



Judicial Council of California

Judicial Branch Budget Committee

JUDICIAL BRANCH BUDGET COMMITTEE

MATERIALS MARCH 13, 2024

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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

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: Wednesday, March 13, 2024
Time: 1:00 p.m. - 4:00 p.m.
Public Videocast: <https://jcc.granicus.com/player/event/3212>

Meeting materials 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 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 February 9, 2024 Judicial Branch Budget Committee meeting.

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, the 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 Tuesday, March 12, 2024 at 1:00p.m. will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–3)

Item 1

California Court Interpreter Workforce Pilot Program (Action Required)

Consideration of the allocation methodology to implement the California Court Interpreters Workforce Pilot Program.

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

Trial Court Minimum Operating and Emergency Fund Balance Policy (Action Required)

Consideration of the continued suspension of the trial court Minimum Operating and Emergency Fund Balance Policy.

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

Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget
Services

Item 3

2025–26 Judicial Branch Budget Change Concepts (Action Required)

Review of 2025–26 Budget Change Concepts for the judicial branch.

Presenter(s)/Facilitator(s): Hon. Ann C. Moorman, Chair, Judicial Branch Budget Committee

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Update on the 2024–25 Governor’s Budget

Informational update on the 2024–25 Governor’s Budget and state revenue projections.

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

V. ADJOURNMENT

Adjourn



JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

February 9, 2024

1:25 p.m. – 2:00 p.m.

<https://jcc.granicus.com/player/event/3211>

Advisory Body Members Present: Hon. Ann C. Moorman, Chair; Mr. David H. Yamasaki, Vice Chair; Hon. Carin T. Fujisaki; Hon. Brad R. Hill, Hon. Maria Lucy Armendariz; Hon. C. Todd Bottke; Hon. Charles S. Crompton

Advisory Body Members Absent: Ms. Rachel W. Hill

Others Present: Hon. Jonathan B. Conklin, Mr. Adam Dorsey, Mr. Zlatko Theodorovic, Ms. Angela Cowan, Ms. Rose Lane, Ms. Karene Alvarado, Ms. Shelly La Botte, Ms. Kelly Meehleib, and Ms. Vida Terry

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 1:26 p.m. and took roll call.

Approval of Minutes

The committee approved the minutes of the January 18, 2024 Judicial Branch Budget Committee (Budget Committee) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

Item 1: 2023–24 State Trial Court Improvement and Modernization Fund (IMF) Allocation Increase for the Judicial Council Center for Judicial Education and Research (Action Required)

Consider a recommendation from the Trial Court Budget Advisory Committee (TCBAC) to increase the 2023–24 IMF allocation by \$150,000 to provide required education to new judges.

Action: The Budget Committee unanimously voted to approve the following TCBAC recommendation:

Increase the approved 2023-24 IMF allocation for the Judicial Education program allocation by \$150,000 to provide the Judicial Council's CJER with the resources necessary to ensure that newly appointed judicial officers can meet the education requirements for new judges as required by California Rule of Court 10.462.

Item 2: Access to Visitation Grant Program Funding Allocation for Federal Fiscal Years 2024–25 through 2026–27 (Action Required)

Consider a recommendation from the Family and Juvenile Law Advisory Committee and TCBAC to

approve the Access to Visitation Grant Program funding allocation and distribution of \$655,000 statewide for 2024–25 through 2026–27.

Action: The Budget Committee unanimously voted to approve the following Family and Juvenile Law Advisory Committee and TCBAC recommendation:

- 1. Approve the funding allocation and distribution of \$655,000 to eight of the nine superior courts that submitted applications for the Access to Visitation Grant Program for FFY 2024–25 through FFY 2026–27; and*
- 2. Delegate authority to the Family and Juvenile Law Advisory Committee to distribute and reallocate any excess grant funds to any of the eight applicant courts that were approved for funds based on need and justification within the scope of the grant program if any of the selected courts decline their grant award amount after Judicial Council allocation approval but before execution of a funding contract with the Judicial Council.*

Item 3: 2023–24 Allocations for Dependency Counsel Collections Program and Expected Unspent Program Funding (Action Required)

Consider a TCBAC recommendation on allocations for Court Appointed Counsel funding including the allocation of \$349,733 in Juvenile Dependency Counsel Collections Program funds collected in 2022–23, and the reallocation of \$970,111 in unspent trial court funding for court-appointed counsel in dependency cases for 2023–24.

Action: The Budget Committee unanimously voted to approve the following TCBAC recommendation for further consideration by the Judicial Council at its March 15, 2024 business meeting:

- 1. Allocate Juvenile Dependency Counsel Collections Program funds of \$349,733 remitted in 2022–23; and*
- 2. Allocate 2023–24 estimated unspent dependency counsel funding of \$970,111 from courts that have identified funds they do not intend to spend to courts that are not fully funded to their need.*

I. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1: Funds Held on Behalf (FHOB) of the Trial Courts Policy Updates (No Action Required)

Informational update from the TCBAC on policy revisions for the FHOB program.

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

Action: No action taken

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:59 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: California Court Interpreter Workforce Pilot Program

Date: 2/16/2024

Contact: Douglas G. Denton, Principal Manager, Language Access
Services, Center for Families, Children & the Courts
415-865-7870 | douglas.denton@jud.ca.gov

Issue

The 2023 Budget Act included \$6.8 million for the California Court Interpreter Workforce Pilot Program. The pilot program is intended to increase the number of court interpreter employees in the courts by reimbursing potential interpreters for costs associated with their training, coursework, and up to three examination fees to become a court interpreter. This report summarizes how the program will be managed and recommends an allocation methodology for the \$6.8 million.

Background

Budget bill language in the 2023 Budget Act (Attachment A) authorizes the pilot program to begin by July 1, 2024 and end by June 30, 2029. The pilot program must include the participation of a minimum of four superior courts, one of which must be Los Angeles. Up to 10 applicants wanting to be a court interpreter will be selected by the Judicial Council per superior court, per year.

The one-time funding for the pilot was reappropriated from unspent funding in the 2021 Budget Act¹ that was previously allocated for the Court Interpreter Employee Incentive Grant program.

Under the pilot, participants will be reimbursed for their training costs and for up to three interpreter exam fees. Participants must pass a background check prior to acceptance and then again after successfully passing all required exams and prior to any offer of employment. Pilot participants must also agree up front to be employed by a court as a court interpreter for at least three years, assuming they pass all required examinations while in the pilot and enroll with the Judicial Council as a court interpreter.

Allocation Methodology

Funding for this program (\$6.8 million) is primarily for the reimbursement of pilot participants' training and examination costs. The Budget Act also states that, "Of the amount reappropriated, the Judicial Council shall be allocated \$150,000 each fiscal year for administrative support of the California Court Interpreter Workforce Pilot Program." Language Access Services is currently

¹ Budget Act of 2021, SB 170 (Stats. 2021, ch. 240),
https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=20210220SB170

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recruiting a Senior Analyst to manage the pilot program. Courts may also be reimbursed for the cost of initial background checks as part of the pilot program’s administration budget.

The pilot program will commence by July 1, 2024, and the first cohort of participants will be chosen by December 2024. Beginning in January 2025, the first of four cohorts will begin in the program. Three cohorts will have two years each to pass the required examinations, and the final cohort will have 18 months. Approximately \$393,334 will be dedicated to each cohort every six months for reimbursement of training and examination costs.

Funding will be allocated as follows:

Fiscal Year	Administrative Costs	Reimbursement Maximum	Reimbursement Covers
2023-24	\$150,000	NA	NA
2024-25 Cohort 1 starts January 2025	\$150,000	\$393,334	Cohort 1 (six months)
2025-26 Cohort 2 starts January 2026	\$150,000	\$1,180,000	Cohort 1 (12 months) Cohort 2 (six months)
2026-27 Cohort 3 starts January 2027	\$150,000	\$1,573,333	Cohort 1 (six months) Cohort 2 (12 months) Cohort 3 (six months)
2027-28 Cohort 4 starts January 2028	\$150,000	\$1,573,333	Cohort 2 (six months) Cohort 3 (12 months) Cohort 4 (six months)
2028-29	\$150,000	\$1,180,000	Cohort 3 (six months) Cohort 4 (12 months)
Total	\$900,000	\$5,900,000	

All superior courts will be invited to participate in the optional pilot program. The reimbursement maximum will allow an average of 100 pilot participants to be reimbursed an average of \$7,866 per year in training and examination costs (actual amounts will depend on the number of pilot participants chosen each year). Judicial Council staff will directly reimburse allowable costs to pilot participants. Excess funding will carry over each year of the pilot until the final cohort year in 2029, and any unused funding at the end of the pilot will be returned to the Trial Court Trust Fund.

Program Management

The pilot will be managed by Language Access Services in the Judicial Council’s Center for Families, Children & the Courts. Initial participating courts will be identified by Spring 2024, and courts will be extensively involved with the selection and monitoring of participants throughout

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the pilot. The application process for Cohort 1 pilot participants will begin by July 2024, and participants will be selected by December 2024. An overview of the pilot program can be found in Attachment B.

Expectations for pilot participants are outlined below:

- Pilot participants are expected to demonstrate consistent, measurable progress toward the goal of obtaining certification, and are expected to complete the pilot program in two years or less;
- Participants will be required to submit a progress report to the Judicial Council every six months detailing courses taken, self-directed activities outside of formal coursework, exams taken, exam scores, and a self-evaluation of their progress;
- Progress reports will be shared with the participating court. Participants who do not demonstrate consistent progress toward becoming certified (or registered) will be removed from the program;
- Participants who do not complete the program and obtain an interpreting credential in two years may reapply to be able to continue, except for the final cohort;
- Participants are expected to work in the courts for at least three years after completing the pilot program, passing all required exams, and enrolling with the Judicial Council; and
- Participants who leave court employment prior to three years, depending on the circumstances, may be required to pay back the cost of their training and exam fees.

Benefits

The pilot goal to increase the number of court interpreter employees in the courts aligns with the *Strategic Plan for California's Judicial Branch*, including recommended best practices to support Goal I: Access, Fairness, Diversity, and Inclusion:

- Implement, enhance, and expand multilingual and culturally and socially responsive programs, including educational programming, self-help centers, and interpreter services.

The pilot program also supports current efforts by Language Access Services to increase the number of qualified court interpreters by assisting near-passers of the Bilingual Interpreting Examination for certified languages through focused training efforts.

Recommendation

Consider a recommendation from the Trial Court Budget Advisory Committee to approve the allocation methodology for the \$6.8 million and implementation of the California Court Interpreter Workforce Pilot Program, for consideration by the Judicial Council at its May 17, 2024 business meeting.

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Attachments

Attachment A: 2023 Budget Act Language on Pilot Program

Attachment B: Overview of California Court Interpreter Workforce Pilot Program

**2023 Budget Act Language on Pilot Program
Senate Bill 101 (Stats. 2023, ch. 12)**

0250-494—Reappropriation, Judicial Branch. The balance of the appropriation provided in the following citation is reappropriated for the purposes provided for below, and shall be available for encumbrance or expenditure until June 30, 2029.

0932—Trial Court Trust Fund

- (1) Up to \$6,800,000 of the amount appropriated in Schedule (4), Item 0250-101-0932, Budget Act of 2021 (Chs. 21, 69, and 240, Statutes of 2021), for implementation of the California Court Interpreter Workforce Pilot Program.
 - (a) The California Court Interpreter Workforce Pilot Program is hereby created. The amount reappropriated in this item, \$6,800,000 shall be allocated to the Judicial Council to administer the pilot program. The pilot program shall commence by July 1, 2024, and end June 30, 2029.
 - (b) The pilot program shall include the participation of a minimum of four superior courts, one of which must be Los Angeles. Up to 10 applicants wanting to be a certified court interpreter will be selected by the Judicial Council per superior court, per year. Depending on local court needs, training participants for the pilot program may be selected for registered languages. The pilot program will cover the costs of training, coursework and up to three interpreter exam fees for applicants.
 - (c) Training participants must pass a background check prior to participating in the pilot program and must also pass a background check a second time prior to any offer of employment by the participating courts.
 - (d) Upon successful completion of the coursework, passage of the required examinations, and enrollment with the Judicial Council, the participating local court shall offer employment as a court interpreter employee to successful training participants, subject to available funding and open positions.
 - (e) Training participants must agree to work in the courts for at least three years after they successfully pass all the required examinations and enroll with the Judicial Council as a court interpreter. Participants who are hired and remain employed with the court for a minimum of three years are not required to pay back any costs. Participants who leave court employment prior to the end of three years may be required to pay back the costs of training, coursework, and exam fees on a prorated basis based on length of employment. Participants who are hired by the court for any length of time but are subsequently laid off, terminated, or otherwise released from employment

2023 Budget Act Language on Pilot Program
Senate Bill 101 (Stats. 2023, ch. 12)

not of their own volition or due to any fault of their own are not required to pay back any costs for training, coursework, and exam fees. The court may waive, at its discretion, the repayment of costs of training, coursework, and interpreter exam fees if a participant leaves court employment prior to the end of three years due to a significant personal hardship.

- (f) Of the amount reappropriated, the Judicial Council shall be allocated \$150,000 each fiscal year for administrative support of the California Court Interpreter Workforce Pilot Program.

California Court Interpreter Workforce Pilot Program, 2024



Introduction

California is currently experiencing a shortage of credentialed court interpreters in the state's most frequently interpreted languages. To address this issue, the 2023 Budget Act created the California Court Interpreter Workforce Pilot Program and dedicated \$6.8 million for the pilot. The pilot's objective is to increase the number of applicants eligible for employment with the courts as credentialed court interpreters. The pilot will meet this objective by providing training recommendations and reimbursement of participants' training costs and up to three examination fees so they can pass the required interpreter certification exams during the pilot. In return, pilot participants must agree up front to work in the California courts for at least three years after they successfully pass all required exams and enroll with the Judicial Council as a court interpreter. The pilot will be administered by the Judicial Council's Language Access Services Program, with input and collaboration from participating courts, court Language Access Representatives, the employee organization representing court interpreter employees, trade associations representing independent court interpreters, and the Court Interpreters Advisory Panel.

Program Description

The pilot program will begin on July 1, 2024, and run through June 30, 2029. Participants who successfully complete pilot program requirements, pass all required exams, and enroll with the Judicial Council will be eligible for employment with the court.

The pilot program will provide recommendations to participants for training and will reimburse participants for training expenses and up to three exam fees. The reimbursement maximum will allow an average of 100 pilot participants per year to be reimbursed an average of \$8,000 per year in training and examination costs (actual amounts will depend on the number of pilot participants chosen each year). The program will reimburse expenses for the following:

- Costs of training and coursework
- Up to three interpreting exam fees per applicant during the pilot program

In addition to reimbursement for training and exam fees, the program will provide an offer of employment with participating courts, subject to available funding and open positions.

Initially, the program will include Los Angeles Superior Court and at least three other superior courts to be determined. All superior courts will be invited to apply. Up to ten applicants will be selected per court, per year, during the pilot. The emphasis of the program will be on certified spoken languages or American Sign Language for which there is the greatest demand for interpreters. However, other languages will be considered based on demonstrated court need.

All applicants must pass a background check prior to participating in the pilot, and again upon completion of the program, prior to receiving an employment offer from a participating court. Continued participation in the program is contingent upon individuals demonstrating active and continuing progress toward obtaining certification.

Pilot program participants must agree up front to commit to a study plan and work in the courts for at least three years after they successfully pass all required exams and enroll with the Judicial Council. Participants must remain employed with the court for a minimum of three years to avoid having to pay back costs. The court may waive, at its discretion, repayment of costs of training and exam fees if a participant leaves court employment prior to the end of three years due to a significant personal hardship, or other similar reason.

Program Participants

The pilot courts are to be Los Angeles Superior Court and at least three other superior courts. Applications from interested courts will be reviewed by council staff and prioritized as follows:

- Designated major languages (top four for the county) and number of interpreter vacancies/interpreters needed.
- Other certified languages not included in the four major designated languages for the county and number of interpreter vacancies/interpreters needed.
- Registered languages based on demonstrated court need and number of interpreter vacancies/interpreters needed.
- Regional and court size considerations to ensure statewide participation.
- Court awareness of promising interpreter candidates that will be recommended by the court for participation in the pilot.

Once languages and courts are established, pilot participants may apply and be selected based on their likelihood of completing the program, passing all required exams, and the needs of the participating courts. Courts will be actively involved in the pilot participant selection process.

Pilot participants will be given priority if they fall into one of the following categories:

Participant	Description
Near Passer	Individuals who are already in the process of becoming a certified language interpreter and who need additional support to pass the Bilingual Interpreting Exam (BIE).
Bilingual Court Staff or Equivalent	Bilingual court clerks or other bilingual staff, including provisionally qualified interpreters currently working in the courts, or other similarly skilled individuals, such as interpreters in other fields, aspiring to obtain a court interpreting credential

Participant	Description
American Sign Language (ASL)	ASL interpreters with generalist ASL credentials who wish to study and pass the Texas Board for Evaluation of Interpreters (BEI) court interpreter certification, which is now accepted by the Judicial Council for work in the California courts.
Registered Language	Candidates seeking an interpreting credential for a registered spoken language that is designated in the pilot.

Prerequisites

- Applicants must pass a background check as part of the application process.
- Applicants must also have a high level of fluency in English and their target interpreting language to be considered for the program.
- Applicants who have already taken and passed the Written Exam must have enough remaining validity on their scores or they will have to retake the Written Exam as part of the pilot. Written Exam scores are valid for six years or four attempts at the BIE, whichever comes first.

Potential applicants will also be encouraged, but not required, to take the Oral Proficiency Exam (OPE) in English (if necessary) and their target interpreting language(s) for a self-assessment of their degree of fluency. Applicants for certified languages should bear in mind that a rating of “Advanced” or higher is required for a registered language interpreting credential. All pilot program participants are expected to continuously strive to improve their level of fluency in all working languages, as this is one of the critical success factors for a professional interpreter in any language. Applicants wanting to be a certified interpreter will not be reimbursed for OPE exam fees if it is taken for self-assessment of fluency.

Proposed Timeline

Participants will be grouped into cohorts. Each cohort will have two years to complete the required training and pass all required exams, except for the final cohort which will have 18 months. Applications for the program will be processed and reviewed beginning in July; each new cohort will begin in January. Participants who do not complete the program in two years may reapply, except for the final cohort of the pilot. Sample timeline below:

Activity	Timeframe (Cycle repeats for each cohort)
Court and language selection	April – June
Applications submitted and reviewed; Applicants notified	July – December
Program begins – Year 1/Year 2	January
First progress report due – Year 1/Year 2	June
Second progress report due – Year 1/Year 2	December
All training complete and all exams passed	No later than December of Year 2

Participants will be grouped into cohorts as follows:

Program Activities	Program Cycle - Timeline			
	Cycle 1	Cycle 2	Cycle 3	Cycle 4
Court and language selection	April to June 2024	April to June 2025	April to June 2026	April to June 2027
Candidates apply and are chosen	July to December 2024	July to December 2025	July to December 2026	July to December 2027
Candidate begins in pilot program	January 2025	January 2026	January 2027	January 2028
Progress reports	Due every six months	Due every six months	Due every six months	Due every six months
Candidates must pass all required examinations	No later than December 2026	No later than December 2027	No later than December 2028	No later than June 2029 (last cohort has 18 months)

Expectations of Pilot Participants

Pilot participants are expected to demonstrate consistent, measurable progress toward the goal of obtaining certification, and are expected to complete the pilot program in two years or less. Participants will be required to submit a progress report to the Judicial Council every six months detailing courses taken, self-directed activities outside of formal coursework, exams taken, exam scores, and a self-evaluation of their progress. Progress reports will be shared with the participating court. Participants who do not demonstrate consistent progress toward becoming certified (or registered) will be removed from the program. Participants who do not complete the program and obtain an interpreting credential in two years may reapply to be able to continue, except for the final cohort.

