested information on the status of hiring for the new interpreter positions, estimated net savings on contractors and part-time interpreters, plans to retain the positions beyond the grant year, and any recruitment assistance needed. In July 2023, council staff will distribute another semiannual survey for the period January 1–June 30, 2023 and will continue to conduct the survey every six months through the life cycle of the grants, which end June 30, 2024.

All nine superior courts responded on the survey that they have been unable to fill the new interpreter positions during the period July 1–December 31, 2022. The courts stated that they are having great difficulties with recruitment due to the low numbers of qualified interpreter candidates and other hurdles with attracting candidates, including court location, cost of housing, and less competitive salary. One court stated delays in posting for the positions due to the process of creating new job classifications. For these reasons, several courts from Cycle 1 reapplied for grant funding in Cycle 2 in hopes of filling the positions they had requested for Cycle 1.

Cost/Impact

If approved by the Judicial Branch Budget Committee (Budget Committee) for council review at its May 2023 business meeting, courts will be notified that they have been approved for Cycle 2 grant awards. Grant funding is anticipated to be distributed no later than June 2023. Council staff in Language Access Services will assist courts with recruitment for new positions supported under the grants. The one-time grants awarded in 2022–23 will be available for expenditure or encumbrance until June 30, 2024. There will not be a third grant cycle. After the grant period ends on June 30, 2024, council staff will prepare a final memorandum for the TCBAC on the status of the grants and positions.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee

Council staff will need to reconcile the unused grant allocations from Cycles 1 and 2 at the end of 2022–23 and 2023–24, respectively. The CIEIG funding is intended only to cover one year of salary and training for new interpreter positions, so unused funds will be collected for return to the General Fund.

The court must demonstrate that a new, full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services, reducing or maintaining contractor expenses to 20 percent or less. Courts will have more than one year to accomplish this goal (the budget language does not include a time frame for reaching the 20 percent threshold). If an interpreter employee funded under the grant for one year of salary leaves the court before 12 months, the court will notify council staff and will need to return unspent grant funding.

Recommendation

The Trial Court Budget Advisory Committee recommends the following for approval by the Budget Committee and then the Judicial Council at its May 11–12, 2023, business meeting:

1. Approve the proposed allocations for the Court Interpreter Employee Incentive Grant for fiscal year 2022–23; and
2. Direct Judicial Council Budget Services staff to distribute grant awards to courts no later than the June 2023 distribution.

Attachments

Attachment A: SB 170 language regarding the CIEIG

Attachment B: CIEIG Awards for 2021–22

Attachment C: Proposed CIEIG Awards for 2022–23

SB 170, Budget Act of 2021

Item 0250-101-0932, Provision 29

The Court Interpreter Employee Incentive Grant is hereby created. Of the amounts appropriated in Schedule (4), \$30,000,000 shall be allocated by the Judicial Council as follows:

- (a) Of this amount, \$18,000,000 shall be allocated as one-time grants to eligible local courts. This funding shall pay for the first year of employment and associated costs, including training, of any new hire of a court interpreter employee if all of the following conditions are met:
 - (1) The local court can demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on independent contractor interpreters or part-time employees who provided services in any of the languages described in subdivision (b) of Section 1632 of the Civil Code.
 - (2) The local court can demonstrate that the grant will be exclusively used to hire full-time court employee interpreters providing language interpreter services for the languages described in subdivision (b) of Section 1632 of the Civil Code, in order to reduce the percentage of the court's interpreter funds spent on independent contractors or part-time employees to 20 percent or less than 20 percent.
 - (3) The local court can demonstrate that a new full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services.
 - (4) The local court commits to retaining the court interpreter employee position beyond the grant year.
 - (5) Nothing in this subdivision is intended to reduce the amount of funding provided statewide or to local courts for interpreter services, and the amounts allocated by this provision cannot be used to supplant an existing, pending, or prior interpreter employee position.
- (b) Of this amount, \$12,000,000 in one-time grants, shall be allocated by the Judicial Council, to increase language access in local courts through the hiring of certified court interpreter employees who shall provide interpreter services inside courthouses in support of court users. "Interpreter services" includes assistance at self-help centers and interpreting interviews between district attorneys and witnesses and criminal defense attorneys and their clients. A local court is eligible to receive these funds only if at least 80 percent of interpreter services in the languages described in subdivision (b) of Section 1632 of the Civil Code are provided by court interpreter employees.
- (c) Courts may apply for grants to hire interpreters in other languages if the court can demonstrate that there is a local need for interpreter employees in other languages.
- (d) The \$30 million for one-time grants in fiscal year 2021-22 shall be available for expenditure or encumbrance until June 30, 2024.

Attachment B: CIEIG Awards for FY 2021-22 (Cycle 1)
Funding was awarded in May 2022 and distributed in June 2022
Category 1 - \$18 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Marin	1	Spanish	\$ 63,378.37	\$ 63,378.37
Mendocino	1	Spanish	\$ 159,345.00	\$ 159,345.00
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	\$ 801,170.00
San Benito	1	Spanish	\$ 114,000.00	\$ 114,000.00
Shasta	1	Spanish	\$ 131,767.42	\$ 131,767.42
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Mixteco	\$ 125,250.47	\$ 375,751.41
			Total Requested:	\$ 1,645,412.20
			Total Provided for Grants:	\$ 18,000,000.00
			Amount Remaining:	\$ 16,354,587.80

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Chinese	\$ 130,040.00	
Alameda	1	ASL	\$ 130,040.00	
Alameda	1	Deaf (CDI)	\$ 130,040.00	\$ 390,120.00
San Bernardino	1	Spanish	\$ 143,016.00	
San Bernardino	1	Spanish	\$ 143,016.00	\$ 286,032.00
San Diego	1	Spanish	\$ 154,744.00	\$ 154,744.00
			Total Requested:	\$ 830,896.00
			Total Provided for Grants:	\$ 12,000,000.00
			Amount Remaining:	\$ 11,169,104.00

Attachment C: Proposed CIEIG Awards for FY 2022-23 (Cycle 2)
Funding to be awarded in May 2023 and distributed in June 2023 (TBD)
Category 1 - \$18 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Glenn	1	Spanish	\$ 165,000.00	\$ 165,000.00
Marin	1	Spanish	\$ 130,296.64	\$ 130,296.64
San Benito	1	Spanish	\$ 107,000.00	\$ 107,000.00
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	\$ 635,880.00
Shasta	1	Spanish	\$ 138,662.62	\$ 138,662.62
Ventura	1	Spanish	\$ 132,432.12	
Ventura	1	Spanish	\$ 132,432.12	
Ventura	1	Mixteco	\$ 132,432.12	\$ 397,296.36
			Total Requested:	\$ 1,574,135.62
			Total Remaining Funding Available	\$ 16,354,587.80
			Amount Remaining:	\$ 14,780,452.18

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Cantonese	\$ 138,156.71	
Alameda	1	ASL	\$ 145,583.40	
Alameda	1	Deaf (CDI)	\$ 145,583.40	\$ 429,323.51
San Bernardino	1	Mandarin	\$ 152,015.00	
San Bernardino	1	Spanish	\$ 152,015.00	
San Bernardino	1	Spanish	\$ 152,015.00	\$ 456,045.00
San Diego	1	Spanish	\$ 166,000.00	\$ 166,000.00
			Total Requested:	\$ 1,051,368.51
			Total Remaining Funding Available	\$ 11,169,104.00
			Amount Remaining:	\$ 10,117,735.49

**Judicial Branch
2024-25 BCP Concept Tracking List**

March 9, 2022

- BCP included in the 2023-24 Governor's Budget and is pending legislative approval.
- BCP Proposed for the 2023-24 Governor's Budget and was denied.
- Request submitted to JBBC in 2023-24 and was denied.

Tracking #	JCC Office	Title	Description	# Positions	\$ Estimate (in thousands)	Fund Source	Previous FY Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments
24-01	EO/Audit	Statewide External Audit Program	Proposes to fully fund the statewide external audit program (total of \$1.85 million annually, or an increase of \$1.31 million over current funding levels).	0.0	1,310	GF	N		ACAFA	Similar proposal included in 2020-21 Governor's Budget was withdrawn by Administration due to pandemic fiscal condition.
24-02	BAP	Phoenix Payroll and Innovation Support	To support continued innovations of the SAP enterprise resource management system and administrative services provided by Branch Accounting and Procurement for the trial courts.	4.0	1,239	GF	N		TCBAC/ITAC	
24-03	ACS	Courts of Appeal Court-Appointed Counsel Program	To support the Courts of Appeal Court-Appointed Counsel Program (1) for a \$10 per hour rate increase for non-capital appeal appointments; and (2) 7.0 percent increase in the Project Offices annual contracts.	0.0	5,543	GF	N		APJAC	
24-04	ACS	Proposition 66 Costs in Courts of Appeal	For the Courts of Appeal to address the new workload associated with the implementation of Proposition 66 (Prop 66), the Death Penalty Reform and Savings Act of 2016.	14.5	9,475	GF	Y		APJAC	A similar BCP submitted for inclusion in 2023-24 Governor's Budget and was denied by DOF.
24-05	ACS	PLACEHOLDER: Supreme Court Capital Court-Appointed Counsel Program	To support the Supreme Court's Capital Court-Appointed Counsel Program (1) for a \$ TBD per hour rate increase for capital appeal appointments; and (2) \$ TBD for permanent % TBD increase in the annual contract for California Appellate Court – San Francisco Project Office.	0.0	TBD	GF	N		APJAC	
24-06	LSS	Establish Project Management Office	To establish a formal project management office that includes three positions to provide a pool of shared project managers that can be utilized across the JCC, standardize project management processes and tools, and coordinate communications across projects.	3.0	744	GF	N		JC EO	
24-07	FS	Trial Courts Facilities Maintenance and Utilities	To provide industry level facility operations, maintenance, and utilities to the Judicial Council real estate portfolio.	0.0	96,860	GF	Y	TCBAC	TCFMAC	

**Judicial Branch
2024-25 BCP Concept Tracking List**

March 9, 2022

Tracking #	JCC Office	Title	Description	# Positions	\$ Estimate (in thousands)	Fund Source	Previous FY Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments
24-08	FS	Facility Modifications Prioritization and Costs	To address facility modification needs within the JCC-managed portfolio.	0.0	53,000	GF/ SCFCF Reimb.	Y	TCBAC	TCFMAC	A similar BCP submitted for inclusion in 2023-24 Governor's Budget and was denied by DOF.
24-09	FS	Trial Court and Courts of Appeal Deferred Maintenance	To support deferred maintenance projects for trial courts and Courts of Appeal.	4.0	140,825	GF/ SCFCF Reimb.	Y	TCBAC	TCFMAC	A similar BCP submitted for inclusion in 2023-24 Governor's Budget and was denied by DOF.
24-10	FS	Electrical Systems Safety and Reliability Study and Implementation - Statewide Facilities	To establish an electrical safety program and protocols to improve facilities electrical systems safety & reliability in compliance with the National Fire Protection Association Standard 70E – Electrical Safety in the Workplace.	0.0	2,938	GF	N	TCBAC	TCFMAC	
24-11	FS	Energy Retrofit Deferred Maintenance	To perform energy retrofits on the five worst performing buildings in the portfolio.	0.0	25,000	GF/ SCFCF Reimb.	N	TCBAC	TCFMAC	
24-12	FS	Water Conservation and Leak Detection Measures in Courthouses	To implement water leak detection equipment and software for water meter data logging and replacement of outdated water fixtures in an estimated 160 courthouses within the JCC portfolio to help conserve water.	0.0	15,720	GF/ SCFCF Reimb.	Y	TCBAC	TCFMAC	A similar BCP submitted for inclusion in 2023-24 Governor's Budget and was denied by DOF.
24-13	FS	Trial Court Physical Security Assessment and Evaluation	To implement a program to evaluate and identify physical security deficiencies in trial court facilities statewide.	3.0	2,657	GF	N		CSAC	
24-14	FS	Capital Outlay Program Support	To provide the necessary resources for capital project assessments/capital program support to support the projects in the JCCs latest capital outlay plan.	0.0	5,000	GF	N	CFAC	TCBAC	
24-15	FS	Capital Outlay Funding FY 2024-25 through 2028-29	For six capital outlay projects to provide the necessary resources for project assessments.	0.0	196,531	GF	Y	CFAC	TCBAC	Similar BCP was submitted for inclusion in the Governor's Budget and is pending legislative approval.
24-16	IT	Funding for Cost Increases for Remote Access to Court Proceedings (AB 716)	One-time funding over two years to meet the requirements of AB 716 for remote access to court proceeding using audio and video.	0.0	41,713	GF	N	Tech TCBAC	ITAC	Funding provided in Budget Act of 2022 for provisions of SB 712.
24-17	CFCC	Staff Support for Federally Funded Dependency Representation Program	To provide expanded court-appointed counsel services to children and families in child welfare by supporting administration of the Federally Funded Dependency Representation Program.	6.0	969	GF	N	FJLAC TCBAC	TCBAC	

**Judicial Branch
2024-25 BCP Concept Tracking List**

March 9, 2022

Tracking #	JCC Office	Title	Description	# Positions	\$ Estimate (in thousands)	Fund Source	Previous FY Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments
24-18	CFCC	Court-Based Self Help Centers – Continuation of Operating Funds	\$32.8 million to support court based self-help centers.	2.0	32,773	GF	Y		ACPAF	A similar BCP submitted for inclusion in 2023-24 Governor's Budget and was denied by DOF.
24-19	CFCC	Access to Visitation Grant Program: Expanding Professional Supervised Visitation Services Serving Low-Income Families Statewide	To address the trial courts' need for safe, professionally supervised visitation for low-income parents in child custody cases.	1.0	1,287	GF	N		FJLAC	
24-20	BMS	Data Governance and Analytics	To fund investments in branch data and information governance needed to improve and expand judicial branch data access, use, and sharing in trial courts.	5.0	18,343	GF	N	ITAC	DAAC	
24-21	HCRC	HCRC Case Team Staff and Establishment of Los Angeles Office	The funds will be used to increase staff and establish a Los Angeles office to reduce delays and the backlog of unrepresented defendants in habeas cases.	30.0	8,406	GF	Y		HCRC	A similar BCP submitted for inclusion in 2023-24 Governor's Budget and was denied by DOF.
24-22	TCBAC	Inflationary Adjustment for Trial Courts (Consumer Price Index)	To address general inflationary cost increases for trial courts based on the Consumer Price Index (CPI) published by the Department of Finance. The CPI for 2024-25 is currently estimated at 3.3 percent.	0.0	81,537	GF	Y		TCBAC	Similar BCP was submitted for inclusion in the Governor's Budget and is pending legislative approval. Previous request was for an increase in 2023-24 with an ongoing automatic inflationary adjustment in future years and was approved for a 3% increase in 2023-24.
24-23	TCBAC	Funding for 50 New Judgeships	To fund 50 new trial court judgeships in courts that show a need for new judicial positions according to the 2022 Judicial Needs Assessment.	0.0	261,000-486,000	GF	N		TCBAC	
24-24	TCBAC	Maintaining a Sufficient Pool of Competency to Stand Trial Court Evaluators	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 and to implement a training, technical assistance, and data collection program to support courts implementing mental health diversion programs.	2.0	12,275	GF	Y	TCBAC	CJAC	A similar BCP submitted for inclusion in 2023-24 Governor's Budget and was denied by DOF.

**Judicial Branch
2024-25 BCP Concept Tracking List**

March 9, 2022

Tracking #	JCC Office	Title	Description	# Positions	\$ Estimate (in thousands)	Fund Source	Previous FY Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments
Internal Committees										
Tech		Judicial Council Technology Committee								
Litigation		Litigation Management Committee								
Budget		Judicial Branch Budget Committee								
Advisory Committees										
ACAFA		Advisory Committee on Audit and Financial Accountability								
CIAP		Court Interpreters Advisory Panel								
CSAC		Court Security Advisory Committee								
CFAC		Court Facility Advisory Committee								
TCBAC		Trial Court Budget Advisory Committee								
TCFMAC		Trial Court Facility Modification Advisory Committee								
LAPTF		Language Access Plan Implementation Task Force								
APJAC		Administrative Presiding Justices Advisory Committee								
TCPJAC		Trial Court Presiding Judges Advisory Committee								
CEAC		Court Executives Advisory Committee								
FJLAC		Family & Juvenile Law Advisory Committee								
ITAC		Information Technology Advisory Committee								
GC-CJER		Governing Committee of CJER								
ACPAF		Advisory Committee on Providing Access & Fairness								
LAS-ACPAF		Language Access Sub-committee of ACPAF								
CACCA		Court of Appeal Clerks								

**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

Requesting Entity	Advisory Committee for Audits and Financial Accountability
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Proposal Title	Statewide External Audit Program
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Proposal Summary

[Government Code Section 77206\(h\)](#) requires the trial courts to be audited by an external governmental audit organization (i.e., State Controller’s Office (SCO), State Auditor, or Department of Finance). Statute further requires that each trial court be audited by such an organization every four years.

Current spending authority in the annual budget provides \$540,000, which is enough to cover the costs of only five audits as opposed to the 14-15 audits needed to get to a four-year cycle as required by statute. The Judicial Council of California (JCC) requests additional General Fund to fully fund the statewide external audit program (total of \$1.85 million annually, or an increase of \$1.31 million over current funding levels) based on cost estimates provided by the SCO.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$1,310	\$1,347	\$1,385	\$1,423	\$1,463
Local Assistance					
Total	\$1,310	\$1,347	\$1,385	\$1,423	\$1,463
One-time					
Ongoing	\$1,310	\$1,347	\$1,385	\$1,423	\$1,463

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

Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)

Problem or Issue

Government Code Section 77206(h) requires every trial court to be audited at least once every four years by an external governmental audit organization. In order to meet this requirement, 14-15 trial courts must be audited each fiscal year. Currently, the annual budget act provides only \$540,000, which is sufficient for just five audits each fiscal year. By seeking additional funding from the General Fund, the judicial branch is demonstrating its ongoing commitment to fiscal accountability and adherence to the Legislature's oversight requirements as expressed in law.

Background/History of Problem

Government Code Section 77206(h)(2) states that based on the results of the pilot program audits, the entity contracted (which is the SCO) shall, on or before December 15, 2013, commence an audit of the trial courts, provided that every trial court is audited at least once every four years. However, with the current budget of \$540,000, the SCO is only able to audit 5 trial courts per year instead of the 14 to 15 trial court audits that it needs to perform to meet the statutory requirement.