Participants are expected to work in the courts for at least three years after completing the pilot program, passing all required exams, and enrolling with the Judicial Council. Participants who leave court employment prior to three years, depending on the circumstances, may be asked to repay any monies received during the pilot for training and exam costs.

Expectations of Participating Courts

Participating courts will be expected to take an active role in supporting the program participants as they work toward becoming certified. This support may take different forms, to be determined by the court; for example, mentoring, shadowing other interpreters, on-the-job training, providing training or reading materials or suggestions for self-directed study, communicating to pilot program participants about training or volunteer opportunities, etc. Specific responsibilities

and expectations for court personnel during the pilot program will be shared, with their ongoing input and collaboration, as program processes and procedures are developed.

Judicial Council Role in the Pilot

The Judicial Council will be responsible for overall administration of the program, management of budget, fee reimbursement, collection of monies owed by participants who leave the program or are asked to leave, etc. The Judicial Council will also provide a recommended training plan, as well as a list of resources. The training plan and resource list will be updated yearly and during the life of the pilot. The Judicial Council will receive, process and screen applications, and will assist courts as needed with selecting applicants. The Judicial Council will provide notifications to participants and program communications as necessary. The Judicial Council will also receive and evaluate progress reports from participants prior to issuing reimbursement for training and exam fees and will share these progress reports with participating courts.

Recommended Training & Exam Preparation

The knowledge and experience required to be a successful court interpreter comes from many sources. The Judicial Council has drafted a detailed training plan outline, with required and recommended courses and topics for formal training, as well as recommendations for self-directed, year-round study. Participants will be expected to continuously prepare and study and take training throughout the entire two-year program, even after they have taken exams while waiting for results. The list below is a representative sample of topics for study and exam preparation. The list is not intended to be exhaustive. The training plan outline for the pilot program will continually evolve and be refined with court and stakeholder input.

Required courses and topics include:

<input type="checkbox"/>	Introduction to Court Interpreting & Fundamentals of Legal Interpreting
<input type="checkbox"/>	California/U.S. Law for Court Interpreters (vocabulary building & court procedures) <ul style="list-style-type: none"> ○ Criminal & Civil Procedure ○ Family Law ○ Small Claims & Working with Self-Represented Litigants
<input type="checkbox"/>	Medical Terminology for Court Interpreters
<input type="checkbox"/>	Public Speaking, Presentation Skills & Diction for Interpreters
<input type="checkbox"/>	Introduction to Simultaneous Interpreting for Legal Proceedings <ul style="list-style-type: none"> ○ Arraignment Calendar ○ Interpreting at the Defense table
<input type="checkbox"/>	Sight Translation: Foreign Language to English & English to Foreign Language <ul style="list-style-type: none"> ○ Legal Documents – birth certificate, coroner’s report, police report, deposition transcript ○ General Documents – sentencing letter, other documentary evidence (receipts, bills, bank statements, text messages, emails)
<input type="checkbox"/>	Introduction to Consecutive Interpreting <ul style="list-style-type: none"> ○ Witness Stand – Lay Witness

	○ Administrative Hearings & Depositions
<input type="checkbox"/>	Consecutive Note Taking & Memory Building/Improvement
<input type="checkbox"/>	Advanced Simultaneous Interpreting for Legal Proceedings <ul style="list-style-type: none"> ○ Jury Instructions ○ Expert Witness Testimony – police, ballistics, forensics, pathologist
<input type="checkbox"/>	Remote Interpreting: VRI, Technologies, Ethical Challenges
<input type="checkbox"/>	Interpreting Skills Building Training (aka “Near-Passer” Training) offered by Judicial Council

Recommended course topics include:

<input type="checkbox"/>	Court Interpreting Profession
<input type="checkbox"/>	Interpreting and Translating Organization
<input type="checkbox"/>	Law and Court Procedures
<input type="checkbox"/>	Medical Terminology for Interpreters

Recommended self-directed exam preparation activities:

<input type="checkbox"/>	Courtroom observation
<input type="checkbox"/>	Volunteer interpreting
<input type="checkbox"/>	Reading in all working languages to build vocabulary – specialized and general
<input type="checkbox"/>	Language immersion in target language (for non-native speakers)

Training courses and materials for interpreter study and exam preparation come from many sources as well. They can come from formal academic programs or from private companies. They can be delivered in person, via instructor led courses, online instructor led courses or self-study materials. More detailed references for training programs, self-study materials, etc. are provided in the training plan outline that will be provided to pilot participants.

Required Certification Exams for Spoken Language

Credential	Exams	Passing Score
Certified Language Interpreter	Written Exam	80%
	Bilingual Interpreting Exam in target language	70% in all four sections in one sitting
Registered Language Interpreter	Written Exam	80%
	OPE English	Advanced or higher
	OPE in target language	Advanced or higher

ASL Court Interpreters

Currently, California does not offer a certification exam for ASL court interpreters. However, effective January 1, 2024, the Judicial Council approved the Texas Office of Deaf and Hard of Hearing Services (DHHS) Board for Evaluation of Interpreters (BEI) as an approved testing entity for American Sign Language (ASL) court interpreter certification. ASL interpreters who hold generalist credentials but do not yet hold the Texas BEI Court Interpreter Certification (CIC) and wish to be considered certified in California must study for the Texas BEI CIC and travel to Austin, Texas, at their own expense, to take the required examination(s). More information is provided in a *Bulletin for Interpreters on the Texas ASL Court Interpreter Certification*, located at <https://www.courts.ca.gov/2693.htm>.

Currently, the draft training plan outline contains recommendations for study and preparation for ASL court interpreters, as well as a list of resources, formal academic training, and degree programs to assist persons interested in taking and passing the Texas BEI court interpreter certification under the pilot.

Application Process

Language Access Services will develop an application for courts to apply for Cycle 1 in Spring 2024. Staff will also promote the pilot program at the bimonthly meetings of the Language Access Representatives to encourage applications from courts.

Once courts are chosen and languages identified for Cycle 1, application materials for interested interpreter candidates to apply to the pilot program will be posted to the Language Access Services web page by July 2024. Staff will also conduct outreach to ensure that potential interpreter candidates are aware of the pilot program and to encourage applications.

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

(Action Item)

Title: Trial Court Minimum Operating and Emergency Fund Balance Policy
Date: 3/13/2024
Contact: Oksana Tuk, Senior Analyst, Budget Services
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Issue

The Trial Court Budget Advisory Committee (TCBAC) recommends the continued suspension of the trial court minimum operating and emergency fund balance policy for two additional years until June 30, 2026.

Background

The Judicial Council’s minimum operating and emergency fund balance policy requires the trial courts to maintain a fund balance or reserve of approximately 3 to 5 percent of their prior year General Fund expenditures. This policy was first established in 2006–07 to ensure that reserve funding was set aside for use in emergency situations or when revenue shortfalls or budgetary imbalances might occur. Due to subsequent legislative changes, a suspension of the policy has been in place since 2012–13.

Government Code section 68502.5 required that a 2 percent reserve be established in the Trial Court Trust Fund (TCTF) beginning in 2012–13. Each court contributed to the reserve from its base allocation for operations. In addition, Government Code section 77203 imposed a 1 percent cap on the fund balance that courts could carry forward from one fiscal year to the next effective June 30, 2014. Prior to June 30, 2014, a trial court could carry over all unexpended funds from the court’s operating budget from the prior fiscal year.

On August 31, 2012, the council suspended the minimum operating and emergency fund balance policy as a result of these statutory changes and in recognition of advocacy efforts to eliminate or increase the 1 percent cap.¹ On October 28, 2014, the council again extended the suspension of the policy for two additional years until June 30, 2016.²

At its business meeting on April 15, 2016, the Judicial Council approved the *Recommended Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on*

¹ Judicial Council meeting report (August 31, 2012), <https://www.courts.ca.gov/documents/jc-20120831-itemN.pdf>; Judicial Council meeting minutes (August 31, 2012), <https://www.courts.ca.gov/documents/jc20120831-minutes.pdf>.

² Judicial Council meeting report (October 28, 2014), <https://www.courts.ca.gov/documents/jc-20141028-itemM.pdf>; Judicial Council meeting minutes (October 28, 2014), <https://www.courts.ca.gov/documents/jc20141028-minutes.pdf>.

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Behalf of the Courts. This new program authorized reduced trial court allocations, related to the fund balance cap, to be retained in the TCTF as restricted fund balance for the benefit of those courts for projects or expenditures approved by the Judicial Council. The program is intended for expenditures that cannot be funded by a court's annual budget or three-year encumbrance term, and that require multiyear savings to implement. Court requests to hold funds in the TCTF for specific projects or activities are reviewed by the Fiscal Planning Subcommittee and recommendations are made directly to the Judicial Council.³

In 2016–17, Government Code section 68502.5(c)(2)(B) established a \$10 million one-time General Fund reserve in the TCTF, which replaced the 2 percent reserve requirement. The Judicial Council established a process for trial courts to apply for this emergency funding.⁴ If funding was accessed from the reserve, it would be replenished on an annual basis from trial court base allocations.

On January 19, 2017⁵ and May 24, 2018⁶, the council approved additional two-year suspensions of the policy until June 30, 2020 while advocacy efforts to eliminate or increase the fund balance cap continued. In 2019–20, Government Code section 77203 was amended, and the fund balance cap was increased from 1 percent to 3 percent. This allowed the trial courts to carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year beginning June 30, 2020.

On July 24, 2020⁷ and May 11, 2022⁸, the council again approved additional two-year suspensions of the policy until June 30, 2024. The current Fund Balance Policy is included as Attachment 1A and Government Code section 77203 is included as Attachment 1B.

³ Judicial Council meeting report (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB>; Judicial Council meeting minutes (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463457&GUID=194A3350-D97F-452B-ACF4-1EBE6C105CCA>.

⁴ Judicial Council meeting report (October 28, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4730556&GUID=B27BB5A7-B14B-44E8-A809-9F6FA97F6536>; Judicial Council meeting minutes (October 28, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463482&GUID=71780E2D-3758-4213-B3A5-7100073AB7CF>.

⁵ Judicial Council meeting report (January 19, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=4885769&GUID=7E02378F-E7AC-407D-BDD2-DA81B5FEB9E8>; Judicial Council meeting minutes (January 19, 2017), <https://jcc.legistar.com/View.ashx?M=M&ID=523723&GUID=AAC05972-68BD-4B48-B46C-240B851E3CEF>.

⁶ Judicial Council meeting report (May 24, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6246424&GUID=FD9DAD84-DD7D-448D-8C94-085FFC2FFBFE>; Judicial Council meeting minutes (May 24, 2018), <https://jcc.legistar.com/View.ashx?M=M&ID=559783&GUID=1C4B0F75-3F17-4F8A-9712-034640BB460C>.

⁷ Judicial Council meeting report (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8648714&GUID=DAA755CB-AD69-4C95-AB23-49AF3B15A37E>; Judicial Council meeting minutes (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711582&GUID=90001AF2-7CEE-4F0F-906B-29A03ED9CB43>.

⁸ Judicial Council meeting report (May 11, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10831522&GUID=E3E6A833-3D51-41D8-B68D-225383632DEF>.

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Advocacy Efforts to Increase the Fund Balance Cap

Advocacy efforts by the Judicial Council and the trial courts to increase the fund balance cap from 1 percent to 3 percent were supported by the Department of Finance and the Legislature.

The 2024–25 Governor’s Budget includes trailer bill language to increase the fund balance cap from 3 percent to 5 percent or \$100,000, whichever is greater, effective June 30, 2024, to ensure that trial courts have adequate reserve funding to support operational needs and address emergency expenditures.

The proposed budget also reduces the trial court state-level emergency reserve in the TCTF from \$10 million to \$5 million. This reserve funding has only been used one time by Humboldt Superior Court in 2018–19. Therefore, the reduction in the reserve amount is not anticipated to compromise the level of emergency resources available to the trial courts.

Recommendation

Approve the following recommendations to be considered by the Judicial Council at its May 17, 2024 business meeting:

- Extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years until June 30, 2026. This will provide additional time to determine the impact of the proposals included in the 2024–25 Governor’s Budget on trial court operations and emergency funding levels.
- Request the Funding Methodology Subcommittee consider if the minimum operating and emergency fund balance policy, which has been suspended since 2012–13, should be repealed at a future time based on enactment of the proposed changes to the state-level emergency reserve and fund balance cap included in the 2024-25 Governor’s Budget.

Attachments and Links

Attachment A: Fund Balance Policy

Attachment B: Government Code section 77203

Judicial Council meeting minutes (May 11, 2022),
<https://jcc.legistar.com/View.ashx?M=M&ID=869099&GUID=990E26C2-797D-4F24-BAE0-4945FB131549>

Trial Court Financial Policies & Procedures Fund Balance Policy

June 2020

Fund Balance

1. As publicly funded entities, and in accordance with good public policy, trial courts must ensure that the funds allocated and received from the state and other sources are used efficiently and accounted for properly and consistently. The trial courts shall account for and report fund balance in accordance with established standards, utilizing approved classifications. Additionally, a fund balance can never be negative.
2. Beginning with the most binding constraints, fund balance amounts must be reported in the following classifications:
 - a. Nonspendable Fund Balance
 - b. Restricted Fund Balance
 - c. Committed Fund Balance
 - d. Assigned Fund Balance
 - e. Unassigned Fund Balance (General Fund only)
3. When allocating fund balance to the classifications and categories, allocations must follow the following prioritization:
 - a. Nonspendable Fund Balance
 - b. Restricted Fund Balance
 - c. Contractual commitments to be paid in the next fiscal year
 - d. The minimum calculated operating and emergency fund balance
 - e. Other Judicial Council mandates to be paid in the next fiscal year
 - f. Contractual commitments to be paid in subsequent fiscal years
 - g. Assigned Fund Balance designations
 - h. Unassigned Fund Balance
4. Nonspendable Fund Balance includes amounts that cannot be spent because they are either (a) not in spendable form (not expected to be converted to cash), or (b) legally or contractually required to be maintained intact. Examples include: Inventories, prepaid amounts, Long-Term Loans and Notes Receivable, and Principal of a Permanent (e.g., endowment) Fund.
5. Restricted Fund Balance includes amounts constrained for a specific purpose by external parties, constitutional provision, or enabling legislation.

- a. Externally imposed—imposed externally by grantors, creditors, contributors, or laws or regulations of other governments (i.e., monies received by a grantor that can only be used for that purpose defined by the grant).
 - b. Imposed by Law (Statutory)—restricted fund balance that consists of unspent, received revenues whose use is statutorily restricted (e.g., children’s waiting room and dispute resolution program funding).
6. Committed Fund Balance includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the Judicial Council. These committed amounts cannot be used for any other purpose unless the Judicial Council removes or changes the specified use by taking the same type of action it employed to previously commit those amounts. Committed Fund Balance must also include contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements. While the requirement to include contractual commitments is a policy decision of the Judicial Council, the type, number, and execution of contracts is within the express authority of presiding judges or their designee.
 7. **[NOTE: The minimum operating and emergency fund requirement discussed here is temporarily suspended until the Judicial Council lifts the suspension.]** The Judicial Council has authorized a stabilization arrangement (Operating and Emergency fund category) to be set aside for use in emergency situations or when revenue shortages or budgetary imbalances might exist. The amount is subject to controls that dictate the circumstances under which the court would spend any of the minimum operating and emergency fund balance. Each court must maintain a minimum operating and emergency fund balance at all times during a fiscal year as determined by the following calculation based upon the prior fiscal year’s ending total unrestricted general fund expenditures (excluding special revenue, debt service, permanent proprietary, and fiduciary funds), less any material one-time expenditures (e.g., large one-time contracts).

Annual General Fund Expenditures
5 percent of the first \$10,000,000
4 percent of the next \$40,000,000
3 percent of expenditures over \$50,000,000

If a court determines that it is unable to maintain the minimum operating and emergency fund balance level as identified above, the court must immediately notify the Administrative Director, or designee, in writing and provide a plan with a specific time frame to correct the situation.

8. Assigned Fund Balance is constrained by the presiding judge, or designee, with the intent that it be used for specific purposes or designations that are neither unspendable,

restricted, nor committed. Constraints imposed on the use of assigned amounts are more easily removed or modified than those imposed on amounts that are classified as committed. Assigned amounts are based on estimates, and explanations of the methodology used to compute or determine the designated amount must be provided.

Assigned Fund Balances include:

- a. All remaining amounts that are reported in governmental funds, other than general funds, that are not classified as nonspendable and are neither restricted nor committed; and
- b. Amounts in the general fund that are intended to be used for a specific purpose in accordance with the provision identified by the presiding judge or designee.

Assigned Fund Balances will be identified according to the following categories:

- a. One-time Facility–Tenant Improvements. Examples include carpet and fixture replacements.
- b. One-time Facility–Other Examples include amounts paid by the Judicial Council on behalf of the courts.
- c. Statewide Administrative Infrastructure Initiatives. Statewide assessment in support of technology initiatives (e.g., Phoenix) will be identified in this designation.
- d. Local Infrastructure (technology and nontechnology needs). Examples include interim case management systems and nonsecurity equipment.
- e. One-time Employee Compensation (leave obligation, retirement, etc.). Amounts included in this category are exclusive of employee compensation amounts already included in the court’s operating budget and not in a designated fund balance category.
 - i. One-time leave payments at separation from employment. If amounts are not already accounted for in a court’s operating budget, estimated one-time payouts for vacation or annual leave to employees planning to separate from employment within the next fiscal year should be in this designated fund balance subcategory. This amount could be computed as the average amount paid out with separations or other leave payments during the last three years. Any anticipated non-normal or unusually high payout for an individual or individuals should be added to at the average amount calculated.

- ii. Unfunded pension obligation. If documented by an actuarial report, the amount of unfunded pension obligation should be included as a designated fund balance. Employer retirement plan contributions for the current fiscal year must be accounted for in the court's operating budget.
- iii. Unfunded retiree health care obligation. If documented by an actuarial report, the amount of unfunded retiree health care obligation should be included as a designated fund balance.

The current year's unfunded retiree health care obligation contains: (i) the current year Annual Required Contribution (ARC) based on a 30-year amortization of retiree health costs as of last fiscal year-end, and (ii) the prior year retiree health care obligation less (iii), the retiree health care employer contributions and any transfers made to an irrevocable trust set up for this purpose. The current year's unfunded retiree health care obligation is to be added to the prior year's obligation.

- iv. Workers' compensation (if managed locally). The amount estimated to be paid out in the next fiscal year.
 - v. Use of reserve funds for liquidation of outstanding leave balances for employees in a layoff situation, consistent with the requirements of GASB 45; other examples would include reserving funds for the implementation of "enhanced retirement" or "golden handshake" programs in the interest of eliminating salaries at the "high end" or "top step," and thereby generating salary savings or rehires at the low end of a pay scale for position(s), but realizing one-time costs in the interest of longer-term savings for the court.
- f. Professional and Consultant Services. Examples include human resources, information technology, and other consultants.
 - g. Security. Examples include security equipment and pending increases for security service contracts.
 - h. Bridge Funding. A court may choose to identify specific short or intermediate term funding amounts needed to address future needs that are otherwise not reportable, nor fit the criteria, in either restricted nor committed classifications, that it believes are necessary to identify through specific designations. These designations must be listed with a description in sufficient detail to determine their purpose and requirements.
 - i. Miscellaneous (required to provide detail). Any other planned commitments that are not appropriately included in one of the above designated fund balance subcategories

should be listed here with a description in sufficient detail to determine its purpose and requirements.

9. Unassigned Fund Balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to any other fund balance classification. The general fund is the only fund that shall report a positive unassigned fund balance amount.

State of California

GOVERNMENT CODE

Section 77203

77203. (a) Prior to June 30, 2014, a trial court may carry over all unexpended funds from the courts operating budget from the prior fiscal year.

(b) Commencing June 30, 2014, and concluding June 30, 2019, a trial court may carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. Commencing June 30, 2020, a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year. The calculation of the percentage authorized to be carried over from the previous fiscal year shall not include funds received by the court pursuant to the following:

(1) Section 470.5 of the Business and Professions Code.

(2) Section 116.230 of the Code of Civil Procedure, except for those funds transmitted to the Controller for deposit in the Trial Court Trust Fund pursuant to subdivision (h) of that section.

(3) Subdivision (f) of Section 13963, Sections 26731, 66006, 68090.8, 70640, 70678, and 76223, subdivision (b) of Section 77207.5, and subdivision (h) of Section 77209.

(4) The portion of filing fees collected for conversion to micrographics pursuant to former Section 26863, as that section read immediately before its repeal, and Section 27361.4.

(5) Sections 1027 and 1463.007, subdivision (a) of Section 1463.22, and Sections 4750 and 6005, of the Penal Code.

(6) Sections 11205.2 and 40508.6 of the Vehicle Code.

(Amended by Stats. 2019, Ch. 36, Sec. 2. (SB 95) Effective June 27, 2019. Section conditionally inoperative as provided in Section 77400.)

**Judicial Branch
2025-26 BCP Concept Tracking List**

March 13, 2024

BCP Proposed for the 2024-25 Governor's Budget and was denied.

Concept submitted to the Judicial Branch Budget Committee in 2024-25 and was denied.

Tracking #	JCC Office/ Branch Entity	Title	Description	# Positions	\$ Estimate (in thousands)	Fund Source	JCC Committee	Proposed Lead Advisory Committee	Comments
25-01	TCBAC	Inflationary Adjustment for Trial Courts (Consumer Price Index)	Requests \$63 million in 2025-26 and ongoing to address general inflationary cost increases for trial courts based on the Consumer Price Index (CPI) published by the Department of Finance.	0.0	63,039,000	GF	TCBAC	TCBAC	BCP was proposed for the 2024-25 Governor's Budget and was denied.
25-02	TCBAC	Trial Court Equity Funding to Statewide Average	Requests \$40.3 million in 2025-26 and ongoing to fund all trial courts at 94.8 percent of their Workload Formula need.	0.0	40,296,000	GF	TCBAC	TCBAC	
25-03	TCBAC CFCC	Expansion of Court-Based Self-Help Centers	Requests 3.0 positions and \$26.9 million in 2025-26 and \$26.9 million in 2026-27 and ongoing to expand the services to the public or court-based self-help centers in all counties in California.	3.0	26,938,000	GF	TCBAC	TCBAC	Similar BCP was proposed for the 2024-25 Governor's Budget and was denied.
25-04	CFCC	Court Appointed Dependency Counsel: Expanding Court Services, Supporting Federal Match, and Workload Study	Requests 12.0 positions and \$3.6 million in 2025-26 and \$2.5 million in 2026-27 to support the addition of 20 courts to the Dependency, Representation, Administration, Funding and Training program; administration of the Federally Funding Dependency Representation Program (FFDRP), and to conduct a workload study for court-appointed dependency counsel.	12.0	3,642,000	GF	FJLAC TCBAC	TCBAC	FFDRP portion of this request was submitted to the Budget Committee for consideration for 2024-25 BCP and was denied.
25-05	CFCC	Expansion of Tribal/State Programs Services	Requests 4.0 positions and \$1.5 million in 2025-26 and \$1.4 million in 2026-27 and ongoing to provide expanded services to reduce disproportionality and disparities in addressing the needs of the American Indian /Alaska Native population appearing in state courts, establish collaborative processes between the state judicial branch and tribal justice systems, and expand education for judicial officers and justice partners on tribal and federal Indian law issues.	4.0	1,452,000	GF	Tribal Court- State Court Forum	Tribal Court- State Court Forum	
25-06	TCBAC FS	Increased Trial Court Security Funding	Requests funding for counties to support sheriff provided security in trial courts.	TBD	TBD	GF	TCBAC CSAC	TCBAC	
25-07	FS	San Diego Hall of Justice - Facility Modification	Requests \$9.5 million one-time to provide additional support for a facility modification for the San Diego Hall of Justice that is currently underway.	0.0	9,460,000	GF	TCFMAC TCBAC	TCFMAC	Funding for this project was originally provided in the 2022-23 budget. This request is to augment that amount to complete the project.
25-08	FS	Facilities Program Support	Requests 6.0 positions and \$6.4 million ongoing to provide court facilities planning services for facility modifications and capital projects.	6.0	6,411,000	GF	TCFMAC TCBAC	TCFMAC	Similar proposal was submitted to the Judicial Branch Budget Committee in 2024-25 and was denied.
25-09	FS	Courts of Appeal Deferred Maintenance, Facility Modification, and Maintenance	Requests \$13.2 million in 2025-26 and \$1.3 million in 2026-27 and ongoing to address vital deferred maintenance projects, facility modifications, and maintenance at Courts of Appeal facilities.	0.0	13,175,000	GF	APJAC	APJAC	Similar BCP was proposed for the 2024-25 Governor's Budget and was denied.
25-10	FS	Trial Courts Facilities Maintenance and Utilities	Requests 3.0 positions and \$66.8 million to provide industry-standard facility operations and maintenance and utilities for the existing portfolio.	3.0	66,806,000	GF SCFCF Reimb.	TCFMAC TCBAC	TCFMAC	Similar BCP was proposed for the 2024-25 Governor's Budget and was partially approved. Funding was included in the 2024-25 Governor's Budget for operations and maintenance of one new courthouse opening in 2025 and is pending legislative approval.
25-11	FS	Trial Court Facility Modifications	Requests 4.0 positions and \$27.5 million to address essential Facilities Modifications of building assets to maintain safe and secure buildings.	4.0	27,508,000	GF SCFCF	TCFMAC TCBAC	TCFMAC	Similar BCP was proposed for the 2024-25 Governor's Budget and was denied.
25-12	FS	Waterborne Pathogen Management Program Implementation	Requests 1.0 position and \$2.5 million in 2025-26 and \$2.2 million ongoing thereafter to support the Waterborne Pathogen Management Program designed to identify and manage actions to reduce the potential for Legionella in Judicial Council owned and managed facility water systems to prevent occupant exposure and illness.	1.0	2,522,000	GF	TCFMAC TCBAC	TCFMAC	
25-13	FS	Trial Court Physical Security Assessment and Evaluation	Requests 3.0 positions and \$2.7 million one-time in 2025-26, and \$678,000 ongoing thereafter to conduct assessments, evaluations, and identification of physical security deficiencies in trial court facilities statewide.	3.0	2,713,000	GF	CSAC TCBAC	CSAC	Concept submitted to the Judicial Branch Budget Committee in 2024-25 and was denied.
25-14	FS TCBAC	Trial Court Deferred Maintenance	Requests 4.0 positions and \$133.6 million ongoing to support deferred maintenance projects for trial courts.	4.0	133,613,000	GF SCFCF Reimb.	TCFMAC TCBAC	TCFMAC	Concept submitted to the Judicial Branch Budget Committee in 2024-25 and was denied.

**Judicial Branch
2025-26 BCP Concept Tracking List**

Tracking #	JCC Office/ Branch Entity	Title	Description	# Positions	\$ Estimate (in thousands)	Fund Source	JCC Committee	Proposed Lead Advisory Committee	Comments
25-15	FS	Water Conservation and Leak Detection Measures in Courthouses	Requests \$18.8 million annually for three years, totaling \$56.51 million, to install water leak detection equipment and software at 160 courthouses, audit and replace outdated water fixtures at 136 Judicial Council managed courthouses older than 2011, and convert landscapes to drought tolerant at nine courthouses.	0.0	18,837,000	GF	TCFMAC TCBAC	TCFMAC	Concept submitted to the Judicial Branch Budget Committee in 2024-25 and was denied.
25-16	FS	Energy Efficiency Retrofits for Suboptimal Buildings	Requests \$35 million annually for three years, totaling \$105 million to perform energy efficiency-optimized lifecycle replacement deferred maintenance backlog work at five courthouses with the highest critical need of energy systems beyond-useful-life upgrades.	0.0	35,000,000	GF	TCFMAC TCBAC	TCFMAC	Concept submitted to the Judicial Branch Budget Committee in 2024-25 and was denied.
25-17	FS	Arc-Flash Study and Electrical Hazard Labeling in Trial Courts	Requests \$1.2 million ongoing to perform electrical power systems equipment arc-flash studies and guide electrical equipment labeling that informs electricians and building engineers of the hazardous electrical energy potential.	0.0	1,200,000	GF	TCFMAC TCBAC	TCFMAC	
25-18	FS TCBAC	Capital Outlay Funding: 2025-26 through 2029-30	Requests \$2.4 billion one-time in 2025–26 for 10 capital outlay projects. A total request of \$6.5 billion is proposed over five years for initial and/or continuing phases for 21 capital projects included in the latest Judicial Branch Five-Year Infrastructure Plan.	0.0	2,355,895,000	GF PBCF	CFAC TCBAC	CFAC	BCP was proposed for the 2024-25 Governor's Budget and was denied.
25-19	HCRC	HCRC Case Team Staffing and Establishment of Los Angeles Office	Requests 30.0 positions and \$9.3 million in 2025-26; an additional 20.0 positions and \$14.3 million in 2026-27, and an additional 20.0 positions and \$19.9 million ongoing in 2027-28 for the Habeas Corpus Resource Center (HCRC) to increase staff and establish a Los Angeles office to address and reduce delays and the backlog of unrepresented defendants in habeas cases.	30.0	9,342,000	GF	HCRC	HCRC	BCP was proposed for the 2024-25 Governor's Budget and was denied.
25-20	ACS	Courts of Appeal Court Appointed Counsel Program	Requests \$22.6 million ongoing to support the Courts of Appeal Court-Appointed Counsel Program, which provides critical and constitutionally required representation to indigent individuals in criminal, juvenile delinquency, and dependence appeals.	0.0	22,573,000	GF	APJAC	APJAC	BCP was proposed for the 2024-25 Governor's Budget and was denied.
25-21	ACS	Proposition 66 Costs in Courts of Appeal	Requests 14.5 positions and \$9.9 million in 2025-26 and \$9.7 million ongoing for the Courts of Appeal to address the new workload associated with the implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016.	14.5	9,911,000	GF	APJAC	APJAC	Similar concept was submitted to the Judicial Branch Budget Committee in 2024-25 and was denied.
25-22	ACS	Supreme Court Capital Court-Appointed Counsel Program	Requests \$2.4 million ongoing to support the Supreme Court's Capital Court-Appointed Counsel Program by providing a rate increase or capital appeal appointment and a 30% increase in the contract for the California Appellate Court - San Francisco project office.	0.0	2,412,000	GF	CA Supreme Court	CA Supreme Court	
Total				84.5	2,852,745,000				

Advisory Committees	
APJAC	Administrative Presiding Justices Advisory Committee
CSAC	Court Security Advisory Committee
CFAC	Court Facility Advisory Committee
FJLAC	Family & Juvenile Law Advisory Committee
HCRC	Habeas Corpus Resource Center
TCBAC	Trial Court Budget Advisory Committee
TCFMAC	Trial Court Facility Modification Advisory Committee

**Judicial Branch
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Trial 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 \$63 million¹ General Fund in 2025-26 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 2025-26 is currently estimated at 2.5 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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (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	\$63,039,000	\$63,039,000	\$63,039,000	\$63,039,000	\$63,039,000
Total	\$63,039,000	\$63,039,000	\$63,039,000	\$63,039,000	\$63,039,000
One-time	0	0	0	0	0
Ongoing	\$63,039,000	\$63,039,000	\$63,039,000	\$63,039,000	\$63,039,000

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

¹ Estimate based on 2023-24 trial court allocations and CIP percentage; amount will be updated when 2024-25 trial court allocations are available and if the estimated CIP percentage changes.

Judicial Branch
2025-26 Budget Change Proposal Concept

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 a total of 12.2 percent in just two fiscal years (2021–22 and 2022–23), slowing to 3.4 percent in 2023–24 and 2.5 percent in 2024–25. Similar inflationary gains have not been experienced 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 trial courts received \$230.5 million, or 10.5 percent ongoing beginning in the 2021 Budget Act through the 2023 Budget Act of General Fund to address inflationary cost increases, and trial court operational cost pressures due to rising inflation. In addition, the 2022 Budget Act included \$100 million ongoing General Fund to promote fiscal equity among the trial courts.

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The 2024–25 Governor’s Budget does not include an inflationary adjustment due to projected significant declines in General Fund revenues and considerable statewide budget shortfall.

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 2025-26 at 2.5 percent and will be updated later to reflect the most recent CPI projections.

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

Judicial Branch
2025-26 Budget Change Proposal Concept

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

Goal I: Access, Fairness, Diversity, and Inclusion
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
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Trial Court Budget Advisory Committee
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Proposal Title	Trial Court Equity Funding to Statewide Average
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Proposal Summary

The Judicial Council of California requests \$40.3 million ¹ General Fund in 2025-26 and ongoing to fund all trial courts to at least 94.8 percent of their Workload Formula need.
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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (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	\$40,296	\$40,296	\$40,296	\$40,296	\$40,296
Total	\$40,296	\$40,296	\$40,296	\$40,296	\$40,296
One-time					
Ongoing	\$40,296	\$40,296	\$40,296	\$40,296	\$40,296

¹ Calculation will be updated when 2024-25 Workload Formula allocations vs. the need is determined.

Problem or Issue

Adequate and sufficient funding is needed by the trial courts to continue to provide core services and ensure equal access to justice across California. The current Workload Formula, as approved by the Judicial Council, serves as the basis for the workload-based funding and adjustments. The statewide average funding level as calculated by the Workload Formula in 2023-24 was 94.8 percent, and funding allocated compared to workload need is as low as 87.4 percent for the lowest funded court. While trial courts should be funded at 100% of need, funding courts to at least the statewide average of 94.8 percent would assist the Judicial Council in addressing inequities in funding and improve access to justice for court users.

Judicial Branch
2025-26 Budget Change Proposal Concept

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 trial courts became state-funded. The Legislature's intent in enacting the Trial Court Funding was to address the great disparity in funding levels found in the county court systems, increase funding stability, ensure that all Californians would have equal access to justice and similar experiences across jurisdictions in resolving their legal disputes in the trial courts.

In 2012, at the direction of the Judicial Council, the Trial Court Budget Workgroup undertook the development of the Workload-based Allocation and Funding Formula (WAFM) increase funding equity between the courts. WAFM as approved by the Judicial Council for use in the 2013-14 fiscal year. WAFM calculated the resource needs of the trial courts based on the number of annual filings and weighting factors applied to each kind of filing. The Judicial Council's Resource Assessment Study (RAS), which forms the basis of the workload funding calculation, collects more than one million data points to determine the average amount of time required to process each case type from filing to final adjudication. RAS calculates an average number of minutes per case type and then multiplies those weighting factors by the number of filings in each case type in each court. The aggregate number of minutes for all case types in a court comprised the 'workload' for each court. This workload is then used to calculate how many staff were needed to process these cases, based on the annual number of work hours in a year. The Judicial Council used WAFM to allocate and reallocate trial court funds for 5 years to improve funding equity across the trial courts. In 2018-19, the Judicial Council updated the allocation methodology and approved the Workload Formula to better assess funding equity across the trial court and govern the allocation methodology of trial court funds. The approach forms the basis for articulating the workload needs of the courts. It has successfully informed the redistribution of existing and new funding to close the gap between severely and moderately under-resourced courts. The Governor, Legislature and the Judicial Council continue to address remaining inequities across the spectrum of courts. Despite efforts to achieve equity in funding related to workload, trial courts are still not fully funded, and many are not fully funded according to the Workload Formula model.

The public's right to timely access to justice is contingent on having adequate judicial resources in every trial court. The requested \$40.3 million General Fund would bring trial courts below the statewide funding average to the statewide level of 94.8 percent, which would still fund trial courts below their full need. This funding would support the overarching judicial branch priorities and goal of increasing funding equity across the trial courts.

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

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Impact of Denial of Proposal

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

Outcomes and Accountability of Proposal

The funding would be provided to approximately 40 percent of the trial courts to improve funding equity and assist the courts in enhancing service levels to the public in a variety of aspects. This request would continue to ensure stability of funding, progress towards equity funding for the trial courts, and strive to fully fund the need of the trial courts statewide. It supports the Judicial Branch goals of providing adequate, stable, and predictable funding for a fully functioning branch. However, this funding would not result in all trial courts being funded at 100% of their need. As such, there will continue to be gaps in service which will impact access to justice.

Required Review/Approval

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 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
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Center for Families, Children & the Courts
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Proposal Title	Expansion of Court-Based Self-Help Centers
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Proposal Summary

The Trial Court Budget Advisory Committee requests 3.0 positions and \$26.9 million General Fund in 2025-26 and \$26.9 million in 2026-27 and ongoing to expand the services to the public of court-based self-help centers in all counties in California. Critical services currently underfunded in self-help centers include assistance to the public in cases involving evictions, establishing guardianships, consumer debt, and domestic violence.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	3.0	3.0	3.0	3.0	3.0
Personal Services	797,000	797,000	797,000	797,000	797,000
Operating Expenses & Equipment	141,000	106,000	106,000	106,000	106,000
Local Assistance	26,000,000	26,000,000	26,000,000	26,000,000	26,000,000
Total	26,938,000	26,903,000	26,903,000	26,903,000	26,903,000
One-time	35,000	0	0	0	0
Ongoing	26,903,000	26,903,000	26,903,000	26,903,000	26,903,000

*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 provide self-represented litigants with assistance in their legal matters approximately 950,000 times a year.

An analysis of data reported by self-help centers since the expansion of the State Budget's self-help funding in 2018¹ 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. In the next two years, the number of self-represented litigants seeking assistance with eviction cases is projected to grow by 80 percent, assistance with other civil cases including consumer debt by 62 percent, assistance with domestic violence cases by 11 percent, and civil restraining orders by 20 percent. These case types often require significantly more workload than the family law cases that self-help centers are historically budgeted to serve. The resources requested will allow the courts to keep pace with these increases in both members of the public requiring assistance and the additional time needed to adequately provide assistance in certain case types.

Background/History of Problem

Every court in California has a self-help center dedicated to assisting people who are not represented by lawyers to navigate the court system. In a court-based self-help center, an attorney employed by the court assists members of the public who cannot afford an attorney. This assistance includes providing legal information and explaining the court forms that are required to file a case or respond to a filing, explaining the court process, and assisting the self-represented litigant in understanding the next steps in the case. Self-help center attorneys do not give legal advice.

The self-help center customer, as measured by a statewide survey in 2017–18, has a median monthly income between \$1,000 and \$2,000 per month with 80 percent of all customers reporting less than \$3,000 of monthly income.² The same statewide survey showed that historically underserved racial/ethnic groups were served at a greater proportion than their underlying state population by self-help centers. 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.³

A cost-benefit analysis⁴ conducted by the Judicial Council of California (the council) established that self-help centers, while assisting self-represented litigants with their cases, also help them avoid unnecessary trips to court to re-do incorrect paperwork or attend hearings they could have avoided. This in turn helps them to avoid lost wages, travel, and childcare expenses. The cost-benefit analysis quantified these economic benefits as avoided costs to self-represented litigants of as much as \$242 per case. By incorporating self-help centers as part of their operations, courts have streamlined case processing at the court clerk window and in the courtroom. When self-represented litigants are assisted in preparing and filing forms and documentation

¹ Judicial Council of Cal., Self-Help Tracking and Reporting Survey (STARS) 2019-2023, internal data analysis.