This concept mirrors a previous budget change proposal that was initially accepted by the Administration and later withdrawn as part of the Governor's efforts to balance the budget due to the COVID-19 pandemic ([0250-018-BCP-2020-GB](#)).

Impact of Denial of Proposal

Without adequate funding, the JCC will fail to meet its statutory requirement as outlined in Government Code 77206(h)(2). Specifically, the SCO, whom the JCC contracts with, will not be able to perform the required 14 to 15 trial court audits each year to meet the requirement that every trial court is audited at least once every four-years.

Outcomes and Accountability of Proposal

The JCC will be in compliance with the statutory requirement of Government Code 77206(h)(2). In addition, the revenues, expenditures, and fund balances audits conducted by the SCO will produce an audit report and thereby provide fiscal accountability and transparency.

Required Review/Approval

Advisory Committee on Audits and Financial Accountability for the Judicial Branch

**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

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

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

Approval

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

Director Signature: *Dawn Tomita*

Contact Name: Dawn Tomita

**Judicial Branch
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Judicial Council Administration Division: Branch Accounting and Procurement
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Proposal Title	Phoenix Payroll and Innovation Support
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Proposal Summary

The Judicial Council of California (JCC) requests 4.0 positions and \$1.2 million General Fund in 2024-25 and \$1.2 million in 2025-26 and annually thereafter for staffing, software maintenance, and to maintain the critical support and continued innovations of the Systems Application and Products (SAP) enterprise resource management system and administrative services provided by the Judicial Council’s Branch Accounting and Procurement (BAP) office for the trial courts.
Does this proposal require a statutory change? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal have an information technology component? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does this proposal require data collection or reporting? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	4	4	4	4	4
Personal Services	732	732	732	732	732
Operating Expenses & Equipment	507	460	460	460	460
Local Assistance					
Total	1,239	1,192	1,192	1,192	1,192
One-time					
Ongoing	1,239	1,192	1,192	1,192	1,192

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

Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)

Problem or Issue

The Phoenix system is the core financial platform for all 58 trial courts. The Phoenix program maintains a SAP Financial and Human Resources (HR) Payroll enterprise resource management system for the trial courts and provides staff augmentation to support the courts' accounting and procurement processes for all 58 trial courts, including payroll processes for the 19 courts that currently use the HR Payroll components of the system.

The program recently upgraded to a new version of the SAP system which allows new innovations for the trial courts but will require additional effort and resources. A separate upgrade is required before the end of calendar year 2025 to complete the transformation for the HR Payroll components of the system, for which additional ongoing resources is needed. There are currently five courts in the queue that have requested deployment of HR Payroll services, but Phoenix is nearing current resource capacity. At current resource capacity, Phoenix will likely need to halt additional deployments after the next small court deployment.

To continue onboarding interested courts onto Phoenix both personnel and contracting resources are needed. BAP has identified the ongoing software maintenance costs need to \$320,000 annually software, an additional need of \$732,000 for staffing related costs, and an additional \$187,000 in operating expenses; for 2024-25 and \$1.2 million in 2025-26 and annually thereafter for staffing, software maintenance, and to maintain the critical support and continued innovations of the SAP enterprise resource management system and administrative services provided by BAP for the trial courts.

Background/History of Problem

Phoenix began providing the SAP Financial system for trial courts in 2002 and reached statewide deployment in 2010 with the Los Angeles Superior Court. Phoenix HR Payroll services began with a pilot set of courts in 2006, and as directed by [Judicial Council Directive 131](#), has remained an option for deployment, as resources have permitted, with the most current deployment being the Mono Superior Court in January of 2023.

In 2019-20, additional resources were provided for the [Implementation of Phoenix Roadmap](#) through the budget change proposal (BCP) process. These new resources also included funding for: 4.0 additional staff to continue deployment and support of HR Payroll services for in-flight and planned deployment projects, maintenance, and planning for the upgraded system; continued rollout of the statewide new court HR Payroll deployments; completed system migration to the cloud and upgrade to the SAP HANA platform; support to the most critical needs of required technical migration; infrastructure and improvements to Phoenix; and to continue the rollout of the HR Payroll solution. This proposal builds upon the 2019-20 BCP investment by providing the resources to onboard even more courts to HR Payroll and create the additional functionality within Phoenix to support and service new applications and integration that are now required by the courts.

Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)

The Roadmap referenced in the 2019-20 BCP discussed a follow-on project to upgrade to a new version of the SAP application (SAP S4HANA) that would be required by 2025 and that the proposal did “not include funding to fully migrate to S4HANA”. Through careful planning and use of BCP funds and savings the Program was able to complete the S4HANA upgrade as well as the migration to the SAP HANA platform in the cloud. However, adoption of the HR Payroll component of S4HANA requires a separate upgrade and license component. The one-time costs for this effort will be covered using existing resources, but the ongoing costs are included in this request for new operating expenses.

Phoenix has reached its capacity to innovate and deploy new services to the courts at its current resource levels. To continue deployments and ensure adequate ongoing maintenance of the system, additional resource investments are required to continue much needed expansion and system enhancement. The requested positions will handle the added workload introduced by the onboarding of several additional courts that have expressed interest in deployment of the Phoenix HR Payroll services and will expand existing Phoenix capacity to support and service new applications and integration that is required by participating courts.

Impact of Denial of Proposal

Phoenix staff are currently working at capacity and are unable to absorb additional workload. BAP does not have the resource capacity required to maintain its investment in the form of continuous improvement expected and required by the trial courts.

Current planned improvements include:

- Expansion of Phoenix HR Payroll services to courts that require them as resources allow; and
- Enhanced reporting via online applications and/or integration with other third-party systems required by trial courts for efficient and responsible administrative and fiscal decision making.

If resources are not augmented, the integrity, timeliness, and value of the courts’ data may be comprised, and JCC may be unable to provide the courts timely reports and service .

Outcomes and Accountability of Proposal

**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

The addition of new required line staff and resources will allow BAP to adequately plan, execute, and monitor enhancement and deployment activities to support the Phoenix Financial and HR Payroll system for the trial courts, and allow Phoenix to continue to receive required maintenance updates from the software provider, SAP.

The goal of Phoenix since implementation has been to support a unified, statewide employment and financial system with the same configuration for all 58 trial courts, providing the courts a consistently reliable tool to support their day-to-day administrative operations.

The Phoenix Program's project management is certified by SAP and follows SAP's proprietary Accelerated SAP and Activate methodologies when implementing any new functionality to remain compliant with maintenance agreements, and to effectively optimize time, people, quality, and other resources. The Phoenix Program practices a strict change control process monitored by a seasoned Project Management Office under the direction of the Director of BAP, in participation with the Judicial Council Information Technology office, and with trial courts involved in all phases of the implementation projects. Phoenix will continue to partner with trial court stakeholders, including conducting user groups, follow-up surveys, and workshops to ensure that requirements are met.

Required Review/Approval

Trial Court Budget Advisory Committee
Information Technology Advisory Committee
Choose from drop down, advisory bodies who should review this proposal.

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

Goal III: Modernization and Management of Administration

This proposal is consistent with the JCC's priority to combat rising social and environmental inequities and its commitment to ensure equity in all hiring, contracting, and performance management practices. [Click or tap here to enter text.](#)

Approval

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

Director Signature: *Jason Lopez*

Contact Name: Bob Brow, Jr.

**Judicial Branch
 2024-25 Budget Change Proposal Concept**

Requesting Entity	Administrative Presiding Justices Advisory Committee
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Proposal Title	Courts of Appeal Court-Appointed Counsel Program
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Proposal Summary

The Judicial Council of California (JCC) is requesting \$5.5 million ongoing General Fund to support the Courts of Appeal Court-Appointed Counsel (CAC) Program. The request has two components: (1) \$4.1 million General Fund for a \$10 per hour rate increase for non-capital appeal appointments; and (2) \$1.4 million General Fund for permanent 7 percent increase in the appellate projects’ annual contracts. The United States Constitution guarantees indigent defendants the right to adequate counsel and California fulfills this obligation, and those under California Rule of Court 8.300, through the CAC Program, which is administered through contracts with 5 private, non-profit corporations, or appellate projects. Appellate projects provide services relating to the appointment of counsel in non-capital criminal cases and juvenile delinquency and dependency matters and other cases where persons have a right to appointed counsel on appeal, except for capital cases.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$5,543	\$5,543	\$5,543	\$5,543	\$5,543
Local Assistance					
Total	\$5,543	\$5,543	\$5,543	\$5,543	\$5,543
One-time					
Ongoing	\$5,543	\$5,543	\$5,543	\$5,543	\$5,543

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

Problem or Issue

Until the recent Budget Act increase providing \$6.4 million for a \$15 hourly rate increase for non-capital appeal appointments, and \$1.9 million for a 10.5 percent increase in the appellate projects’ annual contracts, the CAC panel attorneys had not received hourly rate increases between 2007-08 and 2016-17. The five appellate projects had not received any new funding between 2007-08 and 2017-18.

**Judicial Branch
2024-25 Budget Change Proposal Concept**

The 2022-23 increase provided an opportunity to begin addressing the impact of years without a panel attorney hourly rate increase nor appellate projects staff salaries but there still is, and there will continue to be, a need for additional resources to address recruitment and retention in both panel attorneys and appellate projects' staff as many have either left the panel or greatly reduced the number of cases they are willing to accept in favor of more lucrative representation in federal courts or other state agencies.

The United States Constitution guarantees indigent defendants the right to adequate counsel and California fulfills this obligation, and those under California Rule of Court 8.300, through the CAC, which is administered through contracts with 5 private, non-profit corporations, or appellate projects. Appellate projects provide services relating to the appointment of counsel in non-capital criminal cases and juvenile delinquency and dependency matters and other cases where persons have a right to appointed counsel on appeal, except for capital cases.

The current appointment rates, even though the recent increase has alleviated some hurdles, are negatively affecting the program in the areas of the recruitment of new panel attorneys and the retention of existing competent and experienced counsel, which are at the heart of an efficient and cost-effective CAC program. Before 2022-23 the last hourly rate increase for statewide panel attorneys occurred in 2016, which increased the rate by \$10 per hour for non-capital appeals. Prior to 2016, the last increase was in 2007. The proposed \$10 per hour rate increase is necessary for the continued recruitment of new competent attorneys, for the retention of experienced attorneys, and to allow the newer panel members to continue to serve on the panel while they gain the expertise to take on the more complex and more serious cases. Currently, 88 percent of the cases are assigned to more experienced panel attorneys on an independent appointment basis, an increase of 21 percent since 1997 as independent assignments are the most cost effective.

The program's ability to continue this level of independent assignments while providing competent representation is threatened by ongoing reductions in the statewide pool of experienced attorneys. In recent years, a number of the program's most qualified attorneys have either left the panel or greatly reduced the number of cases they are willing to accept in favor of more lucrative representation in federal courts or other state agencies. For example, The California Department of General Services 2022-2023 Price Book of \$170 per hour for external legal advice continues to stand in stark comparison to the current rate of \$110 - \$130 per hour offered by the CAC Program. Without continued reduction of this pay gap, the program will continue struggle.

Also, the current funding for the five appellate projects (non-profit corporations) that provide legal support to the private appointed attorneys is inadequate to support continued increases in operational costs. California's CAC Program through the annual contracts of the five appellate project offices fulfills the constitutional mandate of providing adequate representation for indigent appellants in the Courts of Appeal in non-capital cases. The objectives of California's appellate court-appointed counsel system and the CAC Program are to: (1) ensure the right of indigent clients to receive the effective assistance of appointed appellate counsel as guaranteed them by the U.S. Constitution; and (2) provide the Courts of Appeal with useful briefings and arguments that allow the Courts to perform their functions effectively and efficiently.

Background/History of Problem

**Judicial Branch
2024-25 Budget Change Proposal Concept**

In 1963, *Douglas v. California* (372 U.S. 353) held that the U.S. Constitution guarantees an indigent defendant convicted of a felony the right to a court-appointed attorney for the initial appeal. 22 years later, in 1985, the Court clarified in *Evitts v. Lucey* (469 U.S. 387), that the guarantee of court appointed counsel requires that counsel be competent. As indicated in *Evitts v. Lucey*, “[W]e have held that the Fourteenth Amendment guarantees a criminal appellant pursuing a first appeal as a right certain minimum safeguards necessary to make that appeal “adequate and effective,” see *Griffin v. Illinois*, 351 U.S. 12, 20 (1956); among those safeguards is the right to counsel, see *Douglas v. California*, 372 U.S. 353 (1963).” “[T]he promise of *Douglas* that a criminal defendant has a right to counsel on appeal — like the promise of *Gideon* that a criminal defendant has a right to counsel at trial — would be a futile gesture unless it comprehended the right to the effective assistance of counsel.”

Rule 8.300 states in applicable part: “Each Court of Appeal must adopt procedures for appointing appellate counsel for indigents not represented by the State Public Defender in all cases in which indigents are entitled to appointed counsel.... The court may contract with an administrator [appellate project] having substantial experience in handling appellate court appointments to perform any of the duties prescribed by this rule.” (Cal. Rules of Court, rule 8.300(a) and (e)(1).) The statewide panel attorneys in the CAC Program for the Courts of Appeal fulfill these rights for indigent defendants.

California’s CAC Program, with panel attorneys in the private sector, has been in place for about 30 years. The CAC Program’s panel attorneys provide critical and constitutionally required representation to indigent individuals in criminal, juvenile delinquency, and dependence appeals. The California Courts of Appeal contracts with appellate projects (non-profit organization) to oversee the statewide panel of attorneys who receive appointments in that district. The appellate projects are responsible for working with the panel attorneys to ensure effective assistance is provided; reviewing claims for payment for the work performed by the panel attorneys (to provide consistency and controls over the expenditure of these public monies); and training attorneys to ensure continuity of quality.

From 1989 to 1995, the hourly rate for all appointed cases was \$65 per hour. In 1995, a second tier was added at \$75 per hour to differentiate compensation in assisted and independent cases. A third tier at \$85 per hour was added in 1998 for the most serious and complex matters. Effective October 1, 2005, the rates increased by \$5 per hour; a \$10 per hour increase was put in place July 1, 2006; and one final \$5 per hour increase effective July 1, 2007. For over 9 years the same hourly rates (\$85/\$95/\$105) were in place until July 1, 2016, when the rates of \$95/\$105/\$115 were approved; and for another six years when the rates of \$110/\$120/\$130 effective July 1, 2022 were approved. The Judicial Council is requesting a \$10 per hr. increase to raise these 2024 rates to \$120, \$130, and \$140 per hour in 2024.

Impact of Denial of Proposal

If denied, the CAC Program through the appellate projects will be unable to recruit new attorneys and will continue to lose the most experienced panel attorneys to other government entities for more lucrative compensation and job security. The appellate projects will continue to be underfunded and unable to absorb increased costs while struggling to maintain office operations, including recruitment and retention of experienced staff. Underfunding in both these areas will negatively impact access to justice causing delays in or inability to access adequate and effective representation.

**Judicial Branch
2024-25 Budget Change Proposal Concept**

Outcomes and Accountability of Proposal

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

Required Review/Approval

Administrative Presiding Justices Advisory Committee

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

- Goal I: Access, Fairness, and Diversity
- Goal IV: Quality of Justice and Service to the Public
- Goal VI: Branchwide Infrastructure for Service Excellence

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

Approval

Tracking
Number: 24-03

**Judicial Branch
2024-25 Budget Change Proposal Concept**

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: Marcela Eggleton

**Judicial Branch
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Courts of Appeal
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Proposal Title	Proposition 66 Costs in Courts of Appeal
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Proposal Summary

The Judicial Council of California (JCC) requests 14.5 positions and \$9.5 million for 2024-25 and \$9.2 million ongoing General Fund for the Courts of Appeal to address the new workload associated with the implementation of Proposition 66 (Prop 66), the Death Penalty Reform and Savings Act of 2016.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	14.5	14.5	14.5	14.5	14.5
Personal Services	3,866	3,866	3,866	3,866	3,866
Operating Expenses & Equipment	5,609	5,284	5,284	5,284	5,284
Local Assistance					
Total	9,475	9,150	9,150	9,150	9,150
One-time	325				
Ongoing	9,150	9,150	9,150	9,150	9,150

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

Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)

Problem or Issue

Proposition 66 did not appropriate funds to the Courts of Appeal for additional resources to address the new petitions related to Prop 66. In addition, the current resources and staff of the Courts of Appeal cannot absorb the anticipated increase in workload.

Approximately 150 petitions were transferred from the Supreme Court to the trial courts, and the majority of those petitions are still pending in the trial courts and will likely result in an appeal under Proposition 66. Currently, 46 petitions have proceeded to final disposition in the trial courts and now are in the Courts of Appeal. Thirty-six have been stayed due to lack of funding to pay habeas corpus appeal counsel. Ten are moving forward despite the lack of funding because counsel is an agency such as HCRC or Federal Public Defenders (FPD) that does not need payment from the Courts of Appeal to proceed with the appeals.

The estimated workload calculation projects that one-fourth (38) of the pending 150 cases will be appealed in each year beginning in 2024-25. If funding is not provided to the Courts of Appeal, the courts will have to absorb over 12.5 work year equivalents each fiscal year resulting from the estimated 38 cases that will be appealed, with each case requiring approximately four months FTE (full-time equivalent) to review and prepare. This will delay all appeals, slowing the process of justice, which is precisely the opposite of what the proponents of Prop 66 and, by extension, the majority of Californians wanted when Prop 66 was passed.

Currently there are approximately 360 California condemned incarcerated persons awaiting appointment of habeas corpus counsel. Some of these incarcerated persons have been waiting for counsel for more than 20 years. Incarcerated persons are being denied their constitutional and statutory rights to challenge their convictions and sentences. Prior to passage of Prop 66, the Supreme Court handled the appointment of counsel, and habeas corpus petitions were filed directly in the Supreme Court. Prop 66 transferred initial appointment authority to the trial courts and directed the filing of habeas petitions there to be followed by an appeal to the courts of appeal. The requested funding will promote the interests of the fair administration of justice by allowing cases to proceed to final resolution, benefitting both the unrepresented and victim family members.