² Judicial Council of Cal., Family Law Facilitator/Self Help Center Customer Survey, 2017–18.

³ Department of Finance, <https://dof.ca.gov/Forecasting/Demographics/Projections>.

⁴ Judicial Council of Cal., *Supplement to Impact of Self-Help Center Expansion in California Courts* (June 2022) (Supplement) <https://jcc.legistar.com/View.ashx?M=F&ID=11015140&GUID=5ED AFC0B-3A23-4CC7-8435-806A2E926F31>.

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for their cases, judges are able to prepare for hearings and litigants are not required to endure lengthy delays and multiple returns to court. The cost-benefit analysis established that self-help centers provide a benefit to courts in avoided costs of as much as \$315 per case filing. Overall, every dollar spent on self-help centers provides \$3.10 to \$4.18 in avoided costs for the public and the courts.

Self-help centers do not have the resources to support the growth in customer numbers and the additional complexity these case types require. Self-help center funding has remained flat at \$30.3 million annually for six years.

Self-help centers expect to see a workload increase by fiscal year 2025-26⁵ that is driven by self-represented litigants seeking assistance with cases in domestic violence, housing, conservatorship, and consumer debt. Self-help centers have learned, in the years since self-help expansion began in 2018, that the complexity of these cases adds additional time to the service in the self-help center. The council’s 2021 study *Impact of Expansion of Self-Help Centers in California Courts*⁶ documented that the typical extended service requires at least 43 minutes. For these growing case types, self-help centers report that at least 90 minutes is required to assist a self-represented litigant with a restraining order case, 120 minutes for an eviction or consumer debt case, and 180 minutes for a guardianship/conservatorship case.

There is no margin in existing self-help funding that would enable self-help centers to this expanded need with current resources. The additional cost of serving these persons and expanding services provided within certain case types is \$26,000,000.

	FY 22-23 Actual ⁷	FY 25-26 Est	Increase	Mins	Cost of Increased Services	Cost of additional time	Total
Divorce	130,000	134,000	4,000	50	\$300,000	\$0	\$300,000
Custody	87,000	90,000	3,000	50	\$225,000	\$0	\$225,000
Small Claims	36,000	36,000	0	50	\$0	\$0	\$0
Domestic Violence	42,000	45,000	3,000	90	\$405,000	\$2,520,000	\$2,925,000
Civil Restraining Orders	27,000	29,000	2,000	90	\$270,000	\$1,620,000	\$1,890,000
Parentage	22,000	29,000	7,000	50	\$525,000	\$0	\$525,000
Unlawful Detainer	33,000	71,000	38,000	120	\$6,840,000	\$3,465,000	\$10,305,000
Guardianship/ Conservatorship	17,000	20,000	3,000	180	\$810,000	\$3,315,000	\$4,125,000
Consumer Debt and Other Civil	14,000	33,000	19,000	120	\$3,420,000	\$1,470,000	\$4,890,000
All other cases	105,000	114,000	9,000	50	\$675,000	\$0	\$675,000
Totals	513,000	601,000	88,000		\$13,470,000	\$12,390,000	\$25,860,000

Totals differ from column sums due to rounding.

⁵ Estimates derived from fiscal year 2022-2023 data on customer encounters reported by self-help centers through the Judicial Council Self-Help Statewide Tracking and Reporting System (STARS).

⁶ Judicial Council of Cal., *Impact of Expansion of Self-Help Centers in California Courts*, (Jan. 2021)
<https://www.courts.ca.gov/documents/lr-2021-self-help-centers-funding-analysis-BA-2018-gov-code-9795.pdf>

⁷ Judicial Council Self-Help Statewide Tracking and Reporting System accessed February 29, 2024.

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Developing resources for self-help centers at the state level both relieves courts from the time-intensive task of developing their own resources and ensures statewide quality consistency. Resources are developed in close consultation with court-based self-help centers. The attorney and coordinator positions will develop statewide materials in areas where case types are growing and involve complex requests for self-help center assistance. The attorneys will specialize in civil procedure, consumer debt, housing, guardianships, conservatorships, simple probate, elder abuse, and other civil issues. The attorneys and the administrative coordinator will be responsible for developing workshop content and format to be used in the courts; training, technical assistance, and resources for the self-help center staff; developing statewide information sheets; expanding information on the self-help website; and providing subject matter expertise on document assembly programs, Live Chat, and other tools to expand remote service and adapt local resources for statewide use.

Impact of Denial of Proposal

When self-help centers lack the resources to serve an increasing number of the most complex case types:

- Trial courts do not have the funding to cover these costs;
- Self-help center customers do not receive full assistance and are required to attend court with incomplete filings, increasing both courtroom and court clerk costs to the trial courts;
- Members of the public, often the most vulnerable ones, are unable to start or complete their court cases and are impacted by lost housing, lost revenue, or lack of protection.

Outcomes and Accountability of Proposal

Courts report data on self-help encounters through an online portal to the council. Outcomes data related to this proposal will be collected to track case expansion in domestic violence, civil restraining orders, eviction, consumer debt, and guardianship/conservatorship to ensure that expansion funding is enabling services to self-represented litigants in these case types. The database also tracks numbers of persons assisted in languages other than English.

Required Review/Approval

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

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Approval

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

Director Signature: *Charlene Depner*

Contact Name: Don Will

**Judicial Branch
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Family and Juvenile Law Advisory Committee
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Proposal Title	Court-Appointed Dependency Counsel: Expanding Court Services, Supporting Federal Match, and Workload Study
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Proposal Summary

The Judicial Council of California requests 12.0 positions including a 1.0 two-year limited term position and \$3.6 million General Fund in 2025-26, \$2.5 million in 2026-27, and \$2.3 million in 2027-28 and ongoing to support 20 additional courts joining the Dependency Representation, Administration, Funding, and Training (DRAFT) program; administration of the Federally Funded Dependency Representation Program (FFDRP) to access up to \$66 million in federal match funds; and to conduct a workload study for court-appointed dependency counsel.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	12.0	12.0	11.0	11.0	11.0
Personal Services	\$2,429,000	\$2,429,000	\$2,223,000	\$2,223,000	\$2,223,000
Operating Expenses & Equipment	1,549,000	\$423,000	\$388,000	\$388,000	\$388,000
Local Assistance					
Federal Match	(\$336,000)	(\$316,000)	(\$316,000)	(\$316,000)	(\$316,000)
Total	\$3,642,000	\$2,536,000	\$2,295,000	\$2,295,000	\$2,295,000
One-time	\$1,106,000	\$241,000			
Ongoing	\$2,536,000	\$2,295,000	\$2,295,000	\$2,295,000	\$2,295,000

Note: The General Fund support requested is less than the total funding need because of federal match funding that can be recovered for administrative expenses.

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Problem or Issue

DRAFT Program Expansion: Court-Appointed Dependency Counsel (CAC) is a legislatively mandated service which ensures that children and parents in foster care proceedings are represented by counsel. The Judicial Council is appropriated \$186.7 million in the state budget to fund CAC in all 58 trial courts. In 20 courts the Judicial Council's [DRAFT Program](#) manages the court appointed counsel program on behalf of the courts. The DRAFT program manages the \$122 million total allocation for those courts to ensure that their CAC needs are met, including identifying and securing dependency counsel, contracting directly with legal service providers, and providing training and technical assistance. Benefits of the program include the application of consistent performance and administrative standards to court-appointed counsel in multiple counties, relieving courts from the need to negotiate with and monitor legal services vendors who are appearing before the court and reducing administrative costs through economies of scale. Twenty¹ additional courts have expressed interest in joining DRAFT, but resources are not available to administer the DRAFT program for additional courts.

Federal Match Administration: FFDRP was established in 2019 to support the courts and CAC providers with newly available federal funds to improve legal representation services for families and children in dependency proceedings. Due to severe administrative understaffing, FFDRP experiences an ongoing backlog of invoice review resulting in significant delays to critical program 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. A workload analysis conducted for this proposal indicates that 5.0 additional positions are required to administer the FFDRP program.

The workload for FFDRP invoice processing requires approximately 11,700 hours of staff time; and the existing 3.5 Center for Families, Children & the Courts (CFCC) positions dedicated to FFDRP only have the capacity to cover 26 percent of that workload. The 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 up to \$361,000, in the form of reimbursement. The remaining \$500,000 is designated for operating expenses including technology to support FFDRP billing. The \$1.5 million General Fund allocation has not increased despite general salary increases and increased benefit costs which must be absorbed within the current allocation. The requested positions will increase the amount of federal match funding available to support administration.

Workload Study for CAC: The General Fund [allocation](#) for CAC is \$186.7 million. The CAC funding methodology used to allocate this funding to trial courts may be outdated based on several changes to federal and state laws that impact juvenile dependency practice. The current funding methodology for CAC was approved by the Judicial Council in [2016](#) and amended in [2022](#). It is urgent that the council conduct a workload study on dependency representation to determine whether the factors used in the current CAC funding methodology require revision. We are requesting funding to support the costs for a contractor to conduct a comprehensive workload study and a 2-year limited term Analyst as the Judicial Council currently does not have the staffing or resources to perform this work.

¹ The Superior Courts of Alpine, Butte, Calaveras, Colusa, Glenn, Humboldt, Kern, Lassen, Modoc, Mono, Monterey, Napa, Nevada, San Benito, San Mateo, Shasta, Sierra, Siskiyou, Tulare, and Tuolumne Counties.

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Background/History of Problem

DRAFT Program Expansion: Juvenile courts in each of California’s counties preside over cases that are filed by county social services agencies when a child has been, or is suspected of being, abused or neglected. Parents and children in these cases are statutorily entitled to legal representation, but usually cannot afford to pay for their own attorneys. The court appoints attorneys to represent indigent parents and all children, and the state pays for the attorneys through funds administered by the Judicial Council. The DRAFT program was implemented at the request of the courts in 2004. Under DRAFT, the Judicial Council collaborates with courts to identify and select juvenile dependency counsel and is responsible for direct attorney contracting, service administration, identifying training needs, providing technical assistance, and resolving compliance and performance issues when needed.

The DRAFT program currently administers the CAC funding for 20 courts. An additional twenty courts have expressed interest in joining the DRAFT program. These courts face challenges with identifying and selecting CAC providers, negotiating, and maintaining contracts, controlling costs, overseeing attorney performance, and resolving compliance and other issues related to dependency representation. These challenges are particularly difficult for small courts.

Six dedicated positions are required to support expansion of the DRAFT program to the additional 20 courts.

Federal Match Administration: FFDRP provides up to \$66 million in federal funding to the statewide CAC program which 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.

Currently 58 providers from 31 courts across the state participate in the program. In 2024-25, FFDRP expects participation from a total of 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. FFDRP expects to process at least 1,120 invoices containing approximately 30,000 pages of time records and other expenditure records annually. Based on analysis of current invoice processing times, we project that invoice processing alone will require approximately 11,700 hours annually.

All current FFDRP staff perform additional program administration duties outside of invoice review including program budgeting, contracting and procurement, processing program applications, tracking program data and financials, and maintaining program resources and tools. Existing CFCC FFDRP staff cover approximately 3,040 hours of the invoice processing workload leaving a remaining need of approximately 8,660 hours. FFDRP has worked actively to streamline and reduce workload. Beginning in late 2022-23 FFDRP implemented a streamlined invoice review process for well-established providers to

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reduce overall workload and processing times. While the streamlined invoice review process is still new, we anticipate that it will save 4,090 hours of processing time. Program staff also regularly provide technical assistance to providers to minimize errors that lead to lengthy processing times. FFDRP is also currently working with a contractor to finalize a billing system that will allow users to automate complex invoice components. While the billing system will automate the submission of provider invoices, FFDRP staff must still review all expenses claimed and verify all supporting documentation. All these improvements have been factored into this request.

Workload Study for CAC: One of the key factors used in the current CAC funding methodology to determine the total statewide funding need for dependency counsel is attorney caseloads. The current methodology assumes a standard caseload of 141 clients per full-time dependency attorney, based on a workload study published in 2004. Since the workload study was published in 2004, there have been several federal and state changes to laws that impact juvenile dependency practice, including the introduction of a new category of foster youth aged 19 to 21 (non-minor dependents), the widespread implementation of the Indian Child Welfare Act, extensive new responsibilities for attorneys related to psychotropic medication orders for children, and most recently the federal legislation promoting family connections and preventive services (the Family First Prevention Services Act), which have all contributed to a change in the workload of dependency attorneys. Because the workload standards utilized in the methodology have not been revisited since 2004, they may not accurately reflect the current juvenile dependency attorney workload.

Diversity, Equity, and Inclusion: DRAFT program and CAC funded providers serve clients that cannot afford representation; and client populations include those that have been historically underrepresented but overrepresented in the child welfare system. The Judicial Council's 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

DRAFT Program Expansion: Several courts requesting to join the DRAFT program have indicated challenges with securing and retaining quality court-appointed counsel for juvenile dependency cases due to issues related to caseloads, compensation, and the difficulty of finding attorneys interested and willing to provide dependency representation at the current funding levels. The challenges are more pronounced for the small courts. If this proposal is denied, the 20 DRAFT courts requesting to join the DRAFT must continue utilizing their limited staff to ensure that their dependency counsel needs are met. This may also impact children and parents in the dependency system as they may experience more attorney turnover and longer times in the dependency system.

Federal Match Administration: 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,

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may not have access to multidisciplinary services, and may experience longer times in the dependency system. 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.

Workload Study for CAC: If this proposal is denied, the total funding need for court-appointed dependency counsel that is used to allocate CAC funding may be incorrect and result in an over or understated total funding need for CAC statewide and individual courts. Underestimating funding will result in attorneys carrying unrealistic caseloads and impact their ability to provide quality of representation, as well as the Judicial Council’s ability to attract new attorneys into the profession. Furthermore, an understated funding need based on inaccurate workload and caseload standards will impact access to justice for dependency clients that cannot afford representation in dependency cases, including populations that have been historically overrepresented in child welfare cases.

Outcomes and Accountability of Proposal

DRAFT program staff will ensure that participating courts have attorneys to provide high quality legal representation in dependency cases by overseeing the courts’ CAC budget, negotiating contracts with legal service providers, conducting solicitations when a DRAFT court is in need, facilitating transitions when there is a change in providers; and providing training and technical assistance to the courts and providers. New staff to administer federal match funds will (1) provide timely and legally accurate contracts to the attorney providers and the courts; (2) decrease overall 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. Conducting a comprehensive workload study on dependency counsel practice will enable the Judicial Counsel to determine whether the current CAC funding methodology accurately reflects the current funding need and help ensure access to justice for vulnerable dependency populations.

The program conducts statewide, comprehensive data collection to document these outcomes.

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, Diversity, and Inclusion
Goal IV: Quality of Justice and Service to the Public
Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch

**Judicial Branch
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Approval

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

Director Signature: *Charlene Depner*

Contact Name: Kelly Meehleib, Supervising Analyst, Center for Families, Children & the Courts

**Judicial Branch
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Tribal Court – State Court Forum
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Proposal Title	Expansion of Tribal/State Programs Services
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Proposal Summary

The Judicial Council of California (council) requests 4.0 positions and \$1.5 million General Fund in 2025-26 and \$1.4 million in 2026-27 and ongoing to provide expanded services to support the judicial branch in reducing disproportionality and disparities in addressing the needs of the American Indian /Alaska Native (AI/AN) population appearing in state courts. To reduce disproportionality and disparities in access and outcomes, the council will establish collaborative processes between the judicial branch and tribal justice systems and expand education for judicial officers and justice partners on tribal and federal Indian law issues.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	4.0	4.0	4.0	4.0	4.0
Personal Services	1,053,000	1,053,000	1,053,000	1,053,000	1,053,000
Operating Expenses & Equipment	199,000	140,000	140,000	140,000	140,000
Local Assistance	200,000	200,000	200,000	200,000	200,000
Total	1,452,000	1,393,000	1,393,000	1,393,000	1,393,000
One-time	\$59,000				
Ongoing	1,393,000	1,393,000	1,393,000	1,393,000	1,393,000

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

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Problem or Issue

The Tribal/State Programs Unit (unit) is unable to meet the needs of state courts for services related to collaborating with local tribes and ensuring court access for the American Indian/Alaska Native population. The unit supports the Tribal Court–State Court Forum (Forum), which was established in 2013 as an official advisory body to the Judicial Council with a broad mandate to address issues of mutual importance, jurisdictional collaboration, and recognition and enforcement of court orders, and to promote coordination between tribal and state courts. The unit consists of two full-time staff, one Attorney II and one Senior Analyst, as well as a .50 FTE Administrative Coordinator and a .30 FTE Supervising Attorney. Funded only by grants, these positions are limited to working on projects related to the Indian Child Welfare Act and court activities and education related to domestic violence, sexual assault, stalking, dating violence, and human trafficking. The Forum has identified other important cross-jurisdictional issues including traffic, criminal law, environmental law, civil disputes, and land use, but as currently staffed and funded, the Tribal/State Programs Unit cannot support the Forum in addressing these areas.

Background/History of Problem

California is home to nearly 15 percent of the nation’s AI/AN population and 109 of the 574 federally recognized tribes. Tribes as separate sovereigns have always maintained authority to have their own courts and justice systems, but in 1953, California became one of six states subject to Public Law 280 (PL 280). Under PL 280, the federal government transferred its responsibility and jurisdiction over criminal matters arising in “Indian country” to the states, opened the state courts for most civil disputes arising in Indian country, and withdrew federal funding for tribal courts and tribal justice institutions.

The Judicial Council has recognized the historic mistreatment of California’s tribal communities and the significant legal challenges presented by PL 280. In the mid-1990s, the Judicial Council’s Advisory Committee on Access and Fairness conducted three roundtables on “Legal Issues Affecting Native American Communities,” and the Judicial Council committed to engaging on these issues. Following the roundtables, the council sought legislation to establish a “California Tribal Justice Support Services Unit” within the state judicial branch to enhance tribal justice systems, reduce burdens on state courts, and improve access to justice for both tribal and nontribal members, but was not successful. Instead, the Judicial Council has incrementally focused on improving services for tribal communities but has been unable to fully implement the commitments made following the roundtables.

In 2003, the Advisory Committee on Access and Fairness published a Native American Resource Guide for Bench Officers, highlighting the complexity of legal issues surrounding this population. The legal issues have only become more complex, but this resource has not been updated in the past twenty years.

Cross-jurisdictional legal areas the Forum would address if it had the capacity include motor vehicle and traffic law. As a rule, tribes do not have criminal jurisdiction over non-Indians, even for crimes committed on tribal lands. Many tribal lands are remote and poorly served by state and local law enforcement. When individuals drive drunk or recklessly on roads running through tribal lands, tribal law enforcement are the most common responders, but they cannot charge a crime; they can only issue civil citations for individuals

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to appear in tribal court. Even when the tribal court finds an individual has driven recklessly or drunk on multiple occasions, there is no effective recourse. The Department of Motor Vehicles does not recognize these tribal court judgments, so there is no impact on an individual's driver's license. State courts do not recognize these judgments as convictions and cannot enforce any fines, fees, or penalties imposed by the tribal court. This situation is an ongoing public safety risk.