There is also a backlog of incarcerated persons on California's death row who have the right to counsel in state post-conviction proceedings, but currently must wait as long as 24 years for appointment of an attorney. These delays in appointment of counsel are not only against the interests of justice and fairness but substantially increase both the litigation costs of each case and the incarceration costs associated with the delay in providing a substantial number of condemned incarcerated persons potential relief from their death judgments. As of mid-2018, 367 incarcerated persons 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.

Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)

The Courts of Appeal staff 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 trial court rulings, decide multiple pre-decision motions, and consider petitions for rehearing.

The estimated workload calculation is based on averaging two types of anticipated appeals: appeals from initial petitions, which will require extensive work; and appeals from second or subsequent petitions, which will often require less work. For appeals from initial petitions, an FTE position will need an average of six months to prepare a draft opinion. For appeals from second or subsequent petitions, an FTE position will need from one week to several months to prepare a memorandum or draft decision. Averaging these estimates results in the need for one FTE position to work on a case for four months.

Courts of Appeal Appointed Counsel: Counsel has already been appointed in virtually all 150 cases transferred to the trial courts, and most of the decisions issued in these cases will be appealed under Prop 66. The Courts of Appeal cannot assume, however, that because a petitioner had representation in the trial 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 2026-27.

Background/History of Problem

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

Before Proposition 66, habeas corpus petitions related to capital convictions were filed in and decided by the Supreme Court. Under Prop 66, these petitions are generally to be decided by the trial courts and then appealed to the Courts of Appeal. Habeas corpus proceedings represent a new workload and the need for new staffing for the Courts of Appeal. Staffing requested 14.5 positions (personal services and operating expenses and equipment): 1.0 supervising appellate court attorney, 11.5 senior appellate court attorneys, and 2.0 judicial assistants.

Impact of Denial of Proposal

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The Courts of Appeal will not have the resources (i.e., funding and staff) to address the new workload resulting from the passage of Prop 66, the Death Penalty Reform and Savings Act of 2016. All habeas corpus petitions related to capital convictions appeals will be delayed, slowing the process of justice, which is inconsistent with the intent of Prop 66 when passed by the California voters.

Outcomes and Accountability of Proposal

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

With the approval of this proposal, many underrepresented groups would benefit from providing timely justice, and The National Academy of Sciences and others have estimated that approximately 4 percent of condemned incarcerated persons may be innocent, suggesting that as many as 14 of the California's 360 unrepresented condemned incarcerated persons may have potentially meritorious claims of innocence. Racial and ethnic minorities are disparately impacted, with African Americans comprising approximately 35 percent of California's death row (as compared to approximately 6 percent of the general population).

Approval of this proposal will also provide timely processing of these cases, provide equity for all Californian's where families are seeking timely justice for the victims and the families of incarcerated persons in the habeas corpus petition cases. In addition, these funds will reduce the time of innocent incarcerated persons serving longer times in prison, as the families on both sides continue to wait for their day in court and closure.

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

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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

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 court’s proceedings and programs. Court procedures will be fair and understandable to court users. Members of the judicial branch community will strive to understand and be responsive to the needs of court users.” Prop 66 specifically requires the JCC to adopt rules “designed to expedite the processing of capital appeals and state habeas corpus review” (Penal Code Section 190.6(d)). This direction is consistent with the provision in Prop 66 that provides that death penalty-related habeas corpus proceedings “be conducted as expeditiously as possible” (Penal Code Section 1509(f)). This concept also fulfills the Judicial Branch Strategic Plan Goals: IV: Quality of Justice and Service to the Public and VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch.

Approval

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



Director Signature:

Contact Name: Deborah Collier-Tucker

**Judicial Branch
 2024-25 Budget Change Proposal Concept**

Requesting Entity	Supreme Court
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Proposal Title	Supreme Court Capital Court-Appointed Counsel Program
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Proposal Summary

PLACEHOLDER:

The Supreme Court is requesting \$xxx (TBD) ongoing General Fund to support the Supreme Court’s Capital Court-Appointed Counsel (CAC) Program. The request has two components: (1) \$xxx permanent General Fund augmentation for a \$xxx per hour rate increase for capital appeal appointments; and (2) \$xxx for a permanent General Fund augmentation for a permanent %xxx percent increase in the annual contract for the California Appellate Court – San Francisco Project Office (CAP-SF).

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$ TBD	\$ TBD	\$ TBD	\$ TBD	\$ TBD
Local Assistance					
Total	\$ TBD	\$ TBD	\$ TBD	\$ TBD	\$ TBD
One-time					
Ongoing	\$ TBD	\$ TBD	\$ TBD	\$ TBD	\$ TBD

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

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Problem or Issue

The Supreme Court Capital Court-Appointed Counsel (CAC) program has not received an increase in their appointment rate since 2007-08. The current appointment rate is \$145, and it no longer attracts new experienced attorneys to the program. The \$145 appointment rate has impacted the program's ability to attract and retain experienced private attorneys. In addition, the California Appellate Project – San Francisco (CAP-SF), Project Office, is losing its most experienced staff attorneys to retirement and to lucrative job opportunities with other state entities. The California Appellate Project – San Francisco (CAP-SF) had not received any new funding between 2007-08 and 2017-18, in its annual contract.

The funds will increase the appointment rate to \$xxx to allow the program to attract new and experienced attorneys to apply for capital appointments. These additional funds of \$xxx who provide needed resources for the Project Office to retain and hire experienced staff attorneys that provide assistance to the private appointed attorney.

The funding is requested to address the program's need to attract and retain experienced attorneys for both the appointments in capital appeals and for the Project Office to address retiring attorneys and loss of attorneys to other employment, thus ensuring adequate and effective counsel for representation.

In the 2017-18 Budget Act, the Supreme Court's Capital CAC Program received an increase of \$255,000 for its CAP-SF; no increases had been received for CAP-SF since 2007-08. The appointment rate for capital cases is currently \$145 per hour and has been in place since October 2008.

The Capital CAC Program's ability to continue attracting qualified attorneys to apply for capital appointments continue to fall short of the number of annual death judgments. Several of the program's most qualified attorneys have either left the panel or not taken a new capital appointment. They are moving to representation in federal courts or other state agencies. For example, The California Department of General Services 2022-2023 Price Book's authorized hourly rate is \$170 per hour for external legal advice – and stands in stark comparison to the current rate of \$145 per hour offered by Supreme Court CAC Program.

Background/History of Problem

Adequate and effective representation is a right for defendants in a death penalty appeal. In 1963, *Douglas v. California* (372 U.S. 353) held that the federal Constitution guarantees an indigent defendant convicted of a felony the right to a court-appointed attorney for the initial appeal. In 1985, the Court clarified in *Evitts v. Lucey* (469 U.S. 387), that the guarantee of CAC requires that counsel be competent.

As indicated in *Evitts v. Lucey*, "[W]e have held that the Fourteenth Amendment guarantees a criminal appellant pursuing a first appeal as a right certain minimum safeguards necessary to make that appeal "adequate and effective," see *Griffin v. Illinois*, 351 U.S. 12, 20 (1956); among those safeguards is the

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right to counsel, see *Douglas v. California*, 372 U.S. 353 (1963).” For death cases, rule 8.605 states in applicable part: ‘Appointed counsel’ or ‘appointed attorney’ means an attorney appointed to represent a person in a death penalty appeal or death penalty-related habeas corpus proceeding in the Supreme Court...” ‘Assisting counsel or entity’ means an attorney or entity designed by the Supreme Court to provide appointed counsel with consultation and resource assistance. Entities that may be designated include the Office of the State Public Defender, the Habeas Corpus Resource Center, and the California Appellate Project of San Francisco.” (Cal. Rules of Court, rule 8.605(c)(1) and (c)(5)). The California Appellate Project-San Francisco fulfills these rights for indigent defendants.

Prior to 2004-05, the capital appointment rate was \$125 per hour. Effective October 1, 2005, the rates increased by \$5 per hour; a \$10 per hour increase was put in place July 1, 2006; and one final \$5 per hour increase effective July 1, 2007. The current rate of \$145 per hour has been in place for over 15 years. The Supreme Court is requesting a \$xxx per hour increase to raise the 2024 rate to \$xxx.

Impact of Denial of Proposal

The denial of this request will negatively impact timely representation and increase the backlog of incarcerated persons on California’s death row who have the right to counsel in appeals, but currently must wait as long as 7 years for appointment of an attorney. These delays in appointment of counsel are not only against the interests of justice and fairness but substantially increase both the litigation costs of each case and the incarceration costs associated with the delay in providing a substantial number of condemned incarcerated persons potential relief from their death judgments.

If denied, the Supreme Court and the CAP-SF office will be unable to recruit new attorneys and will continue to lose the most experienced capital panel attorneys to other government entities for more lucrative compensation and for job security. The CAP-SF office will continue to be underfunded and unable to absorb increased costs while struggling to maintain office operations, including recruitment and retention of experienced staff.

In addition, the capital appointments of attorneys will continue to decrease and the backlog for appellants to receive timely representation in their cases will increase. Timely processing of these cases provides equity for all Californian’s where families are seeking timely justice for the victims and the families of incarcerated persons in the capital appeal cases. Without additional funds to address the appellants without counsel and to address backlog, there will continue to be a delay in providing justice for the victim’s family and the incarcerated inmate’s family. In addition, without funds to process these cases innocent incarcerated persons are serving longer times in prison, as the families on both sides continue to wait for their day in court and closure.

Outcomes and Accountability of Proposal

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Provide equal public access to justice, timely, and adequate legal representation for indigent appellants for capital appeals in California. The goal for the CAP-SF office and the Supreme Court is to have a stable CAP-SF organization that can provide the contractual services required to handle capital appointments. It is difficult to measure outcomes when the appeal for capital cases can last many years. However, based on the level of appointments for the death judgments rendered each year, experienced CAP-SF staff resources will be greatly needed to address the backlog and to respond to the unrepresented appellants.

Required Review/Approval

Administrative Presiding Justices Advisory Committee

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

- Goal I: Access, Fairness, and Diversity
- Goal IV: Quality of Justice and Service to the Public
- Goal VI: Branchwide Infrastructure for Service Excellence

The United States Constitution’s Sixth Amendment guarantees the effective assistance of counsel in criminal proceedings as a fundamental part of our judicial system. The courts are required to provide counsel to indigent defendants and must do so in all appeals that may come before them. As set forth in the Judicial Council’s long-range Strategic Plan for California’s Judicial Branch (adopted December 2006; readopted 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 court’s proceedings 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.”

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 Deborah Collier-Tucker

**Judicial Branch
 2024-25 Budget Change Proposal Concept**

Requesting Entity	Leadership Support Services
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Proposal Title	Establish Project Management Office
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Proposal Summary

The Judicial Council of California (JCC) requests 3.0 positions and \$744,000 General Fund for 2024-25 and \$709,000 General Fund ongoing, beginning in 2025-26, to establish a formal project management office (PMO) that will provide a pool of shared project managers that can be utilized across the JCC, standardize project management processes and tools, and coordinate communications across projects.
Does this proposal require a statutory change? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal have an information technology component? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal require data collection or reporting? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	3	3	3	3	3
Personal Services	\$603	\$603	\$603	\$603	\$603
Operating Expenses & Equipment	\$141	\$106	\$106	\$106	\$106
Local Assistance					
Total	\$744	\$709	\$709	\$709	\$709
One-time	\$35				
Ongoing	\$709	\$709	\$709	\$709	\$709

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

Problem or Issue

Judicial Branch 2024-25 Budget Change Proposal Concept

The JCC maintains a vital role in supporting the judicial branch and the Judicial Council. As the policymaking body of the California courts, much of the council's work is centered around significant, often complex issues that require examination and in-depth analysis. JCC offices regularly manage projects of varying sizes. Typically, subject matter experts serve as project managers; there is generally not a single methodology used; and the rigor and formality vary depending on each specific project, the project manager, and the project manager's skillset. Some offices, such as Information Technology and Facilities Services, have more formalized project management capabilities while most other offices perform project management activities as needed. The purpose of establishing the PMO is to free up subject matter experts to focus on the content and substance of these large complex projects, while the PMO would provide strategic support; resource management; and processes, methods, and tools for project completion, along with any other project management services required.

For less complex projects, informal project management is adequate. For larger, complex projects, it is crucial to have a more formalized and rigorous project management approach. Past projects at the JCC have been managed with existing subject matter expert program staff, with varying degrees of project management experience and stretched resources—this includes projects such as the Commission on the Future of California's Court System, the Code of Civil Procedure Section 367.9 Working Group, the Appellate Caseflow Workgroup, the MyCitations Ability to Pay Program, and grant management for various grants. It is expected that the PMO will replace this ad-hoc system and allow availability of permanent, professional project management resources to all Judicial Council divisions.

The PMO will:

- Provide consistent project management processes and tools to manage larger JCC projects;
- Allow subject matter experts to focus on project content rather than project management; and
- Facilitate communications across projects.

Background/History of Problem

The JCC has not had a formal, centralized project management office or function. The Judicial Council Special Projects office lends itself to managing projects; however, the work of Special Projects has often been engaged with its own responsibilities such as creation of the *Pandemic Continuity of Operations Resource Guide* and management of the Court Innovations Grant Program. Larger offices that frequently manage complex projects, such as Information Technology and Facilities Services, have more formalized project management approaches; however, other offices rely on existing team members and skillsets to manage their projects. Sometimes, offices will engage with temporary, external resources to provide formal project management services. As a result, project management approaches vary, and project management processes are inconsistent. This creates inefficiencies in managing team resources, potentially reduces the flexibility and speed of making project adjustments, and may cause confusion around deliverables and timelines.

Sometimes, projects need to be delayed or sequenced in a particular manner because a specific subject matter expert is either engaged in service content work or is already managing a large project. We estimate that there is a certain amount of inefficiency in the JCC's current informal project management model resulting from multiple ad hoc project management approaches and varying uses of project management

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tools. For example, some teams may track deliverables using an Excel spreadsheet, and some may use a formal project management tool such as Asana, Hive, or Jira, while others may use a full workflow management tool like ServiceNow. The continual overhead in tool selection, training, and usage across multiple projects can be time consuming.

While these issues do not have as big of an impact on less complex projects, they have a bigger impact on larger, more complex projects. Given the pace of change and complexity of our current environment, we expect continued growth and initiation of these larger, more complex projects in the future.

Impact of Denial of Proposal

The continued use of ad hoc project management across the JCC, the inability to achieve efficiencies and consistency in project management, and a continued need to utilize external resources for formal project management will have a negative impact on completion of critical branchwide large, complex projects.

Outcomes and Accountability of Proposal

Standardized tools and processes for managing larger, complex projects; better utilization of subject matter experts who no longer need to dedicate part of their time to project management; and improved visibility and communications regarding project status, deliverables, and issues.

Required Review/Approval

N/A

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
Goal VI: Branchwide Infrastructure for Service Excellence

Approval

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

Director Signature: *Laura Speed*

Contact Name: Laura Speed

**Judicial Branch
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Courts Facilities Modification Advisory Committee
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Proposal Title	Trial Courts Facilities Maintenance and Utilities
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Proposal Summary

The Judicial Council of California (JCC) requests \$96.86 million General Fund in 2024-25 and ongoing to provide industry standard level facility operations, maintenance, and utilities to the Judicial Council real estate portfolio. The request includes \$5.97 million in new funding for nine courthouses that will open in 2024-25, \$3.57 million in new funding for the Stanislaus – New Modesto Courthouse currently under construction, and \$87.32 million to increase the Operations & Maintenance (O&M) and utilities budget from the 2017 International Facility Management Association (IFMA) rate to 2022 IFMA rate on the existing statewide JCC trial court portfolio.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	96,860	96,860	96,860	96,860	96,860
Local Assistance					
Total	96,860	96,860	96,860	96,860	96,860
One-time					
Ongoing	96,860	96,860	96,860	96,860	96,860

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

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2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

Problem or Issue

Currently, no mechanism exists for funding increases in facility operations and maintenance (O&M), and utilities for court facilities. Due to increasing utility costs and other inflationary cost pressures which are beyond our control, and to stay within our limited resources maintenance is reduced. Deferring maintenance leads to inadequately maintained buildings, which in turn leads to failures. This proposal requests an increase of \$96.86 million to the O&M and utility budget. This proposal is based on the 2022 IFMA Benchmark Report and 2022-23 projections of gas and electric utilities cost increases as follows:

Court Facilities

- a) *Placeholder* \$5.97 million: New funding for the nine new trial Court Facilities to fund the 737,000 net SF JCC managed space increase. If included in the Budget Act this item will be reduced for the 2024-25 proposal.
- b) \$3.57 million: New funding for the 309,284 SF Modesto courthouse to-be completed in 2024-25.
- c) \$87.32 million: Incremental funding increase from 2017 IFMA rate to 2022 IFMA rate for the existing, entire, statewide portfolio of JCC managed Trial Court facilities

Background/History of Problem

Funding increases to account for inflation of facility O&M and utilities do not currently exist. The available funding for facilities operations costs has been overrun by growth of the JCC portfolio and increased ongoing costs. The requested increase in funding from 2017 IFMA rates to 2022 IFMA rates, will help address the ongoing funding deficit currently incurred/planned to be incurred.

Impact of Denial of Proposal

Denial of this proposal will require shifting budget from renewals and preventative maintenance to cover increasing utility costs. The change will result in a return to run-to failure practice of facility maintenance and increase the deferred maintenance backlog. A lack of renewals and preventative maintenance increases unplanned emergency failures of building components. The cost to repair failed building components in a reactive emergency mode is more costly. This run-to failure environment results in otherwise avoidable disruptions to court operations because needed renewals of building systems are not timely performed.

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Outcomes and Accountability of Proposal

The Trial Court Facility Modification Advisory Committee oversees trial 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 resources.

California’s trial court facilities are aging and deteriorating. Facilities have exponentially escalating building maintenance and equipment repair costs. The judicial branch’s responsibility is to ensure that every courthouse is uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with the originating legislative directives to ensure that courthouses are accessible and functional throughout the state.

This concept also advances the diversity, equity, and inclusion priorities of the administration by ensuring that residents from every California county have access to buildings that are designed, built, and maintained according to standards (the federal Americans with Disabilities Act, the California Building Code) that ensure full access by all individuals, regardless of their abilities. The essence of the enabling legislation of the judicial branch’s facilities program is equity across the state – uniformly safe, secure, and well-maintained facilities were the goals back in 2002 and are still the mission of the facilities program today.

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: 24-07

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(4 Page Maximum Length)**

Director Signature: *Pella McCormick*

Contact Name: Pella McCormick, Director

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

Requesting Entity	Trial Court Facility Modifications 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 \$41.6 million General Fund in 2024-25 including \$6.6 million in one-time funding to hire a contractor to replace electrical panels and switchgear at four JCC-managed portfolio properties, and \$11.4 million in ongoing reimbursement authority for the State Court Facilities Construction Fund (SCFCF) and \$35 million in 2025-26 in General Fund (GF) annually thereafter to address Facilities Modifications to the judicial branch building assets required to maintain a safe and secure buildings for the public, court staff, and judicial officers.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund and State Court Facilities Trust Fund reimbursement

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	53,000	46,400	46,400	46,400	46,400
Local Assistance					
Total	\$53,000	\$46,400	\$46,400	\$46,400	\$46,400
One-time	6,600				
Ongoing	46,400	46,400	46,400	46,400	46,400

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

Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)

Problem or Issue

Annual funds budgeted for Facility Modifications (FM) from the SCFCF have remained steady at \$65 million with reimbursement authority of \$13 million since 2014. In 2022-23 the JCC received an additional \$15 million ongoing GF and \$4 million reimbursement authority, bringing the FM program budget to \$80 million with \$17 million in reimbursement authority for 2022-23. However, \$15 million of the FM programs \$65 million SCFCF funding is set to sunset at the end of 2023-24 reverting the FM programs budget back down to \$65 million again \$50 million from SCFCF and \$15 million from GF. The \$65 million annual FM program budget funds only the most critical building system lifecycle replacements or renovation of major building systems such as HVAC, vertical transportation, and electrical equipment. The cost of repairs and replacements under the FM program have increased correspondingly with inflationary cost trends for construction trade labor and materials in California in the economy. The reduced purchasing power of the available resources forces the JCC FM program to operate on a run-to-failure mode for many building systems and posing the risk of non-compliance of accessibility requirements and court closures.

A corresponding reimbursement authority increase of \$11.4 million is required for the SCFCF. The current reimbursement authority of \$17 million would be insufficient to support the shared costs of the FM program with the augmented funding.

Additionally, onetime funding of \$6.6 million is requested to provide for the replacement of the electrical panels and switchgear at McCourtney Juvenile Courthouse, Santa Monica Courthouse, Pomona South Courthouse and Whitter Courthouse. The electrical panels and circuit breakers currently in use are at high risk of failure and have been found to have latent fire and shock hazards. These components need to be replaced. The one-time cost also includes an assessment of the rest of the portfolio to identify the locations where the risk of failure is also high.

Background/History of Problem

California's trial court facilities are aging, and deteriorating facilities have exponentially escalating building maintenance and equipment repair costs. The judicial branch's responsibility is to ensure that every courthouse is uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with the originating legislative directives to ensure that courthouses are accessible and functional throughout the state. This resource request also advances the diversity, equity, and inclusion priorities of the Administration by ensuring that residents from every California county have access to buildings that are designed, built, and maintained according to standards (the federal Americans with Disabilities Act, the California Building Code) that ensure full access by all individuals, regardless of their abilities. The essence of the enabling legislation of the judicial branch's facilities program is equity across the state – uniformly safe, secure, and well-maintained facilities were the goals back in 2002 and remain the mission of the facilities program today.

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(4 Page Maximum Length)**

Impact of Denial of Proposal

Denial of the proposal will result in fewer FMs completed under the current \$65 million FM budget and \$13 million reimbursement authority. Facilities will continue to degrade owing to the current run-to-failure environment and resources drained as the need increases for more Priority 1 - Emergency FMs.

If the electrical panel funding request is denied it could potential lead to fire hazard and extended closure of the facilities as the new equipment will need to be ordered and can cause operational impacts. Failure of building systems results in emergency events, creating higher building maintenance and repair costs, and reduced safety for court staff, judicial officers, and the public.

Outcomes and Accountability of Proposal

Supplementing the FM program’s funding allows for prioritized FMs 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

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
 2024-25 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 4.0 positions and \$140.8 million ongoing General Fund and an additional \$32.5 million in ongoing reimbursement authority from the State Court Facilities Construction Fund to support deferred maintenance projects for trial courts and Courts of Appeal.

The \$140.8 million represents ongoing funding of \$133.5 million for trial court facilities and ongoing funding of \$7.3 million for Court of Appeal facilities, which includes ongoing funding of \$2.0 million for Fresno Court of Appeal, \$4.0 million for Riverside Court of Appeal, and \$1.3 million for Orange Court of Appeal.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund and State Court Facilities Construction Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	4	4	4	4	4
Personal Services	1,025	980	980	980	980
Operating Expenses & Equipment	139,800	139,800	139,800	139,800	139,800
Local Assistance					
Total	140,825	140,780	140,780	140,780	140,780
One-time					
Ongoing	140,825	140,780	140,780	140,780	140,780

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

Problem or Issue

**Judicial Branch
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In 2019 staff completed Facilities Conditions Assessments (FCAs) for most occupied court facilities in the JCC portfolio. The FCAs were funded from \$5 million of one-time, General Fund available for statewide deferred maintenance funding. The Five-year Deferred Maintenance Report for Fiscal Year 2022–23 presented a deferred maintenance backlog of \$4.5 billion.

Due to lack of adequate funding to address normal routine maintenance and repairs, the JCC has a backlog of 22,042 deferred maintenance projects at an estimated cost of \$4.5 billion, of which \$3.3 billion is the Judicial Council’s share. Prior budgets have appropriated significant one-time resources for deferred maintenance projects, however without ongoing funding JCC is unable to address the growing deferred maintenance backlog or plan resources to provide the necessary repairs to keep the facilities in acceptable condition.

This proposal is requesting ongoing funding for deferred maintenance to enable continuous efforts to address the JCC’s need for \$3.3 billion and to ultimately reduce the number of deferred maintenance projects. Being able to rely on a regular level of funding and the appropriate staffing level to complete deferred maintenance projects is a more stable and efficient approach to maintaining California’s trial and appellate court facilities.

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.

Because facility needs exceed current funding, Judicial Council staff maintain facilities in a run-to-failure environment that focuses exclusively on projects responding 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 system failures, electrical service outages, and facility closures resulting from water leaks. Without an adequate budget to replace these assets, these critical systems will continue to fail, interrupt court operations, and limit the public’s access to justice. These projects are a priority to maintain continuity of court operations in facilities throughout the state. Examples of these critical system replacements that place the public’s safety at risk in court facilities include but are not limited to the following:

- Failed roofing systems causing interior structural damage;
- Failed fire protection monitoring systems causing safety issues;
- Failed elevator systems causing entrapments;
- Failed HVAC equipment causing uncomfortable or unsafe respiratory conditions; and
- Failed plumbing systems causing flooding.

**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

This lack of funding causes more of these renewals to be deferred and hence adds to the list of deferred maintenance projects. Over the last five fiscal years from 2018–19 to 2022–23, this list has increased from 8,750 to 22,042 projects and from a total estimated cost of \$2.8 to \$4.5 billion—the Judicial Council share increasing from \$2.4 to \$3.3 billion.

Impact of Denial of Proposal

Denial of this proposal will result in a deferred maintenance backlog that will continue to grow and a corresponding increase in the number of emergency repairs. This is because of the inverse relationship between underfunded deferred maintenance and emergency repairs. System failures create a higher cost due to the immediate need for action created by an unexpected failure and the lack of time to carefully and cost-effectively plan the repair/replacement effort. Buildings will continue in a run-to-failure mode, with aged building systems being replaced only at the point of failure. This approach to facilities management increases the costs of replacements and repairs and unnecessarily depletes the ongoing maintenance funding of the program.

Outcomes and Accountability of Proposal

An ongoing, systematic approach to addressing deferred maintenance allows for the program to plan resources and outline an ongoing plan for addressing the \$4.5 billion backlog, of which \$3.3 billion is the Judicial Council’s share. Identified staff will provide the needed oversight for execution of the projects. Projects will be executed as facility modifications and will be subject to review and reporting to the Trial Court Facility Modification Advisory Committee (TCFMAC).

The TCFMAC provides ongoing oversight of the JCC Facilities Program and is regularly informed of facilities-related costs, inclusive of operations and maintenance, facility modifications, leases, and portfolio management. To ensure accountability, Facilities Services is obligated by the Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

The State of California’s trial court facilities are aging and deteriorating facilities have exponentially escalating building maintenance and equipment repair costs. The judicial branch’s responsibility is to ensure that every courthouse is uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with the originating legislative directives to ensure that courthouses are accessible and functional throughout the state. This BCP also advances the diversity, equity, and inclusion priorities of the administration by ensuring that residents from every California county have access to buildings that are designed, built, and maintained according to standards (the federal Americans with Disabilities Act, the California Building Code) that ensure full access by all individuals, regardless of their abilities. The essence of the enabling legislation of the judicial branch’s facilities program is equity across the state – uniformly safe, secure, and well-maintained facilities were the goals back in 2002 and remains the mission of the facilities program today.

**Judicial Branch
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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
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	Electrical Systems Safety & Reliability Study & Implementation – Statewide Facilities
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Proposal Summary

The Judicial Council of California (JCC) requests \$2.9 million General Fund in 2024-25 and ongoing to establish an electrical safety program and protocols to improve facilities electrical systems safety & reliability in compliance with the National Fire Protection Association (NFPA) Standard 70E – Electrical Safety in the Workplace in JCC building assets.
Does this proposal require a statutory change? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal have an information technology component? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal require data collection or reporting? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	2,938	2,938	2,938	2,938	2,938
Local Assistance					
Total	2,938	2,938	2,938	2,938	2,938
One-time					
Ongoing	2,938	2,938	2,938	2,938	2,938

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

Problem or Issue

Judicial Council is responsible for providing safe and reliable facilities for all court users. A program outlining all aspects of the branch’s electrical safety policy, including, work permits, lockout/tagout procedures, assessment of electrical hazards, and maintenance procedures is needed to ensure safe facilities and workplace safety.
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**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

Establishing these critical safety programs and protocols that the JCC currently lacks will help preserve the State's investment in the JCC's building assets required to maintain a safe and secure buildings for the public, court staff, and judicial officers by providing safe electrical systems.

Background/History of Problem

The JCC is responsible for providing safe and reliable facilities for all court users, contractors, staff and court officers. Currently the JCC lacks a program outlining all aspects of the branch's electrical safety policy, including, work permits, lockout/tagout procedures, assessment of electrical hazards, and maintenance procedures. JCC program staff have identified the need for such a program to continue providing safe facilities for service provider technicians, staff and court officers who are at risk daily from electrical shock injury due to the lack of a proper safety policy and protocols. Typically, in the United States, between five to ten arc flash incidents (a phenomenon where a flashover of electric current leaves its intended path and travels through the air from one conductor to another, or to ground) occur every day.

The Proposal includes establishing a safety program to comply with California Electrical Code Section 110.16 that requires facilities electrical equipment - switchboards, panelboards, industrial control panels, meter socket enclosures, and motor control centers that require examination, adjustment, servicing, or maintenance while energize - to be field marked to warn trained persons of potential electric arc-flash hazards. Arc-flash is a recognized hazard by OSHA. Arc-flash - also known as arc-blast - is a sudden, explosive electrical arc that results from a short circuit through air. Such short circuits may be enabled by moist or dusty air which can enable a conductive path toward a nearby worker. Ultimately, the potential for electrical arc-flash explosion is a dangerous situation: it can vaporize surrounding metal, set fires, and cause deafness, severe burn injuries and death. The JCC building assets electrical systems must be inherently safe for all technicians. The definition of inherently safe is that danger is materially reduced to as low a level as possible, even if an abnormality occurs. This contrasts with relying on a process of available training and personal protective equipment.

This proposal provides arc-flash analysis, by establishing a one-line diagram of the courthouse as-built electrical system by a California licensed professional electrical engineer. A short circuit and coordination study of the system with recommendations will provide the basis for an arc-flash analysis and determination of Personal Protective Equipment (PPE) requirement at the electrical equipment. The arc-flash hazard analysis and report should be updated every five years.

The request is for 190 court facilities distributed as follows: Southern Region Office (80 facilities), Northern California Region Office (48 facilities) and Bay Area Northern California Region Office (62 facilities).

Safety improvement extends to systems reliability improvement. Improving safety includes identifying and reducing fatigued components, which reduce the chances of unplanned electrical outage inconvenience. Therefore, the program would prioritize facilities in order of risk.

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

Impact of Denial of Proposal

Denial of this proposal will result in the risk of electrical shock, burn, fire and unplanned outage incident continues. The chance for occurrence of a serious or fatal incident will increase with time. Delay in addressing the possibility of electrical arc-flash explosion is a dangerous situation: arch-flash can vaporize surrounding metal, set fires, and cause deafness, severe burn injuries and death.

Outcomes and Accountability of Proposal

Expected outcome is for every JCC owned or maintained Court facility to be in full Electrical Safety in the Workplace compliance within five (5) years of embarking on the proposed concept. Facilities Services currently has a Quality Compliance program to review electrical service work to ensure compliance with contract. At the end of that five-year period the effort will recure as required by regulation as deterioration and/or alteration of these electrical power systems is expected.

California’s trial court facilities are aging, and deteriorating facilities have exponentially escalating building maintenance and equipment repair costs. The judicial branch’s responsibility is to ensure that every courthouse is uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with the originating legislative directives to ensure that courthouses are accessible and functional throughout the state.

This concept also advances the diversity, equity, and inclusion priorities of the administration by ensuring that residents from every California county have access to buildings that are designed, built, and maintained according to standards (the federal Americans with Disabilities Act, the California Building Code) that ensure full access by all individuals, regardless of their abilities. The essence of the enabling legislation of the judicial branch’s facilities program is equity across the state – uniformly safe, secure, and well-maintained facilities were the goals back in 2002 and remain the mission of the facilities program today.

Required Review/Approval

Trial Court Facility Modification Advisory Committee
Trial Court Budget Advisory Committee
Choose from drop down, advisory body(ies) who should review this proposal.

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

Tracking
Number: 24-10

**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

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
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modifications Advisory Committee
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Proposal Title	Energy Retrofit Deferred Maintenance
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Proposal Summary

The Judicial Council of California (JCC) requests \$25 million per year for three years, totaling \$75 million. The \$25 million includes \$18.87 million in General Fund and reimbursement authority of \$6.125 million from the State Court Facilities Construction Fund (SCFCF) to perform energy efficiency-optimized lifecycle replacement deferred maintenance backlog work at five courthouses in the portfolio with the highest critical need of energy system upgrades. The five facilities included in this request will remain in the portfolio within the twenty-year time horizon.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund and State Court Facilities Construction Fund Reimbursement

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	25,000	25,000	25,000		
Local Assistance					
Total	25,000	25,000	25,000		
One-time	25,000	25,000	25,000		
Ongoing					

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

Judicial Branch
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(4 Page Maximum Length)

Problem or Issue

Funding is requested to accelerate energy retrofits for the five long-term building assets of the JCC portfolio with the most critical energy efficiency needs and reduce carbon emission, energy, and cost. The cost estimates for the deep energy retrofit work are based on the findings of the carried out in 2019 Facility Condition Assessments.

The five facilities totaling 823,000 square feet are:

- 19-AG1 Compton Courthouse
- 19-AL1 Bellflower Courthouse
- 19-C1 Torrance Courthouse
- 30-B1 Betty Lou Lamoreaux Justice Center
- 36-J1 Barstow Courthouse

The average utility cost per square foot for the Judicial Council-managed portfolio in 2021 was \$3.08 per square foot. These five facilities had a total annual energy usage cost of \$2.9M in 2021, which translates to an average cost of \$3.52 per square foot, roughly 14% higher than the average portfolio. In addition, the current annual carbon emission levels for these facilities are over 7,300 metric tons of carbon dioxide equivalent (MTCO₂e). This equates to being 245% higher than the portfolio average emissions per square foot of floor area. The five buildings represent over 9.5% of the JCC managed portfolio's Scope 1 & 2 carbon dioxide emissions, despite only having a 3.9% representative share of the tracked portfolio floor area.

The proposed deep energy retrofits (DER) will tackle multiple deferred maintenance needs simultaneously in order to optimize the end result and the cost of delivery. DERs are energy conservation measures that increase building performance. Deep energy retrofits use current technologies, materials, and construction techniques to reduce on-site energy use by 50% or more relative to the baseline energy use (measured using utility bills analysis). Unlike ordinary single system facility modifications or energy retrofits, DERs have multiple energy and non-energy benefits. To balance energy, indoor air quality, durability, and thermal comfort, the building structure may be remodeled. The deep energy retrofits will use integrated project delivery. The DERs will result in significant reduction in energy usage and carbon emissions for the five facilities. Following the retrofits, these buildings are projected to incur an annual \$1.2M saving, a cost reduction of 40% for an annual energy usage cost of \$1.7M. The average cost is anticipated to reduce from \$3.52/sf to \$2.11/sf, which is 32% lower than the 2021 portfolio average. The anticipated annual carbon emission level will be improved by approximately 59%.

Background/History of Problem

JCC facilities have an extensive backlog of deferred maintenance due to the decade long transfer of court maintenance responsibilities, which led to significant facility degradation. An essential deferred maintenance area is energy system retrofits as aging infrastructure requires more resources to operate, and when buildings are not using energy efficiently, it has financial impacts on operations. Higher energy efficiency is critical across our portfolio due to static operating resources and escalating energy costs. These retrofits ensure energy efficiency, thereby saving money in the long run.