Another example involves the cross-jurisdictional sharing of resources and programs. The Round Valley Tribal Court located in Mendocino County handles divorce and dissolution cases, but it does not have a child-custody mediation program. When child custody issues arise, the Round Valley Tribal Court would like to refer those issues to the child-custody mediation program at the Mendocino County Superior Court. However, access to the state-run child-custody mediation program requires an open family law case in state court. To access these services, to which tribal court litigants are entitled, they must file their case in state court, not tribal court. The inability to share resources across jurisdictions creates an access to justice issue for the litigants and unnecessarily increases the workload of the state court.

Joint-jurisdiction courts, collaborations between state and tribal court judges that improve efficiencies in cases that span both jurisdictions or could be heard in either jurisdiction, are another long-standing priority with unfulfilled promise for the Forum. The three active joint-jurisdiction courts in California (in El Dorado, Humboldt, and San Diego counties) handle juvenile matters and have been very successful. These and other counties wish to develop and expand their joint-jurisdiction projects to case types beyond juvenile, such as domestic violence and certain criminal matters involving substance abuse. In these cases, tribal courts can act essentially as diversion courts providing case supervision, case management, and services. This could reduce workloads for state courts and improve access to justice for underserved and remote tribal communities. State courts, however, need technical and staff support to expand or develop joint-jurisdiction courts. Although the Forum's annual agenda includes exploring ways to support and increase the number of joint-jurisdiction courts and other innovative models such as regional ICWA courts and dedicated ICWA courts or calendars (Item 11), currently there is no funding to support these efforts.

Impact of Denial of Proposal

The California Judicial Branch will continue to be unable to fully integrate and comprehensively address AI/AN and tribal issues throughout the work of the branch. The Tribal/State Programs Unit will not have the resources to support state and tribal courts in areas of the law other than ICWA, juvenile law, and domestic violence. Public safety issues on tribal lands will remain unaddressed. Disparities in access to the courts and court services will persist. Complex jurisdictional issues will not be addressed. The Forum will not have the resources it needs to meet its charge.

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Outcomes and Accountability of Proposal

The Judicial Branch will be able to fully assess and address issues such as bias, access, disproportionality, and disparities as related to the AI/AN population and develop policies, processes, and education to address those issues. The Forum will have the staff and resources to address longstanding areas of concern for state courts and tribal courts and will be able to scale up its efforts in building relationships, fostering collaboration, and finding efficiencies as the two court systems work more closely together.

Diversity, Equity, and Inclusion.

The AI/AN population in California has historically been underrepresented and poorly served by state justice institutions. Many tribal lands are remote, and the challenges of time and transportation to a state court may be prohibitive. In addition, state courts may be culturally unfamiliar and seem daunting and very different, especially for unrepresented individuals, from customs and practices in tribal communities and courts. Funding the Tribal/State Programs Unit will serve the goals of diversity, equity, and inclusion by allowing it to support tribal courts and justice systems for a historically marginalized population.

Required Review/Approval

Tribal Court – State Court Forum
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 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, Audrey Fancy, and Christy Simons

**Judicial Branch
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Trial Court Budget Advisory Committee
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Proposal Title	Increase Trial Court Security Funding
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Proposal Summary

The Judicial Council of California requests additional funding for counties to support sheriff provided security in trial courts. The purpose of this funding is to supplement, not supplant funding for 2011 realigned activities.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment					
Local Assistance					
Total	TBD	TBD	TBD	TBD	TBD
One-time					
Ongoing					

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

Problem or Issue

Trial courts report that there are issues with the provision of court security following trial court security realignment. Additional funding provided to the counties and sheriffs could support the goals of realignment to provide safe courthouses. The purpose of this funding is to supplement, not supplant funding for 2011 realigned activities.

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Background/History of Problem

Trial court security funding was realigned to the counties as part of 2011 Public Safety Realignment. The 2024-25 Governor's Budget projects approximately \$660 million of sales tax revenues will be allocated to 56 counties to support sheriff provided security in trial courts. This proposal explores options to supplement funding for counties and sheriffs to address issues with the provision of court security following trial court security realignment.

Impact of Denial of Proposal

Denial of the proposal will result the issues related to trial court security to persist.

Outcomes and Accountability of Proposal

The proposed funds will support the goal to provide safe trial courts.

Required Review/Approval

Trial Court Budget Advisory Committee
Court Security Advisory Committee

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

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

Approval

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

Director Signature: *Pella McCormick*

Contact Name: Pella McCormick

**Judicial Branch
 2025-26 Budget Change Proposal Concept**

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

The Judicial Council of California requests \$9.5 million one-time General Fund to supplement previously approved funding. This additional support is necessary to address cost increases for facility modification at the San Diego Hall of Justice.

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

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$9,460,000				
Local Assistance					
Total	\$9,460,000				
One-time	\$9,460,000				
Ongoing					

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

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Problem or Issue

This funding request is for additional financial support initially received in 2022-23 for the State's portion of the facility modification project for the County-owned San Diego Hall of Justice. The San Diego Hall of Justice, built in 1995, is a shared occupancy building managed by the County of San Diego. Due to the age and condition of the building, the County of San Diego proposed a major, multi-year, facility modification. This project involves all major systems maintenance renewals to modernize the building, including HVAC, vertical transportation, and plumbing, for it to be in regulatory compliance, comfortable, safe, and reliable in continuing to serve the public.

As it is a shared-use facility between the Judicial Council and County of San Diego, both parties are responsible for their respective shares of the total project cost based on their occupancy percentages. The Judicial Council has a contractual obligation to fund the State's portion of this project but does not have sufficient financial resources due to the size, scope, and limited resources of the overall facility modification program.

The county lead project has experienced delays and cost escalation, with the project estimated cost increasing from \$67,335,000 to \$87,335,000. According to the Joint Occupancy Agreement (JOA) executed with the County, the Judicial Council's percentage share of this facility is 40.24%. The Judicial Council shared contribution to the project is approximately \$36,700,000. In 2022-23, the Judicial Council received a one-time General Fund allocation of \$29,700,000 for the project. To accommodate the augmented project cost and fulfill its contractual obligations, the Judicial Council is requesting an additional one-time funding of \$9,460,000 to support the San Diego Hall of Justice facility modification. The funding includes a \$7,000,000 increase in the Judicial Council's share of the project cost and an additional \$2,460,000 contingency representing 7% of the total Judicial Council's share, an aspect that was overlooked in prior requests.

The Judicial Council supports the planned repairs at the San Diego Hall of Justice. The facility will remain as part of the Judicial Council portfolio indefinitely. Investing in the facility provides for the longevity of assets and ensures safety and access to justice.

Background/History of Problem

The Hall of Justice, located at 330 West Broadway, San Diego, California is a County-owned building spanning 393,007 square foot, with 121,100 square feet as court-exclusive space. This facility houses criminal and small claims functions, with six justice partners occupying county-exclusive space in the building. These partners include the District Attorney, Probation Department (Adult Probation), Department of Child Support Services, Adult Forensics Services, Office of Revenue and Recovery, and the Public Defender.

The court occupies 40.24% of the building. Within the facility, there are 14 authorized judicial officers, comprising of 11 full-time judges, two pro temp judges, one commissioner, and 169 other court staff in the building, which include court administration, self-help, and multipurpose room functions. Twelve of the fourteen courtrooms are utilized for civil cases while the remaining two courtrooms are focused on small

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claims.

The Hall of Justice is linked to the Central Courthouse through a pedestrian bridge. The building primarily handles civil matters including small claims, unlawful detainer, and civil restraining orders in the central region of San Diego County. The building does not have in-custody holding space or a sally port for in-custody transport.

The frequent travel of pedestrians between the Hall of Justice and the Central Courthouse has resulted in higher foot traffic than originally intended, accelerating wear and tear in both the pedestrian bridge and the Hall of Justice. Due to the added volume of pedestrians, a former jury assembly room has been converted into a conference center, serving as an important resource for the courts.

The Hall of Justice holds a significant presence in downtown San Diego and is currently functioning effectively. The proposed facility modification is essential to ensure the building continues to operate successfully for another 30 years.

The current project is 36% done of the previously approved amount. County is adding additional funding in July (next fiscal year). Window installation, plumbing work and swing space have been completed. Long lead items like air handlers and escalators have been ordered. Work is continuing the HVAC system.

Impact of Denial of Proposal

Denial of the proposal will lead to a breach of our contractual obligations to fund the renovations at the jointly utilized San Diego Hall of Justice. This would leave the facility modification project unfinished, potentially leaving the trial court facility in an inadequate and unreliable state and could disrupt court operations and hinder public access to justice.

Outcomes and Accountability of Proposal

The Judicial Council will obligate funding for the facility modification at the aging San Diego Hall of Justice per Joint Occupancy Agreement contractual requirements and for the benefit of the court and facilities program. The Judicial Council will monitor the project progress and expenses to ensure fiscal accountability.

The Trial Court Facility Modification Advisory Committee provides ongoing oversight of the Judicial Council 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 California Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

In addition, this funding request 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

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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 established 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

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

Goal I: Access, Fairness, Diversity, and Inclusion
Goal II: Independence and Accountability
Goal IV: Quality of Justice and Service to the Public
Goal VI: Branch wide 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	Trial Court Facility Modification Advisory Committee
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Proposal Title	Facilities Program Support
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Proposal Summary

The Judicial Council of California requests \$6.2 million ongoing General Fund for 6.0 positions and facilities program support and \$250,000 one-time General Fund to provide court facilities planning services for a total of \$6.4 million in 2025–26. This request is based on the need to support court facilities planning, facility modifications, and capital 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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	6.0	6.0	6.0	6.0	6.0
Personal Services	\$1,761,000	\$1,693,000	\$1,693,000	\$1,693,000	\$1,693,000
Operating Expenses & Equipment	\$4,650,000	\$8,900,000	\$8,900,000	\$4,400,000	\$4,400,000
Local Assistance	\$0	\$0	\$0	\$0	\$0
Total	\$6,411,000	\$10,593,000	\$10,593,000	\$6,093,000	\$6,093,000
One-time	\$250,000	\$4,500,000	\$4,500,000	\$0	\$0
Ongoing	\$6,161,000	\$6,093,000	\$6,093,000	\$6,093,000	\$6,093,000

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

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Problem or Issue

Adopted by the Judicial Council in July 2023, the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25* represents the funding priority for projects in the council’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.

The ongoing funding request of \$6.2 million in 2025–26 and \$6.1 million ongoing in outyears is necessary to provide the resources for appropriate facilities program support including program management services and 6.0 Project Manager positions. The current Project Manager staffing cannot absorb new capital and facility modification projects as they become authorized for funding.

Facilities Services is responsible for implementing and administering over \$636 million in facility related services in over 450 court facilities throughout California. Additionally, the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2024–25* proposes \$1.4 billion in capital construction. Resources are needed to provide oversight and coordination of various aspects of the facilities program to ensure they align with the overall goals and objectives of the facilities program. A successful program requires a holistic approach, considering both the short-term and long-term needs, effective communication, collaboration, document management, and strategic planning.

The primary focus is on optimizing the use of physical spaces, resources, and services to support access to justice. Program Management services costs will be split between the funds requested in this budget change proposal concept (BCC) and those requested in the BCC titled *Capital Outlay Funding: 2025–26 through 2029–30*. The Program Manager is an outside consultant who supports the capital program and provides guidance on policies and procedures for the capital program.

The ongoing funds will also support the completion of planning studies for court facility modifications and capital outlay projects. The studies produced will inform and validate project scopes, schedules, and budgets by developing budget packages and analyzing asset assessment options and assessing feasibility.

Integral to the management of the Facilities program is access to the building information developed during the planning, design, and construction of the facilities. Software conversion of outdated building information modeling (BIM) for completed capital projects as well as implementation of a web-based project management tool are needed to leverage third party generated project data. The Judicial Council’s current BIM model does not allow for integration with the Judicial Council Facility Operations Unit’s maintenance and preventative maintenance programs. Currently, no web-based project management tool exists to standardize the management of capital projects.

In addition, one-time funds of \$250,000 is necessary to provide resources to plan space for new judgeships. Whether space is reconfigured in existing court facilities or provided through new lease facilities or modular buildings, timely planning has been essential for superior courts to have space needs met to

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increase service level capacity by reducing the caseload per courtroom that improves access to justice. The \$9.0 million split over two outlying years is for the Judicial Council to begin another reassessment of capital projects targeting completion in 2029. The Judicial Council last reassessed its projects in the trial court capital-outlay plan and its prioritization methodology in 2019. To assist this effort, facility condition assessments (FCAs) will be developed. The objective of the FCA is to identify the capital reserves for infrastructure lifecycle repair/replacement needs over the ten-year lifecycle. The FCA projections become the basis for the Facility Condition Index, which is an integral component of the capital project scoring methodology.

Background/History of Problem

In 2002, the responsibility of California’s courthouses funding and operation shifted from the counties to the state under the Trial Court Facilities Act (Sen. Bill 1732; Stats. 2002, Ch. 1082). With this shift, the Judicial Council began to address the shortage of space, antiquated facilities, and inadequate infrastructure that threatens 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. Since 2002, a total of 31 trial court capital outlay projects has been completed: 27 new courthouses and four major renovations of existing buildings. Of the state’s 58 trial courts, 28 have benefitted from these projects. Another five capital projects are projected to complete within 2024–25.

The current need to renovate or replace trial court facilities statewide is reflected in the Judicial Council’s Statewide List of Trial Court Capital-Outlay Projects. This list contains 80 projects affecting 41 trial courts and approximately 165 facilities, which represents more than one-third of the facilities in the judicial branch’s real estate portfolio. (The other 17 trial courts had operational needs that translated into noncapital projects, such as court-funded facilities requests or facility modifications, which are being addressed under separate facilities programs.) Government Code section 70371.9 required the council to conduct a reassessment of all trial court capital outlay projects that had not been fully funded up to and through the 2018 Budget Act (2018–19), and through this reassessment with trial court input, this list was produced. Since this list was developed in 2019, a total of 12 of the 80 projects have received initial funding and are underway.

Also, the provision of space for new judgeships has been critical to improve access to justice. Based on the facility plans developed as part of the 2019 reassessment and current conditions, superior courts do not have adequate facilities to accommodate new judgeships and support staff. Based on the Judicial Council’s latest judicial needs assessment, a total of 98 new judgeships are needed statewide. These new judgeships require courtrooms and support spaces that are carefully planned space in advance of the positions becoming authorized and funded

Impact of Denial of Proposal

Delay in facilities program funding affects advancement of the Judicial Council’s programs including the planning of space for new judgeships and the five-year infrastructure plan, which includes projects planned to correct or replace court facilities with deficiencies that hinder service to the public. Each project that becomes fully funded and completed expands the public’s physical, remote, and equal access to the courts.

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Outcomes and Accountability of Proposal

The Court Facilities Advisory Committee provides ongoing oversight of the Judicial Council’s five-year infrastructure plan and the Judicial Council’s courthouse construction program including capital outlay projects providing space for new judgeships. The Trial Court Facility Modification Advisory Committee provides oversight of facility modifications providing space for new judgeships.

This funding request will uphold the originating legislative directives aimed at making courthouses accessible and functional throughout the state. Additionally, it aligns with the priorities of diversity, equity, and inclusion set by the Administration. It ensures that residents from every county in California have access to buildings that are designed, built, and maintained according to standards such as the federal Americans with Disabilities Act and the California Building Code, which ensure full access to all individuals, regardless of their abilities.

The core principle embedded in enabling legislation of the judicial branch’s facilities program is equity across the state. The program’s mission, which dates to 2002 and remains unchanged today, is to provide uniformly safe, secure, and well-maintained facilities reflecting this commitment of equity.

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 I: Access, Fairness, Diversity, and Inclusion
- Goal II: Independence and Accountability
- Goal IV: Quality of Justice and Service to the Public
- Goal VI: Branch wide 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	Administrative Presiding Justices Advisory Committee
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Proposal Title	Courts of Appeal Deferred Maintenance, Facility Modification, and Maintenance
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Proposal Summary

The Judicial Council of California requests \$13.2 million General Fund in 2025-26 and \$1.3 million General Fund in 2026-27 and ongoing for Court of Appeal facilities. The request includes \$11.9 million one-time funding to address vital deferred maintenance projects in Court of Appeal facilities, \$620,000 ongoing for facility modification, and \$680,000 ongoing for maintenance of Court of Appeal facilities.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$13,175,000	\$1,296,000	\$1,296,000	\$1,296,000	\$1,296,000
Local Assistance					
Total	\$13,175,000	\$1,296,000	\$1,296,000	\$1,296,000	\$1,296,000
One-time	\$11,879,000				
Ongoing	\$1,296,000	\$1,296,000	\$1,296,000	\$1,296,000	\$1,296,000

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

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Problem or Issue

The Judicial Council is responsible for the facility needs of the Supreme Court and Courts of Appeal. Audits conducted on the three Judicial Council owned and managed Court of Appeal facilities revealed a backlog of 191 deferred maintenance projects with an estimated cost of \$26.0 million to repair or renew. Due to limited funding, the Judicial Council is unable to address this backlog effectively resulting in a run-to-failure mode for many building systems.

This proposal requests increasing funding to operate Court of Appeal facilities at industry standard levels. Maintenance industry standards, for example those published by the International Facility Management Association (IFMA) establish guidelines and best practices for the systematic and efficient maintenance of building assets, equipment, and facilities. IFMA regularly publishes funding rates to achieve the level of maintenance described in their best practices. The basis of the current funding is the 2017 IFMA rate for maintenance and utilities.

Judicial Council Facilities Services evaluated the costs of the facilities program using the IFMA as the industry standard cost benchmarking measure for maintenance and analyzed utility consumption and cost data. The resulting analysis determined that the current funding level is inadequate to maintain and operate trial courts at industry standards. Based on the current IFMA and utility rates, using CPI to escalate to 2025 reveals a gap of \$680,000 in maintenance and operations funding.

The Court of Appeal portfolio requires additional funding to return the facilities to industry standards for security, energy efficiency, and systems maintenance. This proposal seeks \$11.9 million one-time for the most critical deferred maintenance projects, \$620,000 ongoing to establish funding for addressing facility modifications and repairs, and \$680,000 ongoing for maintenance, operations, and utilities in alignment with IFMA standards. This funding will allow staff to implement an efficient approach to maintaining Appellate Court facilities.

Background/History of Problem

The Judicial Council oversees the overall care and management of building assets within the judicial branch to ensure access to justice in California’s trial courts, Courts of Appeal, and Supreme Court.

The Courts of Appeal occupy 10 facilities, three of which are Judicial Council owned and managed. Operations and maintenance, deferred maintenance, and facility modifications for these buildings are primarily funded by the Courts of Appeal’s operational budgets. However, other competing program costs have limited the amount of funding available to address these facility’s needs.

In 2008–09, the Legislature approved the construction of a new appellate court facility in Santa Ana for the Court of Appeal, Fourth Appellate District. A budget change proposal was submitted to request an ongoing \$415,000 General Fund for operations and maintenance. However, while funds were provided for the construction, they deferred the maintenance budget to a future fiscal year. As the facility was relatively

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new, operations and maintenance costs were minor and absorbable within the court's operating budget. Over time, as the facility aged, maintenance costs grew beyond what the court's budget could handle. In the 2021–22 Budget Act, the Court of Appeal received \$1.07 million ongoing GF, based on the 2017 IFMA industry standard of funding for an adequate O&M program in the facilities management industry. Additionally, the Judicial Council received \$188 million of deferred maintenance funding with \$8 million earmarked for the Court of Appeal. Unfortunately, there was a \$49.5M reduction in 2022-23, which included a proportionate reduction of the \$8 million for the Court of Appeal.