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

The recently enacted Senate Bill 1203 (Becker, 2022) (“SB 1203”) in 2022 requires "state agencies" to take specified steps to achieve net-zero emissions of greenhouse gasses resulting from their operations by no later than January 1, 2035, or as soon as feasible thereafter. This request will serve as a pilot for the branch’s approach to voluntarily align with SB 1203’s objectives through improved energy efficiency. The findings of the approach will be documented and disseminated within the Judicial Branch and with relevant stakeholders. The Judicial Council is currently procuring an Architectural/Engineering consultant study to validate the 2019 Facility Condition Assessments cost estimates and further optimize the DER approach for a subset of twenty buildings. The five buildings included in the current request are to be prioritized by the consultant study for completion ahead of FY22-23 year-end. The request for \$75M funding is part of a larger Deferred Maintenance backlog of \$5 Billion in the [Governor's California Five-Year Infrastructure Plan](#). The \$75M would be used for lifecycle replacement upgrades to maintain the long-term operability, efficiency, and comfort of the buildings. The project should not be evaluated through a simple payback methodology because these upgrades are necessary for the buildings' continued functioning. The \$1.2M in annual utility savings is an additional bonus of reducing the DM backlog in the five courthouses in a more strategic and optimized manner. Preventative maintenance is important to avoid Deferred Maintenance problems and the need for costly budget expenditures to replace worn-out building components. Without regular investments, the cost to maintain obsolete or worn-out building components increases exponentially. Experts estimate that Deferred Maintenance costs are 15 to 30 times the cost of early intervention. Therefore, through funding these building retrofits can avoid the Deferred Maintenance backlog problems at those five facilities and ultimately save the state money.

Impact of Denial of Proposal

Denial of this proposal to perform energy retrofits wastes financial resources with the growing costs of reactive operation and maintenance services and escalating energy costs within buildings with a lot of beyond their useful life equipment and building systems. The failure to perform the retrofits will negatively impact occupant comfort and results in high and noncompliant carbon emission levels, as compared with other State of California buildings. Deferred Maintenance can lead to increased energy consumption, as broken systems require longer operation to meet occupant demand, resulting in higher water, fuel, and electricity usage. Delayed upkeep can also cause equipment to become obsolete and unsupported by manufacturers, leading to emergency repairs at significantly higher costs. Additionally, denial of services due to building unavailability can create budget demands from relocation costs, new signage and letterhead, and customer impacts. Deferred Maintenance can compromise a building's life expectancy and return on investment, leading to replacement as the only cost-effective solution, often at a higher cost than if maintenance had been done earlier. If this request is denied, JCC will be limited to carrying out system-level upgrades only when DM funding becomes available or upon system failure, which are disruptive to court operations and significantly more costly.

**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

Outcomes and Accountability of Proposal

Upon approval of one-time funding, JCC will be able to procure the architectural/engineering design of the energy retrofits of the five least-energy efficient buildings and initiate the retrofits, thereby reducing both costs and greenhouse gas emissions. Cost savings per year will exceed \$1.1 million and will approximate \$55 million over a 30-year term. Furthermore, the Judicial Branch Deferred Maintenance backlog will be reduced by \$75M and that will be reflected in the 5-Year infrastructure plan as the work is allocated funding through this request. Funding these projects will provide the measurable results to validate the return on investment of this strategy. JCC's use of utility data and facility Building Automation System data before and after the interventions will enable measurement and verification of the achieved energy efficiency improvements and associated savings. The actual usage statistics will be tracked each year and consolidated into an annual report for the JCC Trial Court Facility Modification Advisory Committee (TCFMAC).

California's trial court facilities are aging and deteriorating facilities and have exponentially escalating building maintenance and equipment repair costs. The judicial branch's responsibility is to ensure that every courthouse is uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with legislative directives to ensure that courthouses are accessible and functional throughout the state. The essence of the enabling legislation of the judicial branch's facilities program is equity across the state – uniformly safe, secure, and well-maintained facilities were the goals back in 2002 and remain the mission of the judicial branch.

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
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trial Court Facility Modifications 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 \$35.61 million of General Fund and \$11.55 million reimbursement authority from State Court Facilities Construction Fund (SCFCF) over three fiscal years, totaling \$47.16 million to 1) install water leak detection equipment and software at 160 courthouses; 2) audit and replace outdated water fixtures at 136 Judicial Council managed courthouses older than 2011; 3) convert landscapes to drought tolerant at 9 courthouses. These projects will minimize property damage from leaks, conserve water and help address the ongoing drought conditions in California. The annual \$15.72 million includes \$11.87 million from the General Fund and \$3.85 million reimbursement authority from State Court Facilities Construction Fund (SCFCF).

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund and State Court Facilities Construction Fund Reimbursement

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	15,720	15,720	15,720		
Local Assistance					
Total	15,720	15,720	15,720		
One-time	15,720	15,720	15,720		
Ongoing					

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

**Judicial Branch
2024-25 Budget Change Proposal Concept
(4 Page Maximum Length)**

Problem or Issue

To address ongoing drought conditions in California and assist with water conservation efforts funding is needed to implement water conservation initiatives such as improved data visibility, replacing interior facility fixtures, and upgrading landscapes to drought-tolerant plant species and weather-based irrigation controllers. Currently the Judicial Council only receives water consumption data through the relevant water vendor utility bills, which are monthly, bi-monthly or quarterly. This funding request will provide hourly usage; automated leak alerts via email or text message and ability to shut off water supplies at the building level if a catastrophic leak parameter is encountered.

In addition, water leaks have become an expensive problem for the state’s courthouses. Leaks and catastrophic floods often originate from a plugged toilet/urinal or from a failed pipe within the walls. The failure of water system components and the lack of systematic ways of identifying excessive water usage result in massive flooding of a facility and damage to walls, floors, court furniture, and equipment. Due to the concealed nature of water pipes within walls and the inner structure of a facility, a water leak may not be detected for 30 to 60 days. Within that timeframe, water resources are wasted, water usage costs are increased, and substantial building structure damage is incurred.

Water leaks are disruptive and costly to court operations and limit access to justice when a facility undergo unplanned reactive maintenance to restore the building.

Background/History of Problem

JCC’s portfolio includes aging fixtures that use more water than code compliant plumbing fixtures, wasting both water and money. The JCC spends over \$3 million per year on more than 339.5 million gallons of water in the 160 facilities under the direct management of the JCC. Targeted facility improvements need to be made to reduce the consumption of water by 30% by 2030. The proposal is in alignment with specific goals defined in the JCC's [2015 Water Conservation Policy](#): “Big water users in Judicial Council–managed facilities should be evaluated for potential plumbing fixture replacement to low-flow fixtures, if feasible.”, “Big water users in Judicial Council–managed facilities should be evaluated for potential turf replacement, if feasible”. Due to lack of funding progress to-date has been very limited.

In addition, the Facilities Services program has been substantially impacted by many undetected water leaks. Undetected water leak repairs require a larger scope and increased costs when compared to early detection and remediation of the leak. JCC has spent over \$20M in the past five fiscal years on repairs and damage remediation caused by water leaks. This proposal will target a 30% reduction of the incurred domestic water and fixture leak damage costs which will enable the leak monitoring service to become self-funding after the third fiscal year. Furthermore, in a lot of cases the leaks have negatively impacted court operations and access to justice, and more particularly case disposition since parts of the facilities have had to undergo repairs.

The cost summary table below identifies the category and budget need of the \$47 million request in the concept.

**Judicial Branch
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

<i>Cost Summary</i>	
<i>Category</i>	<i>Budget Need</i>
<i>Turf Removal</i>	\$ 7,920,469
<i>Water Fixtures</i>	\$ 32,739,945
<i>Water Data Monitoring/Building level valves</i>	\$ 4,498,357
<i>RCx Water Controllers</i>	\$ 2,000,000
<i>Total</i>	\$ 47,158,771

Impact of Denial of Proposal

Without an identified source of funds for leak detection, water leaks will continue to be a silent destroyer of facilities, causing an unnecessarily substantial amount of damage, which draws from already impacted budgets for facility repairs, as well as negatively impacting court operations through disruptive reactive repairs. Similarly, outdated, beyond their useful life leaky plumbing fixtures will continue to waste hundreds of thousands of gallons of water if not replaced with modern water conserving fixtures.

Outcomes and Accountability of Proposal

Upon approval of the one-time funding, the JCC will be able to procure the necessary equipment and services required to implement water leak detection in approximately 160 facilities owned and managed by the JCC. Ongoing measurement and verification of water usage will be available to proactively identify water leaks, conserve water resources, and prevent unnecessary damage to facilities. The water leak equipment will help identify and mitigate leaking systems before it becomes a very costly repair and disruptive to court operations and services. The fixture upgrades at 136 courthouses will have a long-lasting effect in terms of improving the efficiency of water utilization within the facilities, and that will be validated through the data that will become available for water use monitoring and leak detection purposes.

California’s trial court facilities are aging and deteriorating facilities have exponentially escalating building maintenance and equipment repair costs. The judicial branch’s responsibility is to ensure that every courthouse is uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with legislative directives to ensure that courthouses are accessible and functional throughout the state. The essence of the enabling legislation of the judicial branch’s facilities program is equity across the state – uniformly safe, secure, and well-maintained facilities were the goals back in 2002 and remain the mission of the Judicial Branch.

Required Review/Approval

Trial Court Facility Modification Advisory Committee
 Trial Court Budget Advisory Committee

**Judicial Branch
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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
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Court Security Advisory Committee
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Proposal Title	Trial Court Physical Security Assessment and Evaluation
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Proposal Summary

The Judicial Council of California (JCC) requests \$2.657 million in 2024-25 and \$622,000 ongoing annually from the General Fund to assess, evaluate and identify physical security deficiencies in trial court facilities statewide. This proposal would provide one-time funding to conduct security assessments at 200 court facilities and ongoing funding for two Security Coordinators and one Associate Analyst to manage and administer the assessment and evaluation process and ongoing analysis of the resulting data to prepare an in-depth cost estimate to address the identified deficiencies.
Does this proposal require a statutory change? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal have an information technology component? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal require data collection or reporting? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	3.0	3.0	3.0	3.0	3.0
Personal Services	516	516	516	516	516
Operating Expenses & Equipment	2,173	106	106	106	106
Local Assistance					
Total	2,657	622	622	622	622
One-time	2,000				
Ongoing	657	622	622	622	622

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

Problem or Issue

Judicial Branch
2024-25 Budget Change Proposal Concept
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The administration of justice provides an open, welcoming atmosphere to the public--as such, courthouses have been identified as the weakest link in the criminal justice security chain. Many court facilities lack adequate physical security elements as recognized by the California Trial Court Facilities Standards (CTCFS) and the National Center for State Courts (NCSC) publication [Steps to Best Practices for Court Building Security](#).

Information relating to physical security issues was gathered from three main sources. The sources include existing deferred security facilities modifications; court requests; and very limited court security assessment (performed by Emergency Planning and Security Coordination Unit staff) recommendations. The information was used to identify a sampling of the type of deficiencies and create a list by category.

Funding provided by this proposal will allow the JCC to conduct in-depth assessments and evaluations of physical security elements to identify deficiencies and to develop a prioritization plan and estimate of costs to address them. Competitively bid master agreements would be utilized to perform site evaluations to identify security deficiencies using a list of pre-determined categories provided by the JCC. The list will serve as the basis for a future funding request to address the identified deficiencies.

No dedicated funds are currently available for the evaluation and identification of physical security deficiencies. In addition, staffing levels are not adequate to manage and administer the project. This request includes the one-time funding to retain consulting services to assist JCC staff with the assessment of 200 court facilities and ongoing funding for the staff necessary to administer the assessments, create the prioritization, and to implement future projects. Data from the assessments will be analyzed and cost estimates will be used to determine the amount of a funding request to address the identified deficiencies.

The assessment project will begin in FY 2024-25, and it is estimated that up to 100 assessments will be completed annually and that all 200 assessments will be complete by FY 2026-27.

Background/History of Problem

Physical security requirements and best practices have evolved significantly over the years, as detailed in the CTCFS and the NCSC publication “Steps to Best Practices for Court Building Security” (rev. June 2022). Security elements—consisting of ballistic glazing, secure judicial parking, vehicle barriers, clerk’s counters and weapons screening vestibules are vital components in ensuring security of the public, judicial officers, and court personnel.

Funding specifically identified for, and dedicated to addressing electronic security systems, such as security video, electronic access control, duress alarm, and detention control systems, was awarded as a result of a previous BCP. That funding is not available for use for assessing, evaluating and identifying physical security deficiencies in Trial Courts.

The Trial Court Facilities Standards ensures that the physical security features are included in the design and construction of new court facilities. The requested funding will be used to assess older facilities.

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The lack of resources has resulted in assessing and identifying very few physical security deficiencies. As a result, most of the facilities have not had improvements or upgrades in this area resulting in the facility operating without many of the security features identified in the NCSC best practices document or the Trial Court Facilities Standards. Because dedicated funding to assess, evaluate and identify physical security deficiencies has not been allocated, a comprehensive list of deficiencies and related projects is not available.

Impact of Denial of Proposal

Denial of the proposal will result in the continued lack of assessment, evaluation, and identification of physical security deficiencies in many courthouses. Failure to identify existing security deficiencies will result in continued vulnerability, risk and liability to facilities, the public and court staff. Insufficient funds exist to absorb the proposed assessment and evaluation project into current programs. Continued delays in evaluating and identifying physical security deficiencies will result in higher cost in addressing them in future fiscal years due to normal escalation cost increases for labor and materials.

Outcomes and Accountability of Proposal

Security improvement projects can be measured by the effect physical security features have on the overall security profile of the courts. Physical security features address threats, reduce vulnerabilities and their associated risks in maintaining public safety. As aforementioned, many older courthouses lack the physical security features necessary to protect the facilities and users as described in the NCSC best practices documents and the CTCFS.

Physical security assessments of up to 200 trial court facilities will be completed with the proposed funds and will be overseen and approved by the Trial Court Security Advisory Committee. The evaluation projects will be monitored and accounted for using appropriate inventory tracking methods and standard general accounting principles.

A safe and secure environment is a critical aspect of ensuring equal and fair access to justice. Utilizing competitively bid contracts solicited following Judicial Branch Contracting Manual guidelines assists in ensuring that diversity, equity and inclusivity are considered by encouraging the participation of DVBE and small business vendors.

California's trial court facilities are aging. Deteriorating facilities have exponentially escalating building maintenance and equipment repair costs. The judicial branch's responsibility is to ensure that every courthouse is uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with the originating legislative directives to ensure that courthouses are accessible and functional throughout the state. This concept also advances the diversity, equity, and inclusion priorities of the administration by ensuring that residents from every California county have access to buildings that are designed, built, and maintained according to standards (the federal Americans with Disabilities Act, the California Building Code) that ensure full

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access by all individuals, regardless of their abilities. The essence of the enabling legislation of the judicial branch's facilities program is equity across the state – uniformly safe, secure, and well-maintained facilities were the goals back in 2002 and remain the mission of the facilities program today.

Required Review/Approval

Court Security Advisory Committee

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

Goal I: Access, Fairness, and Diversity

Goal VI: Branchwide Infrastructure for Service Excellence

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

Approval

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

Director Signature: *Pella McCormick*

Contact Name: Pella McCormick

**Judicial Branch
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Requesting Entity	Court Facilities Advisory Committee
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Proposal Title	Capital Outlay Program Support
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Proposal Summary

The Judicial Council of California (JCC) requests \$5 million ongoing General Fund to provide the necessary resources for capital project assessments/capital program support. This request is based on the need to support the projects in the JCC’s latest plan for capital outlay—the Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023–24. This plan includes a total of \$4.8 billion proposed over five years of initial and/or continuing phases for 22 judicial branch capital-outlay projects.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Capital Outlay	\$0	\$0	\$0	\$0	\$0
Operating Expenses & Equipment	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
Total	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000
One-time	\$0	\$0	\$0	\$0	\$0
Ongoing	\$5,000	\$5,000	\$5,000	\$5,000	\$5,000

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

Problem or Issue

Adopted by the JCC in July 2022, the Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023–24 represents the funding priority for projects in the JCC’s Statewide List of Trial Court Capital-Outlay Projects and five-year infrastructure plans for trial and appellate court facilities. 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 the public’s physical, remote, and equal access to the courts.

For 2024–25, the JCC proposes an ongoing investment of \$5 million in the JCC courthouse construction program. It will provide resources for project assessments, such as confirmation of scopes, schedules, and budgets, and program support including development of policies and standards.

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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 Proposed Budget for 2023–24—which proposes funding for the start of two new projects and continuation of two active projects in the five-year plan.

Impact of Denial of Proposal

Delay in capital outlay program support funding affects advancement of the JCC’s five-year infrastructure plan, which includes projects planned to correct or replace court 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 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, Diversity, and Inclusion
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

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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Requesting Entity	Court Facilities Advisory Committee
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Proposal Title	Capital Outlay Funding: 2024–25 through 2028–29
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Proposal Summary

The Judicial Council of California (JCC) requests \$197 million one-time General Fund in 2024–25 for six capital outlay projects. A total request of \$4.8 billion is proposed over five years of initial and/or continuing phases for 22 capital projects. This request is based on projects in the JCC’s latest plan for capital outlay—the Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023–24.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund and Public Buildings Construction Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Capital Outlay	\$196,531	\$2,173,374	\$349,030	\$950,897	\$1,108,976
Total	\$196,531	\$2,173,374	\$349,030	\$950,897	\$1,108,976
One-time	\$196,531	\$2,173,374	\$349,030	\$950,897	\$1,108,976
Ongoing	\$0	\$0	\$0	\$0	\$0

*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 based on the Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2023–24. Adopted by the JCC in July 2022, this plan represents the funding priority for projects in the JCC’s Statewide List of Trial Court Capital-Outlay Projects and five-year infrastructure plans for trial and appellate court facilities. 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 the public’s physical, remote, and equal access to the courts.

For 2024–25, the JCC proposes an investment of \$197 million in the JCC courthouse construction program for six projects in the five-year plan. These six projects benefit five trial courts and one appellate court. Of these, three would be for new project starts and three would be for continuation of active projects.

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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 Proposed Budget for 2023–24—which proposes funding for the start of two new projects and continuation of two active projects in the five-year plan.

Impact of Denial of Proposal

Delay in capital outlay funding postpones advancement of the JCC’s five-year infrastructure plan. 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 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, Diversity, and Inclusion
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

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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Requesting Entity	Information Technology
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Proposal Title	Funding for Cost Increases for Remote Access to Court Proceedings (AB 716)
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Proposal Summary

The Judicial Council of California (JCC) is requesting \$41.7 million General Fund in 2024-25 and 2025-26, for a total of \$83.4 million General Fund, to meet the requirements of Assembly Bill (AB) 716 for remote access to court proceedings using audio and video due to cost increases.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	41,713	41,713			
Local Assistance					
Total					
One-time	41,713	41,713			
Ongoing					

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

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Problem or Issue

The JCC received funding in fiscal years 2022-23 and 2023-24 to implement the requirements of AB 716 which involves upgrades to courtroom audio and video (AV) for remote access to proceedings via budget change proposal (BCP) 0250-125-BCP-2022-GB. The original proposed funding was based on 2020 pre-pandemic pricing and was intended to upgrade AV in 1,775 courtrooms built before the year 2000. However, due to supply chain and labor issues during the height of the pandemic, prices for AV equipment have sky-rocketed to three times the original cost, and delivery of equipment has also been delayed by many months. The current funding is no longer sufficient to fully upgrade AV in all of the eligible courtrooms; it can only support upgrading audio only. Due to continued price increases, video upgrades must be deferred. This funding request will address the shortfall for courtroom video upgrades.

Background/History of Problem

In October 2021, the legislature passed AB 716 to ensure access to court proceedings in case a courthouse needs to be physically closed. AB 716 stated:

“This bill would prohibit a court from excluding the public from physical access to the court because remote access is available unless it is necessary to restrict or limit physical access to protect the health or safety of the public or court personnel. The bill would require the court to provide, at a minimum, a public audio stream or telephonic means by which to listen to the proceedings when the courthouse is physically closed, except when the law authorizes or requires the proceedings to be closed.”

A fiscal estimate was provided to the Department of Finance (DOF) in early 2021, using courtroom upgrade costs obtained prior to the pandemic and supply chain issues. In August 2021, the JCC wrote a BCP for funding courtroom upgrades to adhere to AB 716. This BCP based the average cost of \$50,000 per courtroom for Audio and Visual (AV) upgrades to be compliant with the legislation. However, with the initial investments from the one-time modernization funding in Fiscal years 2020-2021 and 2021-2022, we were able to reduce the average from \$50,000 per courtroom to \$35,000 per courtroom, specifically for courtrooms built before the year 2000 to update audio and video to modern standards.

During late 2021 and 2022, judicial branch entities began to see significant increases in costs for labor and materials, driving the cost to upgrade courtrooms to nearly triple that of pre-pandemic pricing. Los Angeles Superior Court issued a branchwide request for proposal for AV equipment and services in October 2022. All of the equipment and services had markups that doubled the original price. Once the JCC was made aware of the new pricing, DOF was notified that the approved funding requested in the original BCP would not be sufficient to address the scope of work for all 1,775 courtrooms audio and video replacement.

Original Budget Change Proposal Scope:

- Upgrading AV for all courtrooms built before the year 2000 for remote access to court proceedings.
- Pre-pandemic estimates for AV averaging \$35,000 per courtroom with initial one-time modernization investments.
- 1,775 courtrooms were built before the year 2000, totaling \$62.125 million over two years (1,775 x \$35,000 = \$62.125 million).

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New Budget Change Proposal Scope (New 2022-2023 pricing and timelines):

- Low-end estimate for courtroom upgrade costs is \$50,000 for audio and \$85,000 for video upgrades, totaling *\$135,000 average* per courtroom.
- With the initial investments made from the past three years of information technology modernization funding, the average cost for courtroom video upgrades have been reduced to *\$47,000 average* per courtroom.
- Funding from the original BCP will fund the audio upgrades only of all courtrooms built before the year 2000.
- New funding needed for video upgrades based on courtroom average of \$47,000 is \$83.425 million over two years (or \$41.713 million per year).

Impact of Denial of Proposal

If this proposal is denied, the courts will not have sufficient funding to upgrade courtroom video for courtrooms built before the year 2000. The courts will only have sufficient funding for audio upgrades required by AB 716.

Outcomes and Accountability of Proposal

All 1,775 courtrooms built before the year 2000 will be upgraded to provide remote access to court proceedings using AV solutions via the internet.

Required Review/Approval

Information Technology Advisory Committee
Technology Committee
Trial Court Budget Advisory Committee

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

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

Approval

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

Director Signature: *Heather Pettit*

Contact Name: Heather Pettit

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Requesting Entity	Center for Families, Children & the Courts
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Proposal Title	Staff Support for Federally Funded Dependency Representation Program
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Proposal Summary

The Judicial Council of California (JCC) requests 6.0 positions and \$969,000 General Fund in 2024-25 and \$906,000 in 2025-26 and ongoing to continue providing expanded court-appointed counsel services to children and families in child welfare by supporting administration of the Federally Funded Dependency Representation Program (FFDRP).
Does this proposal require a statutory change? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal have an information technology component? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal require data collection or reporting? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	6.0	6.0	6.0	6.0	6.0
Personal Services	\$1,021	\$1,021	\$1,021	\$1,021	\$1,021
Operating Expenses & Equipment	\$298	\$212	\$212	\$212	\$212
Local Assistance					
Subtotal	\$1,319	\$1,233	\$1,233	\$1,233	\$1,233
Federal Match	(\$350)	(\$327)	(\$327)	(\$327)	(\$327)
Total	\$969	\$906	\$906	\$906	\$906
One-time	\$63				
Ongoing	\$906	\$906	\$906	\$906	\$906

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

The estimated total funding needed to support the requested positions is \$1,319,000 in 2024-25 and \$1,233,000 in 2025-26 and ongoing. The General Fund support requested is less than the total funding need as FFDRP is a federal match program with the ability to generate federal match funding to cover the remaining costs.

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Problem or Issue

After administering FFDRP for three fiscal years, the JCC now has a better understanding of the ongoing staffing need. Per the workload analysis presented in this proposal, we are requesting the additional positions required to administer the FFDRP program: 6.0 new positions including 1.0 Supervising Analyst, 1.0 Analyst, 3.0 Associate Analyst, and 1.0 Administrative Specialist.

FFDRP was established in 2019 to support the courts and Court Appointed Counsel (CAC) providers with newly available federal funds to implement enhanced legal representation services for families and children in dependency proceedings. Within the Center for Families Children & the Courts (CFCC), FFDRP is currently supported by 0.5 Attorney II, 1.0 Senior Analyst, 1.0 Analyst, and 1.0 Administrative Coordinator, which is inadequate to support this complex program. These existing 3.5 CFCC positions are funded by a General Fund allocation of \$1.5 million, of which \$1.0 million was designated for staff support (for 3.5 CFCC and 4.0 Branch Accounting and Procurement staff) and federal match funding of \$361,000.

The new 6.0 positions will give the JCC the capacity to manage approximately \$96 million in FFDRP funding, including \$66 million in federal funding, and an additional \$30 million in ongoing state funding to address FFDRP shortfalls that was subsequently added after FFDRP was implemented in 2019 through the 2021 Budget Act. The additional staffing is necessary to meet workload demands that were unanticipated when FFDRP was first developed and increased workload demands resulting from the additional state funding. Increased workload demands include budget oversight; contract administration activities (e.g., procurement and invoice processing); providing technical assistance to courts and attorney providers; developing and maintaining program resources; and data collection and analysis for reporting requirements to the California Department of Social Services (CDSS), the Legislature, and the federal government.

As detailed below, the workload for FFDRP invoice processing requires approximately 12,700 hours of staff time and the existing 3.5 CFCC positions dedicated to FFDRP only have the capacity to cover 24 percent of that workload. Due to this severe understaffing, FFDRP experiences an ongoing and extensive backlog of invoices resulting in significant delays to critical activities including budgeting, procurement, development and maintenance of program reference materials relied on by participating courts and providers, and most notably, delayed payments to providers.

It is imperative that FFDRP allocate funding, issue contracts, and process invoices in a timely manner to avoid backlogs, as even minor delays significantly impact the ability of FFDRP providers to implement required efforts to enhance the quality of legal representation supported by the program. The additional 6.0 positions will enable FFDRP to fully cover its workload needs with respect to invoice processing, data maintenance, program budgeting, procurement, technical assistance, overall program oversight and administration, and provide reimbursements to providers in a timely manner.

FFDRP has been relying on temporary staff to assist with ongoing backlogs, however the resources utilized to fund temporary staff (AFR funding and salary savings) cannot be sustained. In addition, FFDRP is currently supervised by a Supervising Analyst that oversees four other complex programs, which is not sustainable as FFDRP requires full-time supervision and oversight. FFDRP is currently accumulating a

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backlog for 2022-23 and without additional staff, the program will continue to experience backlogs and delayed payments to providers.

As indicated above, FFDRP currently draws down federal match funding that may be used for staffing; however, the match funding available does not cover the total cost for staffing needs.

Background/History of Problem

FFDRP provides up to \$66 million in federal funding to a statewide court program that has been historically underfunded. Expanded dependency counsel representation funded through FFDRP helps to ensure that the complex requirements in juvenile law for case planning, notice, and timeliness are adhered to, thereby reducing case delays, improving court case processing and the quality of information provided to the judge, and ultimately shortening the time children spend in foster care.

CAC in juvenile dependency is a court funding responsibility. All parents and children in dependency proceedings in California have a statutory right to representation by an attorney. In 2016, the JCC established a caseload and caseload-based funding formula to ensure that funding to courts was aligned with workload with a target caseload of 141 dependency cases per attorney. The General Fund allocation to the JCC for dependency counsel is \$186.7 million, enough to meet 73.8 percent of the funding need. FFDRP will provide up to \$66 million in federal funding for 2022-23. Administering the federal funding through FFDRP has and will continue to enable the state to greatly enhance its investment in court-appointed dependency counsel. FFDRP funding, which the JCC began providing to courts and dependency providers in 2019-20, will allow the state to meet 99.9 percent of the need in 2022-23. Additional resources are needed now for administration of the program.

To adequately staff FFDRP, CFCC requires 6.0 additional positions: 1.0 Supervising Analyst, 1.0 Analyst, 3.0 Associate Analysts, and 1.0 Administrative Specialist.

FFDRP expects participation from 70 providers from 35 courts across the state and anticipates additional court participation in future years. Providers include solo attorneys, panel organizations, and mid-to large-size firms. FFDRP invoice review is a very complex and detailed process. Difficulty of invoice review ranges from simple to medium, to medium-difficult, and difficult. FFDRP expects to process at least 840 invoices containing approximately 30,000 pages of time records and other expenditure records annually.

Based on analysis of invoice processing times for 2021-22, we project that invoice processing alone will require approximately 12,700 hours annually (see table below).

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Invoice Review Difficulty	# of Providers	Review Hours	Hours/Mo.	Hours/Yr.	Secondary Review	Budget Review
Simple	37	8	296	3,552	8	296
Medium	10	12	120	1,440	12	160
Medium-Difficult	19	16	304	3,648	16	304
Difficult	4	253	253	3,036	144	96
Total	70	289	973	11,676	180	856

Total Hours Needed per Year 12,712

Existing CFCC FFDRP staff cover approximately 3,025 hours of the invoice processing workload leaving a remaining need of approximately 9,675 hours. All current FFDRP staff perform additional program administration duties outside of invoice review. As indicated above, while these existing FFDRP positions are funded by General Fund and federal match funding, the positions were not incorporated through the budget change proposal process.

FFDRP has implemented several efforts to streamline and reduce workload. Program staff have had several meetings with JCC partners to discuss possible ways to reduce workload while still maintaining compliance with state and federal guidelines. CFCC is currently seeking approval of a streamlined invoice review process for well-established providers based on sampling in order to reduce overall workload and processing times—potentially reducing the need by 1.0 Associate Analyst. However, at present, parameters for this streamlined process are still being reviewed for program compliance and approval is tentative. FFDRP is also currently working with a contractor to develop a billing system that will allow users to automate complex invoice components. Program staff also regularly provide technical assistance to providers in order to minimize errors that lead to lengthy processing times.

FFDRP providers serve clients that cannot afford representation. CFCC administers the Juvenile Dependency Counsel Collections Program (JDCCP), established to collect reimbursement from parents or minors demonstrating an ability to pay for representation. JDCCP recovers an average of only 0.5 percent of dependency representation costs annually.

Impact of Denial of Proposal

The timely administration of FFDRP federal match and state funding is an urgent need for many courts and FFDRP providers statewide. Without sufficient program staffing, California will be unable to enter into contracts, process invoices, and provide training and technical assistance to the courts and attorney providers in a timely fashion. The JCC’s current resources cannot absorb the current workload because as indicated above, existing CFCC FFDRP staff cover approximately 3,025 hours of the invoice processing workload leaving a remaining need of approximately 9,675 hours. Delays in invoice processing will impede FFDRP providers’ ability to fund required efforts to enhance the quality legal representation that are supported through the FFDRP program, including staffing, reducing caseloads, and implementing interdisciplinary representation models. This may impact children and parents in the dependency system as they may experience attorney turnover, may not have access to multidisciplinary services, and may experience longer times in the dependency system.

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Other delays may arise as existing FFDRP staff will be unable to maintain program resources relied upon by providers and provide crucial technical assistance. In addition, inadequate staffing will impact timeliness for distribution of the \$30 million in state funding to address FFDRP shortfalls.

Outcomes and Accountability of Proposal

Fully implementing FFDRP and providing dependency counsel providers with timely administration and funding allows the state to retain and increase the number of court-appointed dependency attorneys, improve the quality of representation by lowering attorney caseloads, and support implementation of interdisciplinary representation models, including increased use of social workers and investigators, and training. New staff will (1) provide timely and legally accurate contracts to the attorney providers and the courts; (2) decrease invoice processing and payment times; (3) develop and maintain current program resources; (4) provide timely technical assistance and training to the courts and attorney providers; and (5) collect and maintain data for accurate and timely reporting to the Legislature and federal government.

Diversity, Equity, and Inclusion. The timely administration of program activities will support FFDRP providers that perform work that increases services to groups of people historically underrepresented but overrepresented in the child welfare system.

Required Review/Approval

Family and Juvenile Law 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 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: *Charlene Depner*

Contact Name: Don Will and Kelly Meehleib

**Judicial Branch
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Requesting Entity	Advisory Committee on Providing Access and Fairness
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Proposal Title	Court-Based Self Help Centers – Continuation of Operating Funds
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Proposal Summary

The Judicial Council of California (JCC) requests 2.0 positions and \$32.773 million General Fund in 2024-25 and \$45.750 million in 2025-26 and ongoing for court-based self-help centers in all counties of California. The funding request will (1) provide an ongoing continuation of current funding, and (2) provide needed funding and legal support to the courts to expand services in critical case types.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	2.0	2.0	2.0	2.0	2.0
Personal Services	673	650	650	650	650
Operating Expenses & Equipment					
Local Assistance	32,100	45,100	45,100	45,100	45,100
Total	32,773	45,750	45,750	45,750	45,750
One-time					
Ongoing	32,773	45,750	45,750	45,750	45,750

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

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Problem or Issue

Court-based self-help centers in California provide instances of assistance to self-represented litigants more than one million times per year. For the past six years the centers have used their \$30.3 million operating budget to serve these members of the public. A \$19.1 million augmentation of the operating budget received in 2018 allowed centers to add staff, extend workshop assistance, extend service hours, add new locations, and add support for new case types including evictions, consumer debt and conservatorships. Numbers served more than doubled, and in the pandemic the centers demonstrated their ability to quickly shift to remote modes of service and provide assistance to all members of the public who contacted the center. Customer satisfaction data and focus groups of judicial officers and court staff confirmed the vital role self-help centers play in access to justice for self-represented litigants.

Data reported by the self-help centers on all instances of service provided to the public shows a significant unmet need for services in evictions, consumer debt, guardianship and conservatorship proceedings, domestic violence and civil restraining orders, and child custody. Courts also report customer demand that outstrips the current General Fund allocation and requires a significant commitment of additional resources, as well as struggling to maintain a consistent level of service with an allocation which has remained flat since 2018.

Background/History of Problem

In 2007, \$11.2 million was allocated to self-help centers and the JCC established an annual funding formula, which remains in effect today. This provides all 58 courts with a baseline of \$34,000 per year and distributes the remainder based on county population.

The JCC requires that at least 80 percent of the funding allocated be used for staff, and that the courts make provisions to provide services to persons with limited English proficiency. Coordination of funding has allowed courts to address issues faced by the public as efficiently and effectively as possible.

The JCC received a three-year General Fund augmentation for self-help centers of \$19.1 million per year in the 2018 Budget Act, which was requested to allow courts “to address critical unmet needs in family, domestic violence, as well as civil cases such as landlord/tenant, consumer debt, employment law and small claims where there is often no assistance available.” This supplemented the \$11.2 million base funding for a total of \$30.3 million. That funding was continued by the Budget Act of 2021 on a three-year, limited term basis.

The JCC report *Impact of Self-Help Center Expansion in California Courts* documented that the \$19.1 million allowed the self-help centers to meet all of the goals outlined in the original Budget Change Proposal, including increasing the number of in-depth instances of service by 62 percent and providing self-represented litigants with more than one million instances of service per year. As a result of the augmented funding courts added self-help staff, including 84 bilingual staff full time equivalents (45 courts); extended the number or type of workshops (32); extended service hours (22); added support for new case types (34); expanded services in languages other than English (26), and expanded their use of

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technology tools, including online document assembly programs to expand efficiency and serve even more litigants effectively (42).¹

The report documents that in 2019 courts provided instances of assistance to self-represented litigants over 1,095,000 times -- a 125% increase in service. One-on-one services increased by 62% due to the expansion, with 37,000 of these services provided in a language other than English. Courts expanded their settlement services to help litigants complete their cases and conducted 9,617 settlement conferences. They also expanded courtroom services to self-represented litigants, providing assistance 55,500 times in 2019 to litigants by explaining court processes or preparing orders after hearings documenting the court's decision to enable them to enforce the order.²

An analysis of data reported by self-help centers since the expansion funding shows that there are still significant gaps in courts' ability to serve the public in certain case types including evictions, consumer debt, guardianship and conservatorship proceedings, domestic violence and civil restraining orders, and child custody. In FY 2022-23 the number of self-represented litigants seeking assistance with eviction cases grew by 70 percent, assistance with domestic violence cases by 22 percent, and civil restraining orders by 13 percent. These numbers are growing to surpass pre-pandemic levels. The current unfunded need is estimated at \$26 million.