Without adequate funding to provide preventative maintenance, perform facility modifications, or address the deferred maintenance backlog, vital systems will fail, causing disruptions to the courts and limiting public access to justice.

The system replacements most urgently needed include:

- Compromised roofing systems that risk costly water intrusion mitigation;
- Non-code complaint fire, life and safety monitoring systems that create occupant safety issues;
- Failed elevator systems causing entrapments;
- Inefficient HVAC equipment causing uncomfortable or unsafe respiratory conditions;
- Failed plumbing systems causing flooding incidents.

Impact of Denial of Proposal

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

Outcomes and Accountability of Proposal

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.

An ongoing, systematic approach to provide preventative maintenance, perform facility modifications, and address deferred maintenance enables the Judicial Council to efficiently allocate resources and establish an ongoing strategy to address the deferred maintenance backlog. An allocated source of funds for Court of Appeal facilities in the Judicial Council portfolio allows for appropriate funding levels of facilities maintenance, ensuring standardization across the portfolio, and slowing the degradation of the State's building assets. The Administrative Presiding Justices Advisory Committee provides ongoing oversight of facilities-related costs, inclusive of operations and maintenance, facility modifications, leases, and portfolio management.

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In addition, this request 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 and 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.

Required Review/Approval

Administrative Presiding Justices 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 II: Independence and Accountability
Goal IV: Quality of Justice and Service to the Public
Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Trial Court Facility Modification Advisory Committee				
Proposal Title	Trial Courts Facilities Maintenance and Utilities Industry Standard Funding				
Proposal Summary					
The Judicial Council of California requests 3.0 positions and \$66.8 million. This includes \$51.5 million in ongoing General Fund (GF) and \$15.3 million in ongoing reimbursement authority from the Court Facilities Trust Fund (CFTF) to provide industry-standard facility operations and maintenance (O&M) and utilities for the existing real estate portfolio.					
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/CFTF reimbursement					
Estimated Cost (Enter whole dollars rounded to thousands) *					
Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	3.0	3.0	3.0	3.0	3.0
Personal Services	\$727,000	\$692,000	\$692,000	\$692,000	\$692,000
Operating Expenses & Equipment	\$66,079,000	\$66,079,000	\$66,079,000	\$66,079,000	\$66,079,000
Local Assistance					
Total	\$66,806,000	\$66,771,000	\$66,771,000	\$66,771,000	\$66,771,000
One-time					
Ongoing	\$66,806,000	\$66,771,000	\$66,771,000	\$66,771,000	\$66,771,000
*Please include all costs associated with request including costs for other offices and courts.					

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Problem or Issue

This proposal requests increased funding to operate Judicial Council trial court facilities at industry standard levels. Maintenance industry standards, for example those published by the International Facility Management Association (IFMA) establish guidelines and best practices for the systematic and efficient maintenance of building assets, equipment, and facilities. IFMA regularly publishes funding rates to achieve the level of maintenance described in their best practices. The basis of the current funding is the 2017 IFMA rate for maintenance and utilities.

Judicial Council Facilities Services evaluated the costs of the facilities program using the IFMA as the industry standard cost benchmarking measure for maintenance and analyzed utility consumption and cost data. The resulting analysis determined that the current funding level is inadequate to maintain and operate trial courts at industry standards. Based on the current IFMA and utility rates, using CPI to escalate to 2025 reveals a gap of \$66.8 million in trial court maintenance and operations funding.

The cost of maintenance has increased approximately 17% annually. Additionally, utilities have increased an average of 9% per year. Since utilities must be paid to receive the services, budget is being shifted from preventative maintenance to pay utility costs which increases the deferral of preventative maintenance. Deferring preventative maintenance increases the \$3.6 billion deferred maintenance backlog. The result of deferring preventative maintenance are unplanned emergencies which are disruptive to court operations and costly to remediate.

Due to the increases in the portfolio square footage, the performance of preventative maintenance tasks and need to response to emergency maintenance a need for 3.0 additional positions has been identified. The additional staff are responsible to administer and ensure vendor performance, providing oversight and accountability for the maintenance, operations, and utilities for over 150 trial court facilities. The facilities program last received positions in FY 2021-22.

Background/History of Problem

Facility maintenance is foundational to the work of the Judicial Council Facilities Services program. Without fully functioning court facilities, there is no equal access to justice. Currently no mechanism is in place for Facilities Services to address cost escalation other than the budget change proposal process.

Industry standards and best practices include regularly scheduled asset renewals and preventative maintenance to reduce unplanned emergency failures of building components. The cost to repair failed building components in a reactive emergency mode is more costly and disruptive to the facility users. A well-managed facilities program anticipates maintenance and utility cost increases to avoid redirection of preventative maintenance funds or deferral of maintenance to cover rising utility costs or emergency repairs.

California's courthouses are antiquated and aging. The oldest court facility in California is the 170-year-old Mariposa County Courthouse, more than 30 facilities are over 100 years old, an additional 150 courthouses are over 50 years old with infrastructure systems that are at or beyond the end of useful life,

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and an additional 142 court facilities are over thirty-five years old and in need of renovations or replacement.

In the past year, due to deferral of maintenance or renewals, several courts had operations disrupted due to facility issues. In January 2024, the Los Angeles Superior Court's forty-seven-year-old 30 courtroom Compton Courthouse was closed for eleven days due to a failed domestic water valve that flooded the elevator shafts and four floors of court space, three weeks later in another area of the same courthouse a similar emergency occurred, closing the courthouse for an additional week. The closures caused significant disruption to operations and access to justice. The valves that failed are more than fifteen years past their end of useful life and have not been replaced due to funding constraints.

Similarly, due to antiquated and failed cast iron wastewater piping, the Humboldt Superior Court, has been required to close courtroom(s) in the 65-year-old Eureka Courthouse on five occasions over the past three years. Each time the court staff discovered water on the floor with ceiling and/or walls damaged with bubbling paint holding wastewater. While Facilities staff and vendors respond to clean, sanitize, dry, and dehumidify the area as quickly as possible with only eight courtrooms, court operations are significantly affected.

Due to the age and condition of the portfolio, without additional funding for preventative maintenance and renewals, emergency projects resulting in disruption and court closures will increase. Closed facilities limit or postpone access to justice, frustrating and increasing costs for trial courts and court users.

This proposal aligns with the priorities of diversity, equity, and inclusion set by the Administration. It ensures that residents from every county in California have access to court buildings that are designed, built, and maintained according to standards such as the federal Americans with Disabilities Act and the California Building Code, which ensure full access to all individuals, regardless of their abilities.

The core principle embedded in enabling legislation of the judicial branch's facilities program is equity across the state. The program's mission, which dates to 2002 and remains unchanged today, is to provide uniformly safe, secure, and well-maintained facilities reflecting this commitment of equity.

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Impact of Denial of Proposal

An adequately staffed and administered proactive preventative maintenance and renewal program prevents breakdowns, reduces disruption, and extends the overall lifespan of facilities. Regular inspections and maintenance can identify and rectify safety hazards, which helps create a safer environment by reducing the risk of accidents or equipment failures. Preventive maintenance ensures that equipment functions optimally, leading to better performance and lower utility costs. Additionally, numerous regulations and standards require the maintenance of equipment to ensure safety and compliance, especially as related to fire, life, and safety systems.

Denial of this proposal will require deferring renewals or shifting preventative maintenance budget to cover increasing utility costs and emergency repairs. 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, increases utility costs, fostering unsafe and non-compliant conditions. 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. Increased utility costs erode the budget for maintenance; unaddressed safety conditions and non-compliance with regulatory conditions create liability. Closed courthouses restrict access to justice

Outcomes and Accountability of Proposal

The Trial Court Facility Modification Advisory Committee provides ongoing oversight of the Judicial Council 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 California Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

As a best practice, Judicial Council Facilities Services tracks the number of routine preventive maintenance and emergency or unplanned urgent maintenance work orders to assess the effectiveness of the court facilities O&M quality control requirements. The requested additional staff will enhance the quality assurance, field verification, and fiscal oversight of the funding. The outcome of a fully funded preventative maintenance program is as follows:

- Reductions in the total cost of emergency and unplanned urgent maintenance.
- Fewer court interruptions due to equipment breakdowns and subsequent emergency and unplanned urgent repairs.
- Increases in the volume of work that can be consistently planned and scheduled.
- Decreases in high priority, randomly occurring, and unscheduled work.
- Reduced unnecessary damage to or replacement of facilities equipment.
- Increases compliance with health, fire, life, and safety regulations.

The Judicial Council's existing control protocols for O&M assessments, approvals, and ongoing reviews will ensure appropriate use of the requested funding. Adequate staffing levels allows the program to be

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administered in compliance with policies, procedures and best practices which enhances accountability. Funding for the program at IFMA industry standard levels allows for the council to benchmark facility performance with similarly funded programs. Continued monthly review will contribute to the accountability and monitoring of activities through monthly budget and financial reporting.

An appropriately funded and staffed facilities program provides for longevity of the state's assets, extending the useful life of building systems and replacing aged systems in a timely manner to reduce system failure rates. Premature failure of a building system results in an emergency event, creating higher building maintenance and repair costs, and diminishing access to justice due to court closures and impacted court operations. Approval of this request allows for the appropriate funding and staffing level to be applied to each component of the facilities program (preventive maintenance, utilities, leases, system replacements), resulting in improved access to justice, and enables the courts to apply general operating budgets to court staff as well as resources to support court services.

In addition, this funding request 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.

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 I: Access, Fairness, Diversity, and Inclusion
- Goal II: Independence and Accountability
- Goal IV: Quality of Justice and Service to the Public
- Goal VI: Branch wide 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	Trial Court Facility Modification Advisory Committee
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Proposal Title	Trial Court Facility Modifications
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Proposal Summary

The Judicial Council of California requests 4.0 positions and \$27.5 million ongoing funding. This includes \$21.0 million in ongoing General Fund (GF) and \$6.5 million in ongoing reimbursement authority for the State Court Facilities Construction Fund (SCFCF). These funds aim to bolster current funding level to address essential Facilities Modifications (FM) of building assets to maintain safe and secure buildings, serving 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/SCFCF reimbursement

Estimated Cost (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	4.0	4.0	4.0	4.0	4.0
Personal Services	\$1,008,000	\$961,000	\$961,000	\$961,000	\$961,000
Operating Expenses & Equipment	\$26,500,000	\$26,500,000	\$26,500,000	\$26,500,000	\$26,500,000
Local Assistance					
Total	\$27,508,000	\$27,461,000	\$27,461,000	\$27,461,000	\$27,461,000
One-time					
Ongoing	\$27,508,000	\$27,461,000	\$27,461,000	\$27,461,000	\$27,461,000

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

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Problem or Issue

This proposal will increase the Facility Modifications program budget to provide essential FM of building assets to maintain safe and secure buildings, serving the public, court staff, and judicial officers.

Currently, the \$80 million annual FM program budget addresses only the most critical building system lifecycle replacements or renovation of major building systems such as HVAC, vertical transportation, and electrical equipment. The costs associated with repairs and replacements within the FM program have risen due to inflationary trends for construction trade labor and materials. The diminishing purchasing power of the available resources forces the FM program to operate on a run-to-failure mode for many building systems. This approach poses significant risk, as it may lead to non-compliance with regulatory requirements and has resulted in court closures due to catastrophic system failures.

Furthermore, this proposal requests 4.0 positions to support the FM program. A senior facilities analyst and associate analyst is needed to support the FM program to ensure compliance and implementation of the California Environmental Quality Act (CEQA). Additionally, an Analyst and an Engineer/Architect to provide reviews of architectural and engineering specifications and design reviews in support of the FM program to ensure building code and regulatory compliance.

In addition to the General Fund augmentation, a reimbursement authority increase of \$6.5 million is necessary for the SCFCF. The current reimbursement authority of \$17 million would be insufficient to support the shared costs of the FM program with the increased funding.

Background/History of Problem

The facilities program executes emergency, routine, and preventive maintenance on building systems; performs building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio of over 400 trial court facilities which includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

California's trial court facilities are aging and deteriorating, leading to an exponential increase in building maintenance and equipment repair costs. The facilities throughout the portfolio have an extensive backlog of deferred maintenance. This backlog of maintenance contributes to the challenge of maintaining the facilities at industry standards for security, energy efficiency, and systems optimization.

Building system failures result in emergency events, creating higher building maintenance and repair costs, and posing the risk of court closures. Building system failures are costlier to address due to the immediate need for action created by an unexpected failure and the lack of time to plan the repair/replacement effort carefully and cost-effectively. Although emergency events are a recognized aspect in a facilities program, the percentage budget allotment for emergency work should be minimal. Unfortunately, the trend over the past five fiscal years, in Judicial Branch trial court facilities, has been a steady increase in the percentage of funding directed to emergency FMs.

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The FM program from SCFCF was \$65 million with reimbursement authority of \$13 million between 2014 and 2022. The JCC received an additional \$15 million ongoing GF and \$4 million SCFC reimbursement authority bringing the FM program budget to \$80 million with \$17 million in reimbursement authority for 2022–23. The reimbursement authority is the counties’ estimated shared cost of the FM program for facilities shared by JCC and the counties. It is the mechanism for JCC to distribute costs to the counties.

Impact of Denial of Proposal

Denial of the proposal can lead to significant disruptions in court services, as essential repairs and upgrades may be delayed or left unaddressed. This could result in courtrooms being unavailable, hearings being postponed, and overall delays in the judicial process. Moreover, inadequate facility modifications can pose serious health and safety risks. These risks may include issues such as poor ventilation, lack of accessibility features, and outdated security measures. The ongoing degradation of facilities will persist due to the “run-to-failure” approach, and resources will be increasingly diverted toward addressing more Priority 1 - Emergency FMs as the need arises.

Outcomes and Accountability of Proposal

Additional ongoing funding for the FM program enables the completion of prioritized FM projects proactively, preventing them from reaching a state of failure. The additional staff will provide the needed oversight for execution of the projects. The Trial Court Facility Modification Advisory Committee (TCFMAC) provides oversight of the prioritization process and requires continuous reporting, accountability, and fiscal oversight of the FM program.

TCFMAC is regularly informed of facilities-related costs, inclusive of operations and maintenance, FMs, leases, and portfolio management. To ensure accountability, Facilities Services is obligated by the California Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

In addition, this funding request 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 established 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

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

Goal I: Access, Fairness, Diversity, and Inclusion
Goal II: Independence and Accountability
Goal IV: Quality of Justice and Service to the Public
Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	Waterborne Pathogen Management Program Implementation
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Proposal Summary

The Judicial Council of California requests 1.0 position and \$2.5 million General Fund in 2025-26 and \$2.2 million ongoing General Fund beginning in 2026-27 to support the Waterborne Pathogen Management Program (WPMP). This program is designed to identify and manage actions to reduce the potential for Legionella in Judicial Council owned and managed facility water systems to prevent occupant exposure and illness. The WPMP will produce a global guidance document with standardized implementation procedures which will be applied to each owned and managed building in the Judicial Council’s 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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	1.0	1.0	1.0	1.0	1.0
Personal Services	\$252,000	\$242,000	\$242,000	\$242,000	\$242,000
Operating Expenses & Equipment	\$2,270,000	\$2,000,000	\$2,000,000	\$2,000,000	\$2,000,000
Local Assistance					
Total	\$2,522,000	\$2,242,000	\$2,242,000	\$2,242,000	\$2,242,000
One-time	\$270,000				
Ongoing	\$2,252,000	\$2,242,000	\$2,242,000	\$2,242,000	\$2,242,000

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

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Problem or Issue

The Judicial Council has responded to high levels of Legionella at five state-owned facilities over the past three years. These experiences have demonstrated the urgent need to implement a Judicial Council WPMP for the entire portfolio of Judicial Council owned and managed facilities to assist in preventing occupant exposure and illness from Legionella.

While there are no regulations requiring the Judicial Council test for Legionella, if Legionella is found in a building water system, building owners are required to act to remediate the water system. The costs associated with remediating Legionella without having an established WPMP can be more than one million dollars and require extensive support from contracted vendors.

The development of a WPMP requires one-time costs to develop the program templates and identify water system characteristics for the Judicial Council portfolio. The on-going costs will support the performance of risk assessments, implementation of hazard control plans and program administration, including verification and validation testing.

Background/History of Problem

Legionella is a bacterium that occurs naturally in freshwater environments, like lakes and streams. It can become a health concern when it grows and spreads in building water systems like cooling towers, hot and cold-water systems, and fixtures (e.g., showerheads, faucets, and drinking fountains). If Legionella grows and multiplies in a building water system, water containing Legionella can spread in droplets small enough for people to breathe in from mists and aerosols, or from accidental aspiration of drinking water into the lungs. Exposure to Legionella can cause Legionnaires' disease, a very serious type of pneumonia (lung disease). There are no vaccines that can prevent Legionnaires' disease and 1 in 10 people infected with the disease will die from the infection.

The key to preventing Legionnaires' disease is to reduce the risk of Legionella growth and spread. The development of a WPMP for Judicial Council owned and managed facilities is necessary to reduce the risk for Legionella in the building water systems. The WPMP will identify hazardous conditions and implement steps to minimize the growth and transmission of Legionella and other waterborne pathogens in the building water systems. This differs from the current practice of equipment water management occurring at Judicial Council facilities, which tests water chemistry to prevent corrosion in the building equipment. The WPMP protects the health of people through pathogen management practices.

The Judicial Council WPMP establishes a global approach and standardized templates for use in facilitating implementation of Legionella management practices. The WPMP was developed drawing upon the Standards of Care established by the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Centers for Disease Control and Prevention (CDC), and the American Industrial Hygiene Association (AIHA). These Standards of Care establish minimum Legionella risk management requirements for building water systems.

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The essence of the WPMP is to provide the foundation for developing building specific facility plans that address specific systems and characteristics. The WPMP will take a global, programmatic approach and will include standardized templates that can be applied to a variety of buildings and systems for consistency across the portfolio.

The key activities required to develop the building specific WPMP include: (1) Characterization of the facility water system; (2) Risk assessment and hazard control plan development; (3) Program administration; and (4) Program verification and validation. These actions will be implemented by multidisciplinary water management teams who are able to review and modify plans as needed in response to changing conditions and to ensure continuous improvement.

Impact of Denial of Proposal

Denial of this proposal will not allow the Judicial Council to implement the actions required to identify hazardous conditions that may exist due to Legionella within Judicial Council owned and managed facilities. Without performing the required risk assessment, the Judicial Council cannot take action to minimize any growth of Legionella in building water systems or to prevent occupant exposure and illness from Legionella.

In responding to previous Legionella events, the lack of an established WPMP at each of the facilities hindered the Judicial Council's ability to respond quickly and increased the overall costs of the remediation efforts. Denial of this effort will not allow the Judicial Council to be adequately prepared to respond in an effective and fiscally efficient manner to protect occupant exposure and illness from Legionella.

Outcomes and Accountability of Proposal

The outcomes of this proposal include the development of program templates and the characterization of facility water systems. Ongoing funding will be used to support the performance of risk evaluations, development of hazard control plans, and program verification and validation at all Judicial Council owned and managed facilities. This will allow the Judicial Council to identify and manage actions to reduce the potential for Legionella in Judicial Council owned and managed facility water systems.

The Trial Court Facility Modification Advisory Committee (TCFMAC) provides ongoing oversight of the Judicial Council 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 California Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

In addition, this request 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 and 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,

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secure, and well-maintained facilities were the goals established 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

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

Goal I: Access, Fairness, Diversity, and Inclusion
Goal II: Independence and Accountability
Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

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 requests 3.0 positions and \$2.7 million General Fund in 2025-26 and \$678,000 in 2026-27 and ongoing to conduct assessments, evaluations, and identification of physical security deficiencies in trial court facilities statewide.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	3.0	3.0	3.0	3.0	3.0
Personal Services	\$713,000	\$678,000	\$678,000	\$678,000	\$678,000
Operating Expenses & Equipment	\$2,000,000				
Local Assistance					
Total	\$2,713,000	\$678,000	\$678,000	\$678,000	\$678,000
One-time	\$2,000,000				
Ongoing	\$713,000	\$678,000	\$678,000	\$678,000	\$678,000

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

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Problem or Issue

Many court facilities lack adequate physical security elements as recognized by the Judicial Council’s [California Trial Court Facilities Standards](#) (CTCFS) and the National Center for State Courts (NCSC) publication [Steps to Best Practices for Court Building Security](#).

Currently, no dedicated funds are available for the evaluation and identification of physical security deficiencies. In addition, staffing levels are not adequate to manage and administer the assessment and projects. This request includes the one-time funding to retain consulting services to assist Judicial Council 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.

This funding request of \$2.0 million one-time funding will allow the Judicial Council to conduct an in-depth security assessment at 200 court facilities beginning in 2025-26 with an estimated completion by 2027-28. The assessment will provide cost estimates and evaluations of physical security elements to identify deficiencies. Additionally, 3.0 positions are needed, two Security Coordinators and one Associate Analyst, to develop a prioritization plan of the identified deficiencies, manage, administer, and monitor the evaluation process and ongoing analysis of the resulting data.

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.

It is impossible to guarantee that all situations can be anticipated or avoided, but physical security barriers such as bollards are an excellent deterrent.

For example, in 2007, a distraught man rammed his car through the front doors of the Merced County Courthouse. Because there were no bollards in place, he was able to reach the building and cause damage. A year later, the same man was shot and killed when he burst into a packed courtroom wielding two knives.

In 2017, a woman drove her vehicle into the front entrance of the Sacramento Jail Courthouse on I Street, damaging the doors and magnetometer and displacing the x-ray machine. There were no bollards in place at the time.

The presence of physical security features averted damage or injury. In 2022 when a man drove his truck over the curb at the Madera Courthouse. A concrete bench and stairs prevented him from crashing into the building.

Judicial Branch
2025-26 Budget Change Proposal Concept

Information relating to physical security issues was gathered from existing deferred security facilities modifications; court requests; and 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 specifically identified for, and dedicated to addressing electronic security systems, such as security video, electronic access control, duress alarm, and detention control systems, was provided after approval of a previous BCP. That funding is not available for use for assessing, evaluating, and identifying physical security deficiencies in trial courts.

The CTCFS 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 200 facilities older than 2005.

The lack of resources has limited the ability to assess and identify 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 CTCFS. 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

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 Court Security Advisory Committee (CSAC). The evaluated projects will be monitored and accounted for using appropriate inventory tracking methods and standard general accounting principles.

CSAC makes recommendations to the council for improving court security, including personal security and emergency response planning. The committee provides ongoing oversight of the Judicial Council Facilities Security programs and is regularly informed of facilities security related costs, Facilities Services is obligated by the California Rules of Court to provide regular reporting to the advisory committee.

In addition, this funding request 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

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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 established in 2002 and remain the mission of the facilities program today.

Required Review/Approval

Court Security 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 II: Independence and Accountability
Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

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

The Judicial Council of California requests \$133.6 million ongoing funding and 4.0 positions to support deferred maintenance projects for trial courts. This includes \$101.1 million ongoing General Fund (GF) and \$32.5 million in ongoing reimbursement authority from the 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/SCFCF reimbursement

Estimated Cost (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	4.0	4.0	4.0	4.0	4.0
Personal Services	\$1,113,000	\$1,068,000	\$1,068,000	\$1,068,000	\$1,068,000
Operating Expenses & Equipment	\$132,500,000	\$132,500,000	\$132,500,000	\$132,500,000	\$132,500,000
Local Assistance					
Total	\$133,613,000	\$133,568,000	\$133,568,000	\$133,568,000	\$133,568,000
One-time					
Ongoing	\$133,613,000	\$133,568,000	\$133,568,000	\$133,568,000	\$133,568,000

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

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Problem or Issue

The Judicial Council Facilities Services faces a significant challenge due to insufficient funding to address routine maintenance and repairs, resulting in a backlog of 22,415 deferred maintenance projects. These projects are estimated to cost \$4.9 billion, with the Judicial Council's portion amounting to \$3.6 billion. Although past budgets have appropriated substantial one-time resources for deferred maintenance projects, the absence of ongoing funding has left the Judicial Council unable to tackle the growing deferred maintenance backlog effectively and plan for the necessary repairs to maintain the facilities in an acceptable condition.

This proposal requests ongoing funding for deferred maintenance, enabling sustained efforts to address the \$3.6 billion funding need and ultimately reduce the number of outstanding deferred maintenance projects. To effectively manage this effort, this request includes 4.0 positions to support the additional deferred maintenance projects. There is insufficient capacity to manage the expanded workload at the existing staffing level. To manage these projects, three project managers are needed to develop detailed project scopes for the execution of Facility Modification projects and will administer the planning design, and construction of repair and renewal projects. Additionally, a Facilities Analyst is needed to support the development and monitoring of sustainability infrastructure and objectives as part of these projects, ensuring optimal resource utilization and compliance with regulatory requirements.

This proposal ensures a dependable level of funding and the appropriate staffing level to complete deferred maintenance projects allowing a more stable and efficient approach to maintaining California's trial court facilities.

Background/History of Problem

The Facilities Services oversees the overall care and management of building assets within the judicial branch. Facilities Services' primary objective is to ensure access to justice in California's trial courts, Courts of Appeal, and the Supreme Court. The Facilities Services executes a wide range of responsibilities, including emergency responses, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and various other functions essential for creating a safe and secure facility for the public, court staff, and judicial officers.

At the current funding limits, the Facilities Services can only maintain facilities in a "run-to-failure" mode, focusing exclusively on addressing projects related to failed building systems. This approach leads to avoidable disruptions in court operations because necessary updates and renewals of building systems are not conducted in a timely manner. Consequently, court operations are affected by issues such as HVAC system failures, electrical service outages, and facility closures resulting from water leaks. Without adequate funding to replace these critical assets, vital systems will continue to fail, causing disruptions in court proceedings and limiting public access to justice. It is crucial to prioritize these projects to maintain continuity of court operations in facilities throughout the state. Examples of such critical system replacements include, but are not limited to the following:

- Failed roofing systems causing interior structural damage;

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- Failed fire protection monitoring systems creating safety issues and costly fire watch;
- Failed elevator systems causing entrapments;
- Failed HVAC equipment causing uncomfortable or unsafe respiratory conditions; and
- Failed plumbing systems causing flooding incidents.

The Judicial Council received various one-time funding to address its the deferred maintenance backlog. In 2018, \$50 million was allocated for completing a facility assessment, roof replacement, BAS, elevator, and HVAC projects. The subsequent year, 2019, \$15 million was designated for fire alarm system projects. In 2021, initially \$180 million was received, however, the funding was later reduced to \$132.6. This reduced funding was primarily earmarked for HVAC, roof, elevator, electrical, and fire protection projects. By leveraging these funds, the Facilities Services was able to address some of the backlogged projects, which provided opportunities for reducing operational costs and environmental impacts. Significantly, in 2023 roofs in southern California replaced through prior years deferred maintenance funding effectively withstood the impact of Hurricane Hilary.

While the Facilities Services appreciates the allocated funding, the challenge of deferred maintenance persists. The lack of adequate funding exacerbates the deferral of these renewals, further contributing to the growing list of deferred maintenance projects. Over the past six fiscal years, spanning from 2018–19 to 2023–24, this list has increased from 8,750 to 22,415 projects and from a total estimated cost of \$2.8 to \$4.9 billion—the Judicial Council share increasing from \$2.4 to \$3.6 billion.

Impact of Denial of Proposal

Denial of this proposal will result in the persistence of a growing deferred maintenance backlog and a corresponding rise in emergency repairs. This stems from the inverse relationship between underfunded deferred maintenance and the occurrence of emergency repairs. When a building system fails, there is an immediate need for urgent action, leading to higher costs due to the unexpected nature of the failures and the lack of time to plan the repair or replacement effort carefully and cost-effectively. Buildings will continue to operate in a “run-to-failure” mode, with aging building systems being replaced only when they reach a point of failure. This approach to facilities management increases the expenses associated with replacements and repairs while needlessly depleting the ongoing maintenance funding of the program.

Outcomes and Accountability of Proposal

An ongoing, systematic approach to address deferred maintenance enables the program to efficiently allocate plan resources and establish an ongoing strategy to address the \$3.6 billion Judicial Council’s share of the backlog. The additional staffing will provide the needed oversight for execution, management, and monitoring 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 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.

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Without adequate funding for deferred maintenance, the trial court facilities in California face a critical dilemma. The aging and deteriorating facilities will lead to exponentially increasing building maintenance and equipment repairs. It is the responsibility of the judicial branch to ensure that every courthouse is well-constructed and properly maintained. Failure to maintain functional court facilities compromises equal access to justice. This funding request is essential for adhering to legislative directives of funding construction, maintenance, and improvement of court facilities across the state, to ensure courthouses remain accessible and functional.

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 remains the mission of the facilities program today.

Required Review/Approval

Trial Court Budget Advisory Committee
Trial Court Facility Modification Advisory Committee

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

- Goal I: Access, Fairness, Diversity, and Inclusion
- Goal II: Independence and Accountability
- Goal IV: Quality of Justice and Service to the Public
- Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

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

The Judicial Council of California requests \$18.8 million per year in 2025-26 through 2027-28, totaling \$56.51 million to install water leak detection equipment and software at 160 courthouses, audit and replace outdated water fixtures at 136 Judicial Council managed courthouses older than 2011 and convert landscapes to drought tolerant at nine courthouses. Of the annual \$18.8 million, \$14.2 million is requested from the General Fund and \$4.6 million reimbursement authority from the State Court Facilities Construction Fund. These projects will minimize property damage from leaks, conserve water, and help address the ongoing drought conditions in California.

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/SCFCF Reimbursement

Estimated Cost (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$18,837,000	\$18,837,000	\$18,837,000		
Local Assistance					
Total	\$18,837,000	\$18,837,000	\$18,837,000		
One-time	\$18,837,000	\$18,837,000	\$18,837,000		
Ongoing					

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

Judicial Branch
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Problem or Issue

To address ongoing drought conditions in California and support water conservation efforts, funding is needed to implement various water conservation initiatives. These initiatives include enhancing data visibility, upgrading interior facility fixtures, converting landscapes with drought-tolerant plant species, and leveraging weather-based irrigation controllers.

Currently, the Judicial Council relies solely on water consumption data from utility bills issued monthly, bi-monthly, or quarterly. By installing smart water valves at the 136 courthouses, this funding will provide hourly usage data, automated leak alerts via email or text message, and the capability to shut off water supplies at the building level if a catastrophic leak parameter is encountered. Additionally, turf removal, water fixture replacement and irrigation controller re-programming will be completed.

Water leaks poses an expensive problem for the state's courthouses, often resulting from issues like clogged toilet/urinal or faulty pipes concealed within building walls. Without a systematic method to detect excessive water usage, leaks can lead to flooding and damage to walls, floors, furniture, and equipment. Due to the concealed placement of water pipes, leaks can go undetected for 30 to 60 days, wasting valuable water resources, increasing water usage cost, and causing significant structural damage. For example, the Compton Courthouse experienced a water supply line failure, affecting floors from the 4th floor down to the basement. Environmental and remediation protocols were necessary, including replacing 650 square feet of ceiling tiles and sanitizing 8,000 square feet of various surfaces. Repairs for this incident are estimated to cost \$4.3 million. If water flow was detected earlier, it could have minimized the damage and associated cost.

Water leaks disrupt court operations, incurring substantial costs, and hindering access to justice when reactive maintenance becomes necessary to restore the facility.

Background/History of Problem

The Judicial Council's portfolio includes aging fixtures that consume more water than modern code-compliant plumbing, resulting in wastage of both water and money. Annually, the Judicial Council expends nearly \$4 million per year on 335 million gallons of water for the 160 facilities directly managed by the Judicial Council. To meet specific objectives laid out in the Judicial Council's [2015 Water Conservation Policy](#), which include achieving 30% reduction in water consumption by 2030, targeted improvements are essential. This proposal aligns with the policy's outlined goals, which advocate for the evaluation of high-water usage facilities for the potential replacement of plumbing fixtures with low-flow fixtures and assessment of turf replacement. Due to a lack of funding, progress to date has been minimal.

The Facilities Services program has been substantially impacted by numerous undetected water leaks. Repairing these leaks requires more extensive work and incurs higher costs compared to early detection and remediation. In the past five fiscal years, over \$20 million has been allocated to address repairs and remediate damage resulting from water leaks.

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This proposal will target a 30% reduction in domestic water consumption and fixture leak related costs, enabling the leak monitoring service cost to be funded via the water cost savings after the third fiscal year. Furthermore, these leaks have negatively impacted court operations and access to justice.

Impact of Denial of Proposal

Without a designated funding source for for leak detection, water leaks will continue to be a hidden threat to facilities, causing significant damage, draining resources from already strained facilities modification program and operations and maintenance funds. Likewise, outdated and frequently 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

This proposal will provide funding to procure the necessary equipment and services required to implement water leak detection in approximately 160 facilities owned and managed by the Judicial Council. 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 they become costly and disruptive to court operations and services. The fixture upgrades at 136 courthouses will have a long-lasting effect in improving the efficiency of water utilization within the facilities. By leveraging the capabilities of smart water valves, such as real-time monitoring and remote shut-off features, facilities can proactively manage their water usage and meet conservation targets more effectively.

The Trial Court Facility Modification Advisory Committee provides ongoing oversight of the Judicial Council 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 California Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

In addition, this funding request 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 established 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

**Judicial Branch
2025-26 Budget Change Proposal Concept**

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

Goal I: Access, Fairness, Diversity, and Inclusion
Goal II: Independence and Accountability
Goal IV: Quality of Justice and Service to the Public
Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	Energy Efficiency Retrofits for Suboptimal Buildings
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Proposal Summary

The Judicial Council of California requests \$35 million annually for three years, totaling \$105 million. The \$35 million includes \$26.4 million from the General Fund and \$8.7 million in reimbursement authority from the State Court Facilities Construction Fund (SCFCF). The funding will allow the Judicial Council to significantly improve energy efficiency and address critical maintenance needs in five of the state's courthouses identified as those with the highest critical need.

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/SCFCF reimbursement

Estimated Cost (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$35,000,000	\$35,000,000	\$35,000,000		
Local Assistance					
Total	\$35,000,000	\$35,000,000	\$35,000,000		
One-time	\$35,000,000	\$35,000,000	\$35,000,000		
Ongoing					

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

Judicial Branch
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Problem or Issue

Funding is requested to accelerate energy retrofits for the five long-term building assets of the portfolio that exhibit the most critical energy efficiency concerns. The five facilities are slated to remain within the portfolio for another two decades, and the expected advantages are substantial, including reduced carbon emissions, decreased energy consumption, and cost savings.

The five facilities totaling 823,000 square feet are as follows:

- 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 for the Judicial Council managed portfolio was \$3.08 per square foot. These five courthouses, covering a total area of 823,000 square feet, are significant contributors to energy costs and carbon emissions within our portfolio. In 2022-23, their combined energy expenses reached \$3.6 million, averaging \$4.40 per square foot, with the Bellflower Courthouse notably higher at \$6.51 per square foot. Moreover, their collective carbon footprint exceeded 7,300 metric tons equivalent to 1,600 cars driven for one year. These figures highlight the substantial operational costs and environmental impact of these facilities.

For context, energy-efficient buildings typically achieve lower operational costs and a smaller carbon footprint, demonstrating the potential benefits of retrofitting our facilities. We aim to align these buildings with the best sustainability practices by targeting improvements that could significantly reduce costs and emissions.

Judicial Council-managed courthouses are not just consuming more energy and incurring higher costs than is ideal; they are also emitting more carbon dioxide directly from their operations and indirectly from the energy they use. This situation underscores the urgency of our retrofitting project, aiming not just to save money but also to positively impact the environment in alignment with State goals for climate change mitigation.

By focusing on making our buildings more energy-efficient, we aim to lower these costs and significantly reduce our environmental footprint. Our goal is to bring these buildings closer to the standards of energy efficiency and sustainability expected of modern facilities, benefiting our community and the planet.

The proposed deep energy retrofits (DER) will simultaneously address multiple deferred maintenance needs to optimize the delivery cost. DERs encompass energy conservation measures that enhance building performance, utilizing current technologies, materials, and construction techniques to achieve a reduction in on-site energy consumption by 40% or more compared to baseline energy use. Unlike ordinary single-system facility modifications or energy retrofits, DERs offer multiple energy and non-energy benefits. These building structures may be remodeled to balance energy, indoor air quality, durability, and thermal comfort.

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Background/History of Problem

Judicial Council facilities have an extensive backlog of deferred maintenance. To ensure the long-term functionality of these facilities, it is essential to invest in lifecycle replacement. This involves upgrading or replacing various building components and systems to preserve their value and performance over time, ensuring a comfortable and safe environment for occupants.

A critical area of maintenance often postponed due to lack of funding is the enhancement of a facility's energy systems. As infrastructure ages, it requires more resources to function optimally. Efficient energy use is critical, especially with static operating funds and escalating energy costs. Retrofitting these systems promote energy efficiency, leading to long-term cost savings.

Senate Bill 1203 (Becker, 2022) ("SB 1203") aims for state departments to achieve net-zero emissions by 2035. This funding request represents the branch's proactive approach to aligning voluntarily with SB 1203's objectives. The Judicial Council is currently conducting a deep energy study to optimize the approach for 20 buildings, with priority given to the five buildings in this funding request which have the highest critical need of energy systems upgrades. In addition, this \$105M funding request is part of a more extensive branch deferred maintenance backlog of \$5 billion submission for the 2024-25 Governor's California Five-Year Infrastructure Plan. This funding would specifically be used for lifecycle replacement upgrades, ensuring these buildings' long-term operability, efficiency, and comfort.

Impact of Denial of Proposal

Denial of the proposal to carry out energy efficiency retrofits and address deferred maintenance in our courthouses will have significant, ongoing implications. Continued reliance on reactive repair and maintenance, coupled with the operation of equipment and building systems past their useful life, will escalate operational costs due to rising energy prices and lead to excessive, noncompliant carbon emissions relative to other State of California buildings. This situation jeopardizes occupant comfort and wastes valuable financial resources.

Moreover, postponing necessary maintenance exacerbates energy consumption, as malfunctioning systems work harder and longer to maintain comfort levels, thus inflating water, fuel, and electricity usage. Equipment obsolescence, unsupported by manufacturers, may necessitate emergency repairs at a steep cost. Such deferred actions erode our facilities' lifespan and investment value, possibly forcing the resort to capital-intensive construction replacements as the only viable solution. Without this proposal's approval, the Judicial Council will face disruptions to court operations and incur significantly higher costs, limited to system-level upgrades only upon critical failures or as deferred maintenance funds become sporadically available.

Outcomes and Accountability of Proposal

Upon securing the proposed one-time funding of \$105 million over three years, the Judicial Council will embark on a critical initiative to retrofit the five least energy-efficient courthouses in our portfolio. This strategic investment is not just about immediate cost and emission reductions; it's about laying the

Judicial Branch
2025-26 Budget Change Proposal Concept

groundwork for sustainable, efficient, and equitable judicial facilities that serve Californians now and in the future.