In addition, an analysis of self-help center workload data from the previous 12 months shows that many self-help centers, including in the most populous California counties, are not resourced to provide adequate services in civil and guardianship/conservatorship case types. While filings in eviction cases represented 15 percent of the total filings of case types most assisted by self-help centers, eviction cases made up less than 10 percent of the total self-help center case load in all of the 10 largest courts, and under 5 percent in 6 of those 10 courts. In guardianship/conservatorship cases, 8 of the 10 largest courts reported that these cases make up less than 5 percent of their self-help center caseload. These data are confirmed by qualitative reports from self-help center managers, who say that they do not have the resources to develop the complex materials required to assist litigants in these case types, nor the time these cases require.

The 2.0 Attorney II positions will allow the JCC to develop legal toolkits and education in these expanding case types. One attorney will specialize in conservatorship and guardianship law, and the other in housing and consumer debt law. Resources and distance education provided at the state level can be used by all self-help centers in the state and allow local self-help attorneys more time to spend with the public.

An analysis of the cost of providing self-help center services shows an increase of 17 percent in the average self-help attorney annual salary between FY 2018-2019 and FY 2022-2023, and 9 percent in the average salary of self-help support staff. Personnel accounts for over 90 percent of self-help center expenses, resulting in a reduction in buying power from \$30.3 million in FY 2018-2019 to \$26.7 million or less in FY 2022-2023.

A very high proportion of the customers served by self-help centers are from historically underserved groups. Data from a statewide survey of self-help center customers in 2017-18 found that the median

¹ *Impact* at p. 4-5.

² *Id.*, Chapter 10 and 14.

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monthly income of customers reporting a monthly income was between \$1,000 and \$2,000 per month. 80 percent of all customers reported less than \$3,000 of monthly income. The same statewide survey showed that historically underserved racial/ethnic groups were served by self-help centers at a greater proportion than their underlying state population. 11.7 percent of the self-represented litigants served in 2017-18 were Black, compared to 5.8 percent in the statewide population; 47.1 percent were Hispanic/Latino, compared to 39.6 percent in the statewide population; and 28.4 percent were White, compared to 37.9 percent in the statewide population. The self-help center expansion described above also greatly augmented the number of bilingual staff to serve seven percent of all customers in languages other than English.

The Supplement to Impact of Self-Help Center Expansion in California Courts, submitted to the legislature in June 2022, quantified the economic benefits of the 2018 expansion in terms of avoided costs and loss of work time that self-help centers provide, the benefits to courts in increased efficiency, and a significant benefit to cost ratio:

- Provided a benefit to self-represented litigants in avoided costs of as much as \$242.00 per case filing.
- Provided a benefit to court operations in avoided costs of as much as \$315.00 per case filing.
- For one-on-one services, provided a benefit to the self-represented litigant and the court of an estimated \$3.30 for each dollar the service cost; and
- For workshops, provided a benefit to the self-represented litigant and the court of an estimated \$4.35 for each dollar the service cost.

Impact of Denial of Proposal

Self-help centers at the level currently funded are a critical part of court infrastructure to promote access to justice. Failing to renew the \$19.1 million self-help allocation will reduce the self-help center budget by approximately two-thirds and result in corresponding reductions to services to the public. Also, absent the phased funding increase of \$13 million in 2024-25 and \$26 million in 2025-26 will preclude courts from filing the gap in self-help services. Up to 700,000 members of the public who are unable to afford an attorney will be unable to receive assistance from a self-help center, resulting in higher costs to the litigants and the courts. Public access to justice will be severely impacted when persons who cannot afford an attorney and who may need services in languages other than English are unable to receive assistance from a self-help center. Court operations will also be severely impacted. Self-help centers are integrated into court operations and include assisting litigants with e-filing, ensuring that court filings are complete and accurate before they reach the court clerk and judicial officer, and assisting the litigant with receiving and understanding orders after hearing.

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Outcomes and Accountability of Proposal

- Continue to meet self-help center goals of providing more than one million instances of assistance to self-represented litigants every year.
- Expand service provision by 500,000 instances of service annually by FY 2026-2027.
- Continue to collect and analyze data on self-help center services statewide.
- Continue to expand the efficiency measures outlined in the *Impact* report, including solutions using technology to deploy self-help center attorneys regionally and workshops.
- Continue to develop capacity to serve self-represented litigants in a range of case types including conservatorship and consumer debt.

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 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: *Charlene Depner*

Contact Name: Don Will Melanie Snyder

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Requesting Entity	Family and Juvenile Law Advisory Committee
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Proposal Title	Access to Visitation Grant Program: Expanding Professional Supervised Visitation Services Serving Low-Income Families Statewide
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Proposal Summary

The Judicial Council of California (JCC) requests 1.0 position and \$1.3 million ongoing General Fund in 2024-25 to expand professional supervised visitation programs for low income parents in child custody cases by an additional 15 counties to a total of 25 counties served.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands)*

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	1.0	1.0	1.0	1.0	1.0
Personal Services	\$141	\$141	\$141	\$141	\$141
Operating Expenses & Equipment	146	136	136	136	136
Local Assistance	1,000	1,000	1,000	1,000	1,000
Total	1,287	1,277	1,277	1,277	1,277
One-time	10				
Ongoing	\$1,277	\$1,277	\$1,277	\$1,277	\$1,277

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

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Problem or Issue

The JCC requests \$1.3 million ongoing General Fund in 2024-25 and 1.0 Administrative Coordinator position, to expand services for the provision of professional supervised visitation services to low-income families in California to at least an additional 15 courts.

Family Code section 3204(a) requires the JCC to apply annually for federal Child Access and Visitation Grant Program funding from the federal Administration for Children and Families and to award this funding to the superior courts throughout California using a competitive request for proposal process. The federal grant is broadly defined to provide safe access to visitation. The competitive process is unusual for a court funding program. The total amount of funding is capped, and the amount of funding that any given court can receive depends on the county population. The JCC's Family and Juvenile Law Advisory Committee reviews the proposals and makes recommendations to the council. The JCC's Center for Families, Children & the Courts (CFCC) staff is responsible for managing the grant program.

With approximately \$800,000 in federal funds, the JCC is currently able to support professional supervised visitation programs in only nine counties. Courts use these programs to order multiple visitation services per year for up to 850 low-income children with their non-custodial parent. This represents a fraction of the urgent need to protect children by providing safe, supervised visitation in the state.

The requested General Fund augmentation would allow the JCC to expand the service to at least 15 additional counties and provide the service to an additional 1,100 low-income children. The unmet need for AV services is difficult to quantify. The program is currently able to serve only 9 of 58 courts, which represent only 14 percent of California's total family law filings and 21 percent of California's total population of children living in poverty. In the current cycle of grants, despite funding only 9 courts, the program was able to fund only 80 percent of the total amount requested, despite the cap on maximum funding per court by county population size.

Funding allocations to states are based on the number of single-parent households and the total number of children. California receives the maximum amount of eligible funds (approximately \$800,000 annually), and states are required under the grant to provide a 10 percent state match share. The California Access to Visitation (AV) Grant Program requires an additional 10 percent match for a total of 20 percent (non-federal) match from participating courts and providers under the grant program.

The federal funding allocation to California for federal fiscal year 2020–2021 was \$898,000, and for federal fiscal year 2021–2022 was \$803,000. On January 22, 2021, the JCC approved the annual funding allocation and distribution of approximately \$655,000 to \$670,000 to nine superior courts for California's AV Grant Program for fiscal years 2021–22 through 2023–24.

From October 1, 2019 through September 30, 2021, the Access to Visitation Grant Program provided grants to nine superior courts that served a total of 800 noncustodial parents and 1,091 children across 14

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counties.¹ With the additional funding requested, over a two-year period, the program would be able to serve a total of over 1,600 noncustodial parents and 2,182 children across approximately 25 counties. Given that a portion of data from 2019 to 2021 was collected during the height of the pandemic, the estimated numbers of low-income families served going forward can reasonably be even greater, as the demand for services continues to increase post-pandemic.

The federal funding for this program is extremely limited, with no increase expected in the near future. As such, additional General Fund resources are required to expand the level of service. By increasing the amount of funding that is currently going to courts by almost 100 percent, it is estimated that both the number of courts participating in the AV program and the number of low-income parents and children served would be doubled. From 2019 through 2021, the AV Grant Program provided \$655,000 in grants to nine superior courts that served a total of 800 non-custodial parents and 1,100 children across 14 counties. With the additional funding requested, over a two-year period, the program would be able to serve a total of over 1,600 non-custodial parents and 2,200 children across approximately 25 counties. The program is currently staffed by one senior analyst who is paid through the federal grant. The additional staff requested will allow the program to build capacity by conducting outreach to the courts and potential supervised visitation providers, conduct trainings, increase the numbers of providers, and pursue program expansion through expanded use of remote services which proved to be highly effective during the pandemic. Additional funding can also be used to supplement existing staff or administrative resources dedicated to the requisite education, orientation, and data collection that will be necessary to onboard the new courts and counties to the AV Grant Program.

Background/History of Problem

The primary goals of California’s Access to Visitation Grant Program are (1) to enable parents and children to participate in supervised visitation, education, and group counseling programs irrespective of the parent’s marital status and whether the parties are living separately on a permanent or temporary bases, and (2) to promote and encourage healthy relationships between noncustodial parents and their children while ensuring the children’s health, safety, and welfare. The overarching policy goal of the grant program has been to ensure accessible and available services statewide for low-income families with children whose custody and visitation issues who are now or have been before the family courts².

Despite the many historical accomplishments of California’s Access to Visitation Grant Program, especially during the COVID-19 pandemic, the lack of additional federal funding to support the courts and subcontractors to provide these vital services continues to impede their ability to adequately meet the increased need for professional supervised visitation services for low-income parents statewide.

¹ Based on AV Grant Program annual data survey submitted to OCSE (Office of Child Support Enforcement) for FYs 2019–2021.

² See California’s Access to Visitation Grant Program, 2022 Report to the Legislature. Judicial Council of California, 2022. https://www.courts.ca.gov/documents/Access_to_Visitation_Report_to_the_Legislature_March_2022.pdf

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Direct client services were significantly reduced as a result of 1) the pandemic’s shut down of in-person services, and 2) the time period required to transition to remote virtual services in trying to meet the continued need for professional supervised visitation. However, in the last year, service providers have reported waiting lists and increased demand for AV-funded services. In addition, with data showing a disturbing rise in domestic violence and gun violence, as well as increased mental health issues among both adults and children during the pandemic, service providers are anticipating a corresponding increase in demand for services through court referrals, as California transitions to end the COVID-19 state of emergency federal funding (as the grant program had been stagnant with no increase in funds from 1997 until 2022, when a slight increase of approximately \$15,000 was awarded over the previous year’s grant funding). The inability of the grant program to meet the demand for services with this limited funding is underscored through repeated requests for additional funding from courts and subcontractors during the annual mid-year reallocation process and bi-annual progress summary reports collected by the AV Grant Program.

Impact of Denial of Proposal

The impact of denying this proposal would mean that low-income parents and children in California will disproportionately not have the means to access professionally supervised visitation required through child custody and visitation court orders that typically costs upwards of \$50 to \$100 per hour. This is especially concerning given that most cases requiring professional supervised visitation involve domestic violence. The lack of an affordable, safe option for professional supervised visitation with trained providers for a court to refer families may mean that no visitation or contact occurs with a parent, or that a less safe and secure alternative—such as non-professional supervised visitation—is ordered.

In California, 63 percent of children living in poverty are African American/Black, Hispanic/Latino, or Asian American, with Hispanic/Latino children having the highest rate of living in poverty at 24.7 percent according to the *Public Policy Institute of California & Stanford Center on Poverty and Inequality*, [California Poverty Measure](#) (Sept. 2021). Statewide, this means that communities of color are disparately impacted by the lack of safe, secure, and affordable options for professional supervised visitation for cases involving the most risk of harm, such as domestic violence. The AV Grant Program enables courts and counties to provide high quality, safe, professional supervised visitation for no-cost or a very low-cost, based on a sliding scale, for low-income families.

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Outcomes and Accountability of Proposal

The additional \$1.3 million General Fund to help support the continuation and expansion of the Access to Visitation Grant Program for professional supervised visitation, exchange, and parent education serving low-income families statewide, would support the following program priorities:

- Professional supervised visitation, exchange, and parent education serving low-income families to double the number of courts/counties that the program is currently able to fund from 800 noncustodial parents and 1,091 children across 14 counties to over 1,600 noncustodial parents and 2,182 children across approximately 25 counties.
- 1.0 Administrative Coordinator position to assist with the daily administrative activities required for the Access to Visitation Grant Program including providing support for over 15 Standard 5.20/Advanced Skills trainings for supervised visitation providers annually; semi-annual grantee meetings; annual grantee contract procurements; the bi-annual Report to the Legislature; submission of the state’s federal application for AV funding and the request for proposal AV grant application and review process from courts every three years; and assistance with the required data collection reports from grantees throughout the year.
- Procurement of an online browser-based data collection software license to replace Microsoft Access that is currently used by AV grantees to input and report required demographic categories for clients served that the JCC must submit to the federal funder annually.
- Development of Standards of Practice specifically for cases involving off site/community-based supervised visitation services and best practices for the intersection of supervised visitation and domestic violence.
- A training and education institute and a centralized statewide clearinghouse for the field of practice of supervised visitation and exchange services.
- Continuing education and training programs for professional providers to increase their knowledge, skills, and competency in the field of practice when working with parents and children.

Required Review/Approval

Family and Juvenile Law 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

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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: *Charlene Depner*

Contact Name: Don Will, Greg Tanaka

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Requesting Entity	Data Analytics Advisory Committee
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Proposal Title	Data Governance and Analytics
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Proposal Summary

The Judicial Council of California (JCC) requests \$1.1 million one-time General Fund in 2024-25 and \$1.0 million one-time General Fund in 2025-26 and 2026-27; and 5.0 positions and \$17.3 million ongoing General Fund beginning in 2024-25 to fund investments in data and information governance needed to improve and expand judicial branch data access, use, and sharing in trial courts.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	5.0	5.0	5.0	5.0	5.0
Personal Services	\$1,160	\$1,160	\$1,160	\$1,160	\$1,160
Operating Expenses & Equipment	\$11,058	\$11,000	\$11,000	\$10,000	\$10,000
Local Assistance	\$6,125	\$6,125	\$6,125	\$6,125	\$6,125
Total	\$18,343	\$18,285	\$18,285	\$17,285	\$17,285
One-time	\$1,058	\$1,000	\$1,000		
Ongoing	\$17,285	\$17,285	\$17,285	\$17,285	\$17,285

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

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Problem or Issue

This proposal builds on previous investments in judicial branch data analytics to modernize statewide data reporting and increase use of analytics for decision making and planning for the future. Previous funding requests have focused on one-time investments in the technology infrastructure and to build capacity in the JCC. Experience gained during a pilot phase that was funded with 2019-20 BCP funding indicates that there is ongoing support work needed to manage the data platform, such as updates to data reporting for new laws and/or changes in court processes, managing permissions, and troubleshooting issues. Additionally, recent engagements with courts indicate that local resources are needed to help courts build analytics capacity and/or have the resources to perform more frequent and ongoing data validation.

This proposal will fund IT technology costs to enroll all trial courts onto the reporting platform for ongoing data reporting. It also proposes to fund local investments in data management at trial courts to improve data quality and reporting and will fund 5.0 JCC positions to scale up support for the data reporting platform and support more frequent data reporting and validation. Since the platform will allow for more flexible and frequent data reporting, the branch will need to adopt new data validation methods to manage the data. This proposal also funds data analytics resources in trial courts to meet new and ongoing data reporting requirements, which are often the result of new legislation such as CARE court, and to increase local use of analytics for decision making and planning.

Background/History of Problem

In 2018, the JCC Information Technology Advisory Committee (ITAC) formed a Data Analytics Workstream with participants from across the judicial branch. Its mission was to recommend a data analytics strategy for the branch that included developing branch wide data and information governance policy recommendations. Additionally, the technology track of the workstream focused on technologies, tools, and templates to help the branch utilize data analytics. Leveraging what was learned from a data analytics innovation grant awarded to Orange Superior Court, the branch has built a statewide data management platform to manage and integrate data from various sources, including the Judicial Branch Statistical Information System (JBSIS), pretrial program, statewide index, and ability to pay program.

On a separate but related track, the judicial branch has made significant investments to modernize court case management systems, improving the branch's capacity to collect data. An initial investment made with 2019-20 one-time budget change proposal (BCP) funding supported six data analytics pilots which included mapping and reporting for all JBSIS casetypes plus appellate case management system data. An additional investment with 2022-23 BCP funds for data governance funded additional integration work to test how to bring data for all JBSIS casetypes from the various case management systems used by courts into the data warehouse. The funding also supported adding six to 10 courts onto the reporting platform along with additional positions to the JCC to support data analytics. This incremental approach has allowed the Judicial Council to test the functionality of the reporting platform across multiple case management systems.

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The branch has made substantial progress in the design and execution of the Data Analytics/Data Integration platform, using an incremental approach to ensure that the technology scaled up appropriately and that platform demonstrated its value. Without additional funding, the branch would have to slow its progress in bringing on additional courts to the platform. If this work is not funded, the JCC's ability to produce timely and complete data on court processes will be limited.

Outcomes and Accountability of Proposal

Enroll additional courts onto JBSIS platform; provide more frequent and timely reporting of data for use in analysis; increased data-driven decision-making to help understand business operations, predict workload, and implement new programs to better serve the public.

Required Review/Approval

Information Technology Advisory Committee
Data Analytics Advisory Committee

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

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

Approval

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

Director Signature: *Robert Oyung*

Contact Name: Leah Rose-Goodwin

**Judicial Branch
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Requesting Entity	Habeas Corpus Resource Center (HCRC)
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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 (JCC) requests 30.0 positions and an ongoing \$8.4 million General Fund, including \$450,000 in one-time funding, in 2024-25; an additional 20.0 positions and ongoing \$12.6 million General Fund in 2025-26, to total 50 positions; and a further 20 positions and \$17.4 million ongoing General Fund in 2026-27 to sum total 70.0 new positions and \$17.1 million ongoing funding for the Habeas Corpus Resource Center (HCRC). The funds will be used to increase staff and establish a Los Angeles office to address and reduce delays and the backlog of unrepresented defendants in habeas cases.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	30.0	50.0	70.0	70.0	70.0
Personal Services	\$5,180	\$8,961	\$12,742	\$12,742	\$12,742
Operating Expenses & Equipment	\$3,226	\$3,640	\$4,619	\$4,389	\$4,389
Local Assistance					
Total	\$8,406	\$12,601	\$17,361	\$17,131	\$17,131
One-time	\$450				
Ongoing	\$7,956	\$12,601	\$17,361	\$17,131	\$17,131

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

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Problem or Issue

As of February 2023, of the 665 men and women on California's death row there are 364 condemned incarcerated individuals who have a right to counsel in state habeas corpus (post-conviction) proceedings but who are still waiting for appointment of counsel. These 364 represent 55 percent of all condemned inmates. 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.

This proposal begins to address the state's need to find representation for the increasing number of indigent inmates on death row and further HCRC's statutory mission to decrease the number of unrepresented inmates on death row. Of the 364 inmates without habeas counsel, 280 inmates, or 77 percent of this group, have been waiting 10 years or more for counsel; 34 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. HCRC has been unable to accept new appointments at a rate sufficient enough to address the backlog because it is currently litigating 67 cases, including 20 Order to Show Cause cases requiring numerous work-intensive evidentiary hearings in the trial courts.

This proposal expands HCRC's capacity to accept capital habeas corpus representation through measured growth in HCRC staff, creating up to 15 additional case teams made up of attorneys, paralegals, investigators, and case assistants, as well as four supervisory positions, phased in over a three-year period. These supervisory positions will ensure appropriate training, mentoring, and adherence to standards for case team members and the leadership necessary to enable the HCRC to maintain its high quality of representation for a maximum number of cases.

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 to serve as a resource for private attorneys appointed to these cases (see [Government 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.

Developments in recent years have substantially impacted habeas representation. Changes in the law and California Rules of Court since 2016 have changed the way habeas cases are argued in California's courts. Habeas cases now initiate in the trial courts, whereas the Supreme Court previously appointed habeas counsel and heard all state habeas cases. California Penal Code section 1509 has accelerated the timelines

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for litigating habeas cases, resulting in “one-year cases” that intensify the work required by HCRC case teams to research, prepare, and file claims in the trial courts. However, there is lack of qualified counsel on the statewide panel of attorneys from which the courts may appoint habeas counsel. Only four new private lawyers have been approved for the entire state; HCRC remains the main resource for appointments.

This request also addresses a fundamental equity issue in the administration of the death penalty. When Governor Gavin Newsom instituted Executive Order N-09-19, placing a moratorium on carrying out executions in California, the Governor explained that “California’s death penalty system is unfair, unjust, wasteful, protracted and does not make our state safer.” The Governor also stated, “death sentences are unevenly and unfairly applied to people of color, people with mental disabilities, and people who cannot afford costly legal representation.” Overall, while only representing 6.5 percent of California’s population, 36 percent of death row inmates are Black; 25 percent are Latinx and 32 percent are White, meaning that almost two-thirds of the death row population is made up of people of color. Since the moratorium, there have been an additional 15 judgments of death imposed and the racial and ethnic disparity observed by the Governor in his statement accompanying the order is reflected in these sentences as well. Additional resources budgeted to HCRC will be used to confront this inequity by representing more condemned inmates faster.

There is also geographic disparity in where death sentences are imposed. From 2015–2020, six counties imposed 89 percent of the death sentences in the state, and just two of these counties—Los Angeles and Riverside—imposed 61 percent of all death sentences in California. This is consistent with historical trends where the majority of death sentences were imposed in these two counties as well as in Orange and San Bernardino Counties. Because habeas cases will now commence in the trial courts, HCRC proposes hiring new case teams based in an office to be set up in Los Angeles County in order to have access to the trial 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.

Impact of Denial of Proposal

The length of time to make an impact and reduce backlog is directly related to the level of resources devoted to the problem. Additional case teams are critical if the HCRC is to expand the number of capital habeas corpus appointments it can accept every year. The state has not increased HCRC’s number of attorneys beyond its initial start-up numbers in 1998 when there was a total of 513 prisoners under a sentence of death. By 2018, this number had grown to 743; it currently stands at 665, almost entirely the result of deaths by natural causes.

Because resources for habeas representation have not increased over the last 25 years at the same rate as death sentences are imposed, the length of time someone waits for their case to move through all phases of state post-conviction review has continued to increase. A person condemned to death in California can currently expect to wait more than 30 years from a sentence of death to final resolution of state habeas proceedings. In 2020, the average time from sentencing to resolution was 20 years, up from 17 years in 2015, and 12 years in 2008. Completing the federal habeas review process adds additional time. If the proposal is denied the likelihood of finding adequate alternatives, such as private counsel to accept capital habeas corpus appointments, is extremely low.

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If the proposal is denied, judicial relief for condemned inmates consistent with constitutional requirements will continue to be denied, including the wrongfully convicted spending decades on death row when they are innocent. Looking at history since California reinstated the death penalty in 1977, as of 2020 only 116 of the more than 1,000 people sentenced to death in California since 1977 have completed the post-conviction review process in both state and federal court. Sixty 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, five innocent men on death row have been fully exonerated and released since California’s reinstatement of the death penalty. All five are people of color. The Loyola Project for the Innocent currently has five additional California death penalty cases under active investigation with credible, new evidence of innocence.

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 increase in 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. The [Death Penalty Report](#) (the Report) issued in November 2021 by the Committee on Revision of the Penal Code noted that according to the analysis of Proposition 62 (an ultimately unsuccessful proposal to eliminate the death penalty) in the Voter Information Guide for 2016, the California death penalty costs the state approximately \$150 million per year. The Report continued: “Even with those costs, the state is not spending enough money: people sentenced to death routinely wait decades to be assigned post-conviction lawyers because the state does not pay for more attorneys. According to the calculations of some experts, California has executed 13 people [since the reimposition of the death penalty in 1977] at a cost of \$4 billion.” If even half of the 364 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 could realize a savings of millions of 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.

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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

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

**Judicial Branch
 2024-25 Budget Change Proposal Concept
 (4 Page Maximum Length)**

Requesting Entity	Trail Court Budget Advisory Committee
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Proposal Title	Inflationary Adjustment for Trial Courts (Consumer Price Index)
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Proposal Summary

The Judicial Council of California requests \$81.5 million General Fund in 2024-25 and ongoing to address general inflationary cost increases for trial courts based on the Consumer Price Index (CPI) published by the Department of Finance. The CPI for 2024-25 is currently estimated at 3.3 percent.

Does this proposal require a statutory change? Yes No

Does this proposal have an information technology component? Yes No

Does this proposal require data collection or reporting? Yes No

Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	0	0	0	0	0
Personal Services	0	0	0	0	0
Operating Expenses & Equipment	0	0	0	0	0
Local Assistance	\$81,537	\$81,537	\$81,537	\$81,537	\$81,537
Total	\$81,537	\$81,537	\$81,537	\$81,537	\$81,537
One-time	0	0	0	0	0
Ongoing	\$81,537	\$81,537	\$81,537	\$81,537	\$81,537

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

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Problem or Issue

Trial courts must support their infrastructure and baseline business costs, for which there is currently no ongoing inflationary adjustment, to account for increasing fiscal pressures. 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 those inflationary pressures, courts are currently facing price increases placing pressures on operating budgets and eroding their purchasing power. The CPI climbed almost 7 percent in 2021-22 and another 7 percent in 2022-23, the two largest 12-month gains in the United States since 1982 according to United States Department of Labor data.

Background/History of Problem

In 1998, the Lockyer-Eisenberg Trial Court Funding Act was enacted by the Legislature. It created a new structure in which the 58 county-funded limited and general jurisdiction courts became state-funded. The Legislature's intent 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 for 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. The judicial branch's Workload Formula methodology, which is used to allocate funding to the trial courts, 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 inflationary factor to account for ongoing and regular cost increases experienced by trial courts when procuring and providing these services.

The 2021 Budget Act included \$72.2 million ongoing General Fund to provide the trial courts with a 3.7 percent CPI adjustment to address inflationary cost increases. The 2022 Budget Act included \$84.2 million ongoing General Fund for a second year CPI adjustment of 3.8 percent to address trial court operational

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cost increases due to inflationary pressures facing all government operations. In addition, the 2022 Budget Act included \$100 million ongoing General Fund to promote fiscal equity among the trial courts.

The 2023-24 Governor’s Budget includes \$74.1 million ongoing General Fund for trial courts to provide a 3.0 percent funding increase in recognition of trial court operational cost pressures due to rising inflation. Continuing to provide the trial courts an inflationary-based adjustment will help to maintain consistent service levels for court users and support access to justice through more stable and predictable funding. This proposal is based on the currently estimated CPI for 2024-25 at 3.3 percent and will be updated later to reflect the most recent CPI projections.

Continuing to provide the trial courts an inflationary-based adjustment will help to maintain consistent service levels for court users and support access to justice through more stable and predictable funding.

Impact of Denial of Proposal

Without this 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. 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.

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). 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 inflationary increase funding will be allocated according to a methodology established by the Judicial Council and is intended to benefit all 58 trial courts.

Based on past practice, the inflationary percentage change is typically applied to each trial court’s Workload Formula allocation, recognizing that the adjustment was 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 inflationary 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

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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

Approval

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

Director Signature: *Zlatko Theodorovic*

Contact Name: Oksana Tuk

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

Requesting Entity	Trial Court Budget Advisory Committee
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Proposal Title	Funding for 50 New Judgeships
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Proposal Summary

The Judicial Council of California (JCC) seeks \$86.1 million in ongoing General Fund and between \$175 to \$400 million in one-time funding for 50 new trial court judgeships in courts that show a need for new judicial positions according to the 2022 Judicial Needs Assessment.
Does this proposal require a statutory change? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does this proposal have an information technology component? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does this proposal require data collection or reporting? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Proposed fund source: General Fund

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	261,000- 486,000	86,100	86,100	86,100	86,100
Local Assistance					
Total	261,100- 486,100	86,100	86,100	86,100	86,100
One-time	\$175,000- 400,000	0	0	0	0
Ongoing	86,100	86,100	86,100	86,100	86,100

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

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Problem or Issue

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. Based on the 2022 Judicial Needs Assessment (JNA) report, there are 17 trial courts with a workload-based judgeship need. In recent years, the branch has received funding for 50 judgeships authorized by AB 159 (Stats. 2007, ch. 722). This funding has greatly minimized the gap between the number of authorized judgeships and judicial need. However, there continues to be workload-based judicial need in some superior courts.

Background/History of Problem

The methodology for determining the number of judgeships needed in the trial courts, and the methodology for allocating new judgeships, was first approved by the Judicial Council in August 2001 and is outlined in Government Code section 69614 (b), which states that judges shall be allocated, in accordance with the uniform standards for factually determining additional judicial need in each county, as updated and approved by the Judicial Council, pursuant to the Update of Judicial Needs Study, based on the following criteria: (1) Court filings data averaged over a period of three years; (2) Workload standards that represent the average amount of time of bench and non-bench work required to resolve each case type; (3) A ranking methodology that provides consideration for courts that have the greatest need relative to their current complement of judicial officers. The council's methodology will direct new judicial resources to the courts that are in greatest need of judgeships and therefore will help equalize access to justice more expeditiously.

Government Code Section 69614(C)(1) & (3) further requires the Council to quantify the need for new judgeships biennially, in the even-numbered years. These updates form the basis for assessing judicial need relative to authorized positions and updated workload inputs and have been used to identify courts that need additional judicial officers based on workload.

Costs

Operational Costs

One judgeship is approximately \$1.7 million per year and includes funding for approximately 9 clerical staff.

Facility Costs

The cost to provide a new judgeship multipurpose courtroom in existing court space will vary depending on the circumstances and existing conditions. A reasonable budget to build out planned unfinished shelled courtroom space is approximately \$6 million.

Renovating existing non-courtroom space varies greatly and will cost between \$3.5 million to \$8 million, or more depending on the existing conditions. Variables such as the presence of hazardous materials, code required improvements due to change in use and occupancy, inadequate utility capacity, or ongoing costs to lease space to house the displaced function can add greatly to the cost.

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Impact of Denial of Proposal

Timely access to justice for all Californians is a judicial branch priority. Without adequate judgeships, court users have to wait longer to get a case assigned to a judge, to receive a judgment, or to have their matter resolved. While funding in recent years has provided for additional judicial resources across the state, reducing overall need from a statewide perspective, the 2022 Judicial Needs Assessment report still identifies the need for new judgeships in 17 superior courts, with some courts having an assessed judicial need 20-30% over their authorized judicial positions.

Outcomes and Accountability of Proposal

New judgeships should be directed to the courts with the greatest resource need as described in the latest Judicial Needs Assessment (JNA) update report. The determination of which courts are to receive judgeships is based on the Judicial Council's prioritization and ranking methodology, which considers courts with the greatest need relative to the current complement of judicial officers and the goal to improve access to courts for the greatest number of users. With the proposed additional 50 judgeships, only ten courts would continue to show a workload-based judicial need, and no court would have a need over 18% of their authorized judicial positions (AJP). Only three of the remaining ten courts with judicial need would be above 10% of their AJP.

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: *Leah Rose-Goodwin*

Contact Name: Nick Armstrong, Business Management Services

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

Requesting Entity	Trial Court Budget 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

<p>The Judicial Council of California (JCC) requests 2.0 positions and \$12.2 million General Fund beginning in 2024-25 and \$10 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 and to implement a training, technical assistance, and data collection program to support courts implementing mental health diversion programs. 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.</p>
<p>Does this proposal require a statutory change? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Does this proposal have an information technology component? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
<p>Does this proposal require data collection or reporting? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p>
<p>Proposed fund source: General Fund</p>

Estimated Cost (Rounded to thousands) *

Fiscal Year	2024-25 (BY)	2025-26 (BY+1)	2026-27 (BY+2)	2027-28 (BY+3)	2028-29 (BY+4)
Positions	2	2	2	2	2
Personal Services	\$381	\$381	\$381	\$381	\$381
Operating Expenses & Equipment	\$94	\$71	\$71	\$71	\$71
Local Assistance	\$11,800	\$10,000	\$10,000	\$10,000	\$10,000
Total	\$12,275	\$10,452	\$10,452	\$10,452	\$10,452
One-time	\$1,800				
Ongoing	\$10,475	\$10,452	\$10,452	\$10,452	\$10,452

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

Problem or Issue

<p>The United States is facing an unprecedented mental health crisis and its impact is felt on the court and criminal justice system. Courts do not have sufficient resources to effectively implement legislative mandates to divert people with mental illness out of the system and they struggle to keep up with the increased need for incompetent to stand trial (IST) evaluations. This proposal is intended to address these</p>
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issues by developing a pilot program and conducting an evaluation for a mental health diversion court, providing funding for the courts to improve the timeliness and quality of IST evaluations, and developing resources for the courts to identify and retain qualified mental health evaluators.

Challenges implementing Mental Health Diversion (\$1.8 million one-time in 2024-25 for pilot program): AB 1810, signed into law in 2018, authorized courts to divert certain individuals, whose mental illness played a role in their charged offense, away from typical criminal justice proceedings and into treatment. Unfortunately, no funding was made available to support the courts in implementing the programs and implementation efforts varied throughout the state. Courts report having a lack of service options available to which participants can be referred and express public safety concerns about not having supervision.

Timeliness and quality issues related to IST evaluations (\$10 million ongoing):

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. The trial courts are responsible for paying for court-appointed evaluators from their operating budget and struggle with identifying qualified evaluators that will accept their rates. The lack of qualified evaluators impacts the wait times and the quality of the reports. Courts have reported that defendants often remain unmedicated and decompensating while in jail awaiting transfer to a state hospital or other competency restoration program.

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. Mental illness is a barrier to individual's access to justice and it creates a workload burden on the courts. There are opportunities to ensure access to effective and efficient justice and preserve due process rights at many stages in the adjudication process. This proposal focuses on both diverting appropriate individuals away from the criminal justice system and on preserving the rights of other individuals who may be unable to participate effectively in the adjudication process due to their mental illness.

Mental Health Diversion Pilot Project:

In 2018, the state Legislature passed AB 1810 that authorized the courts to develop mental health diversion programs; however, the lack of funding and program implementation guidance has been a barrier to widescale implementation of the programs. Courts report challenges related to the lack of service availability and supervision options and are reluctant to process cases through mental health diversion without those components in place. Mental Health Courts and other collaborative justice model courts have been proven to be effective in reducing recidivism by providing participants with treatment, services and on-going judicial monitoring. Most mental health courts operate as post-sentencing models in which participants engage in the program as a condition of their probation sentences; however, some counties report success with pre-plea mental health courts.

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If funded, this project would support up to three pilot collaborative justice model mental health diversion programs for three years. By modeling these programs after evidence based collaborative justice courts, they will address the main challenges that courts point to impeding the success and expansion of the diversion programs—the lack of mental health services and supervision. If the pilot proves to be successful, information gathered from the program will be used to develop an on-going training and technical assistance program for courts throughout the state. One Senior Analyst will be devoted to developing and implementing a data collection and program evaluation component that will identify promising practices.

Support to Improve Timeliness and Quality of IST Evaluations:

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

Felony IST referrals to the Department of State Hospitals (DSH) have increased nearly 80% from 2013-14 to 2021-22, according to the most recent data 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%.

Although the rates of evaluations vary based on a number of factors, national subject matter experts suggest that a thorough competency evaluation costs approximately \$950. Using this rate and assuming a 16% annual increase (the average increase over the 5 years prior to the Covid-19 pandemic), approximately \$10 million is needed annually to cover the estimated increased costs between 2022-23 (30,146 evaluations x \$950 = \$28,639,776) and estimated 2024-25 (estimated 40,565 evaluations x \$950 = \$38,536,337 or rounded \$28.6-38.5 = \$9.9 million) alone.

If funded, this proposal will assist courts in offsetting the cost of competency evaluations and support 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 and 1.0 senior analyst (estimated at \$381,000 including wages, benefits and overhead costs) the requested funding will be allocated directly to the courts. \$1.8 million in one-time funding will be awarded to up to three courts for a three-year pilot program to develop

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collaborative justice model mental health diversion programs. \$10 million will be allocated to the trial courts to fund the increased costs of competency evaluations. This funding request is needed to offset the impact of the increase in costs associated with IST evaluations. 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).

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 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

Approval

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

Tracking
Number: 24-24

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Director Signature: *Francine Byrne*

Contact Name: William Vongdeuane