Immediate and Long-Term Benefits: The implementation of these energy retrofits is projected to generate initial savings of \$1.4 million in the first year alone, with total savings expected to reach approximately \$48 million over a 20-year span. While the upfront cost may seem substantial, the focus on energy efficiency addresses urgent deferred maintenance needs, preventing the far greater expenses associated with emergency repairs, system failures, and inefficient energy use. Beyond financial savings, these retrofits will enhance building safety, improve occupant comfort, and significantly reduce our carbon footprint by 59% annually, translating to a 20-year reduction of over 101,255 metric tons of CO₂ emissions.

Broadening the Return-on-Investment Perspective: The return on investment for these projects extends beyond traditional financial metrics to include the avoidance of escalated future costs, increased property values, and the social value of providing accessible, secure, and environmentally responsible facilities. This broader ROI encompasses the cumulative benefits of reduced operational costs, enhanced public health and safety, and alignment with sustainability goals, underscoring the project's value to the community and the environment.

Energy Efficiency and Future Savings: By focusing on energy efficiency, we not only mitigate current inefficiencies but also position our facilities for sustainable operations, yielding ongoing savings in utility costs and maintenance expenses. These efforts align with the Judicial Council's commitment to environmental stewardship and operational excellence, ensuring that our facilities contribute positively to California's energy and carbon reduction targets.

Accountability and Oversight: The Judicial Council's rigorous tracking of utility data and Building Automation System data before and after retrofit interventions will ensure transparent measurement and verification of energy savings. An annual comprehensive report to the Trial Court Facility Modification Advisory Committee (TCFMAC) will detail the progress and outcomes, reinforcing our commitment to accountability and continuous improvement.

Advancing Equity and Access: This funding request also advances critical diversity, equity, and inclusion priorities by enhancing access to judicial facilities that meet the highest standards of safety, accessibility, and environmental responsibility. Through these retrofits, we reaffirm our dedication to providing equitable services across the state, ensuring that all Californians, regardless of their abilities, have access to justice in settings that reflect our shared values of sustainability and inclusivity.

In conclusion, this proposal represents a holistic approach to facility management, addressing both immediate needs and long-term sustainability goals. The Judicial Council is committed to stewarding our resources responsibly, improving our facilities for the benefit of all who use and rely on them, and contributing to a more sustainable and equitable future for California.

**Judicial Branch
2025-26 Budget Change Proposal Concept**

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 I: Access, Fairness, Diversity, and Inclusion
Goal II: Independence and Accountability
Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Trial Court Facility Modification Advisory Committee
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Proposal Title	Arc-Flash Study and Electrical Hazard Labeling in Trial Courts
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Proposal Summary

The Judicial Council of California requests \$1.2 million General Fund in 2025-26 and ongoing to perform electrical power systems equipment arc-flash studies. These studies will bring Judicial Council Facilities into compliance with regulatory requirements and will guide electrical equipment labeling that informs electricians and building engineers of the hazardous electrical energy potential within. Labeling in-turn informs electricians and building engineers of the Personal Protective Equipment (PPE) needed at varying distances from potentially hazardous electrical energy parts.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000
Local Assistance					
Total	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000
One-time					
Ongoing	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000	\$1,200,000

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

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Problem or Issue

The Judicial Council is responsible for ensuring safety for employees and for all users of the facilities that it manages. Currently, the Judicial Council lacks a program that provides electrical safety procedures to contracted employees that work in the vicinity of hazardous electrical energy.

Arc-flash, also known as arc-blast, is a sudden, explosive electrical arc that results from a short circuit through the air. Such short circuits may be enabled by moist or dusty air which can create a conductive path toward a nearby worker. The potential for electrical arc-flash explosion is a dangerous situation, as it can vaporize surrounding metal, set fires, and cause deafness, severe burn injuries and death.

Arc-flash is a recognized hazard by the Occupational Safety and Health Administration (OSHA), the administrator and enforcer of the OSH Act.

This proposal establishes a safety program to comply with California Electrical Code Section 110.16, which requires certain electrical equipment in buildings— switchboards, panelboards, industrial control panels, meter socket enclosures, and motor control centers – needs to be examined, adjusted, serviced, and maintained and needs to be labeled to warn trained persons about potential electric arc-flash hazards.

Lack of this safety program places the Judicial Council in continued violation of the General Duty Clause Section 5(a)(1) of the Occupational Safety and Health (OSH) Act of 1970. The clause mandates that employers provide a safe working environment, free of recognized hazards likely to cause death or serious harm, for their employees.¹

¹ General Duty Clause, Section 5(a)(1) - Occupational Safety and Health Act of 1970

Background/History of Problem

The National Fire Protections Association (NFPA) issued the first Standard for Electrical Safety in the Workplace (NFPA 70E) in 1979 to provide expert guidance in providing an environment for employees that is safe from avoidable risks associated with the use of electricity in the workplace.

OSHA requires employers and employees to comply with the provisions of NFPA 70E which involves putting an electrical safety program in place, identifying, and analyzing electrical hazards in the workplace, and informing the workforce of those hazards and of PPE needs through electrical equipment labeling.

Judicial Council Facilities Service Providers are contractually required to comply with all OSHA safety rules and regulations. The service providers who are contracted to provide routine maintenance, demand maintenance, and repair, will equip themselves with and use appropriate PPE as it pertains to electrical safety programs if they are informed through electrical equipment labeling. Absent equipment labeling information, the service provider may either 1) decline to maintain said electrical equipment; 2) may use

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PPE in excess of what is required, adding increased time and cost to a work task; or 3) may underuse PPE, putting the employee at avoidable risk and exposing the Judicial Council to OSHA violations. To evaluate the potential hazard of commonly evaluated hazardous electrical equipment – typically equipment of 208-480 volts or higher – engineered studies must be performed. These involve short-circuit, coordination, and arc-flash studies. Collectively, they are commonly short-handed to arc-flash study.

From the study, which will be made available to the service provider, labels will be produced and affixed to hazardous electrical equipment exteriors to inform building engineers, electricians, and all other persons who may enter a facility electrical room of 1) the potential energy behind equipment covers; 2) the PPE necessary to be worn if a cover is to be removed; and 3) the distance to keep body parts and tools from potential energy parts, regardless of the PPE worn.

Impact of Denial of Proposal

Denial of this proposal will result in continued non-compliance with regulations and risk from electrical hazards that are likely to cause death or serious physical harm – from shock, burn, explosion or fire – to Judicial Council employees, contractors, other court employees and users of court facilities. The chance for occurrence of serious harm will continue to rise with time as electrical equipment ages and maintenance needs increase.

Outcomes and Accountability of Proposal

The expected outcome is for every Judicial Council owned or maintained Court facility to be in full Electrical Safety in the Workplace compliance within five years of embarking on the proposed concept. The Judicial Council currently has a Quality Compliance program to review electrical service work to ensure compliance with contracts. The arc flash study must be conducted every five years as mandated by regulations, considering the anticipated deterioration and/or alteration of these electrical power systems is expected.

The Trial Court Facility Modification Advisory Committee (TCFMAC) provides ongoing oversight of the Judicial Council 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 California Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

In addition, this request 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 and 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 in 2002 and remains the mission of the facilities program today.

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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 I: Access, Fairness, Diversity, and Inclusion
Goal II: Independence and Accountability
Goal IV: Quality of Justice and Service to the Public
Goal VI: Branch wide 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
 2025-26 Budget Change Proposal Concept**

Requesting Entity	Court Facilities Advisory Committee
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Proposal Title	Capital Outlay Funding: 2025-26 through 2029-30
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Proposal Summary

The Judicial Council of California requests one-time \$174 million General Fund and \$2.181 billion Public Buildings Construction Fund totaling \$2.4 billion in 2025–26 for ten capital outlay projects, including three new and seven continuing projects. A total request of \$6.5 billion is proposed over five years of initial and/or continuing phases for 21 capital projects. This request is estimated based on projects in the Judicial Council’s latest plan for capital outlay and will be updated once the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2025–26* has been approved by the Court Facilities Advisory Committee (CFAC) and the Judicial Council.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment					
Capital Outlay	\$2,355,895,000	\$465,292,000	\$339,738,000	\$1,192,575,000	\$2,101,679,000
Total	\$2,355,895,000	\$465,292,000	\$339,738,000	\$1,192,575,000	\$2,101,679,000
One-time	\$2,355,895,000	\$465,292,000	\$339,738,000	\$1,192,575,000	\$2,101,679,000
Ongoing	\$0	\$0	\$0	\$0	\$0

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

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Problem or Issue

The Judicial Council courthouse construction program funding request is estimated based on the projects in the council's latest plan for capital outlay and will be updated once the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2025–26* has been approved by the CFAC and the Judicial Council. The five-year infrastructure plan is updated annually for Judicial Council adoption. This plan represents the funding priority for projects in the Judicial Council'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 2025–26, the Judicial Council proposes an investment of \$2.4 billion in the Judicial Council courthouse construction program for ten trial court projects in the five-year plan. Three of these projects are new and seven are continuation phases of active projects.

Background/History of Problem

In 2002, the responsibility of California's courthouses funding and operation shifted from the counties to the state under the Trial Court Facilities Act (Sen. Bill 1732, Stats. 2002, Ch. 1082). With this shift, the Judicial Council 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 requires substantial long-term funding to renovate, replace, and create new court facilities. Since 2002, 31 trial court capital outlay projects have been completed: 27 new courthouses and four major renovations of existing buildings. Another five capital projects are projected to complete within 2024–25. Of the state's 58 trial courts, 28 benefit from these projects.

The current need to renovate or replace trial court facilities statewide is reflected in the Judicial Council's *Statewide List of Trial Court Capital-Outlay Projects*. This list contains 80 projects affecting 41 trial courts and approximately 165 facilities, which represents more than one-third of the facilities in the judicial branch's real estate portfolio. (The other 17 trial courts had operational needs that translated into noncapital projects, such as court-funded facilities requests or facility modifications that are addressed under separate programs.) Government Code section 70371.9 required the Judicial Council to conduct a reassessment of all trial court capital outlay projects that had not been fully funded up to and through the 2018 Budget Act (2018–19). Through this reassessment and with trial court input, this list was produced. Since this list was developed in 2019, 12 of the 80 projects have received initial funding and are underway.

Impact of Denial of Proposal

Delay in capital outlay funding postpones advancement of the Judicial Council's five-year infrastructure plan and the funding of capital projects from the Judicial Council's *Statewide List of Trial Court Capital-Outlay Projects*. Funding delays inhibit the Judicial Council's ability to replace or renovate a significant

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portion of the facilities in the judicial branch’s real estate portfolio. This causes trial courts to continue to operate from facilities with deficiencies that hinder service to the public.

Outcomes and Accountability of Proposal

The CFAC provides ongoing oversight of the Judicial Council’s five-year infrastructure plan and courthouse construction program. Funding received in 2025–26 for the ten capital projects would result in the following advancement of the courthouse construction program: six active projects would become fully funded to complete design/construction, one active project would advance to develop performance criteria, and three new-start projects would initiate site selection/acquisition. Each project that becomes fully funded and completed expands the public’s physical, remote, and equal access to the courts.

This funding request will uphold the originating legislative directives aimed at making courthouses accessible and functional throughout the state. Additionally, it aligns with the priorities of diversity, equity, and inclusion set by the Administration. It ensures that residents from every county in California have access to buildings that are designed, built, and maintained according to standards such as the federal Americans with Disabilities Act and the California Building Code, which ensure full access to all individuals, regardless of their abilities.

The core principle embedded in enabling legislation of the judicial branch’s facilities program is equity across the state. The program’s mission, which dates to 2002 and remains unchanged today, is to provide uniformly safe, secure, and well-maintained facilities reflecting this commitment of equity.

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

Approval

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

Director Signature: *Pella McCormick*

Contact Name: Pella McCormick, Director

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

The Judicial Council of California requests 30.0 positions and \$9.3 million General Fund, including \$450,000 in one-time funding, in 2025-26; 20.0 positions and \$14.3 million General Fund in 2026-27; and 20 positions and \$19.9 million General Fund in 2027-28. Total 70.0 new positions and \$19.7 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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	30.0	50.0	70.0	70.0	70.0
Personal Services	6,116,000	10,694,000	15,267,000	15,267,000	15,267,000
Operating Expenses & Equipment	3,226,000	3,640,000	4,619,000	4,389,000	4,389,000
Local Assistance	0	0	0	0	0
Total	9,342,000	14,334,000	19,886,000	19,656,000	19,656,000
One-time	450,000	0	0	0	0
Ongoing	8,892,000	14,334,000	19,886,000	19,656,000	19,656,000

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

Problem or Issue

As of December 2023, the total number of people currently under a sentence of death in California is 627. There are 364 people sentenced to death in California who have a right to counsel but who are still waiting for appointment of counsel for their initial state habeas (post-conviction) proceedings. These 364 represent 58 percent of all condemned persons. This proposal begins to address the state's need to find representation for the increasing number of indigent people on death row and further HCRC's statutory mission to decrease the number of unrepresented persons on death row. Of the 364 without habeas counsel, 297 or 82 percent of this group, have been waiting 10 years or more for counsel; 45 have been

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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. It currently represents 60 clients in multiple cases at different stages, including actively litigating 19 cases with Orders to Show Cause (OSCs); pending evidentiary hearings; awaiting decision following an evidentiary hearing; or awaiting resentencing following a grant of relief.

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. The supervisory positions will ensure appropriate training, mentoring, and adherence to standards for case team members, enabling HCRC to maintain high quality representation for a maximum number of cases.

Currently Government Code Section 68661 caps the number of attorneys that HCRC may employ at 34. This proposal will require amendment to Section 68661 to authorize HCRC to employ up to 68 attorneys.

Background/History of Problem

The backlog capital post-conviction representation 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. The HCRC was established in 1998 to accept appointments in state and federal post-conviction death penalty 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 altered the way habeas cases are argued in California's courts. Under California Penal Code section 1509, habeas proceedings now initiate in the trial courts statewide, whereas a single court—the Supreme Court—previously appointed habeas counsel and heard all state habeas cases. However, there is lack of qualified counsel on the statewide panel of attorneys from which the trial courts may appoint habeas counsel. Only four new private lawyers have been approved for the entire state; HCRC remains the main resource for appointments. Penal Code section 1509 has also accelerated the timelines for litigating habeas matters, resulting in “one-year cases” that intensify the work required by HCRC case teams to research, prepare, and file claims in the trial courts.

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 in 2019, 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

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sentences are unevenly and unfairly applied to people of color, people with mental disabilities, and people who cannot afford costly legal representation." Although Black and Latino individuals represent just 6.5 percent and 36 percent of California's population, respectively, almost 66 percent of the death row population is made up of people of color. While the moratorium paused executions, it did not permanently end them. Since the moratorium, 20 people have been sentenced (or, in one case, resentenced) to death. Sixteen of these 20 individuals, or 80%, are people of color. And since January 1, 2022, every person this state has sentenced to death has been Black or Latino. Resources provided through this proposal will be used to confront this inequity as HCRC will be able to represent more condemned persons faster.

The 20 people sentenced to death since the moratorium in 2019 were sentenced in just 8 counties: Riverside, Kern, San Bernardino, Tulare, Los Angeles, San Diego, Merced, and Sacramento. This is consistent with historical trends where the majority of death sentences were imposed in Los Angeles, Riverside, 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 the Los Angeles County area. Having a Southern California office will allow HCRC to have access to the trial courts, legal resources, and attorneys in the region where a large portion of the backlogged habeas cases will proceed.

Impact of Denial of Proposal

The length of time to make an impact and reduce the backlog in appointments 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. However, HCRC's number of attorneys is still at 1998 levels. The growing gap between available resources and increased numbers of death sentences continues to lengthen the time it takes to complete capital case post-conviction review. Currently a person condemned to death in California can 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. These delays cause judicial relief for condemned inmates, consistent with constitutional requirements, to be denied. Even though they take decades to occur, grants of relief are the most common outcome in capital proceedings. Since 1977, of the 341 death judgments that have completed the state and federal review process, 277 or 81 percent have been reversed in state or federal court. Ultimately, each California death judgment has a one-in-five chance of being upheld in every court that reviews it, and a four-in-five chance of reversal.

The impact of denying this proposal is that the decades-long wait for relief continues for the wrongfully convicted who spend decades on death row when they are innocent. Since California reinstated the death penalty in 1977, five innocent men—all people of color—have been fully exonerated and released. As Governor Newsom noted, a 2014 study showed that at least 4.1% of people sentenced to death were likely wrongfully convicted. Since 1977, California has sentenced 1,013 people to die. By a conservative estimate, it is probable that approximately 42 of them are innocent. This means that today in California more than three dozen innocent people are either currently under a death sentence or have died on death row.

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Outcomes and Accountability of Proposal

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. 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. New staff members receive intensive training and mentorship from senior and other experienced staff members to ensure that proven protocols and best practices are applied in all cases.

The current 20+ year delay in appointment of counsel also increases the long-term incarceration costs of the death row population. According to the analysis of Proposition 62 in the Voter Information Guide for 2016 (an ultimately unsuccessful proposal to eliminate the death penalty), the California death penalty costs the state approximately \$150 million per year. Quoting this figure, the Committee on the Revision of the Penal Code concluded in its 2021 Death Penalty Report: “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.” If California were to spend more money on attorney resources in the short term to reduce the habeas backlog and move these cases to conclusion it would save money in the long run. The Death Penalty Report continued: “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 people on death row were to receive counsel sooner and obtain timely relief consistent with 40-year trends in sentence reversals, the state could realize a savings of millions of dollars per year in incarceration costs alone.

Required Review/Approval

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

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

Goal I: Access, Fairness, Diversity, and Inclusion
Goal IV: Quality of Justice and Service to the Public
Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch
Proposal will require amendment to Government Code Section 68661 to authorize HCRC to employ up to 68 attorneys.

Approval

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

Tracking
Number: 25-19

**Judicial Branch
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Director Signature:

Contact Name: John A. Larson, Assistant Director

**Judicial Branch
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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 \$22.57 million ongoing General Fund to support the Courts of Appeal Court-Appointed Counsel Program (Program), which (with the Appellate Project Offices and attorneys appointed in the Program’s non-capital appeals) provides critical and constitutionally required representation to indigent individuals in criminal, juvenile delinquency, and dependence appeals. The request has two components: (1) \$16.52 million permanent General Fund for a \$40 per hour rate increase for non-capital appeal appointments; and (2) \$6.05 million for an ongoing augmentation for a 30 percent increase in the Appellate Project Offices annual contracts.

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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions					
Personal Services					
Operating Expenses & Equipment	\$22,573,000	\$22,573,000	\$22,573,000	\$22,573,000	\$22,573,000
Local Assistance					
Total	\$22,573,000	\$22,573,000	\$22,573,000	\$22,573,000	\$22,573,000
One-time					
Ongoing	\$22,573,000	\$22,573,000	\$22,573,000	\$22,573,000	\$22,573,000

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

Problem or Issue

The objectives of California’s appellate court-appointed counsel system are to: (1) ensure the right of indigent clients to receive the effective assistance of appointed appellate counsel as guaranteed them by the U.S. Constitution; and (2) provide the Courts of Appeal with useful briefings and arguments that allow the Courts to perform their functions effectively and efficiently.

Until the 2022-23 budget provided an increase of \$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 Project Offices annual

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contracts, the Program's panel attorneys had not received any hourly rate increases since 2016-17 and the five Appellate Project Offices had not received any new funding since 2017-18.

The 2022-23 increase provided an opportunity to chip away at the impact of years without an increase to the panel attorney hourly rate and to the Appellate Project Offices for operation and staff salary increases but did not close the gap leaving a critical need for additional resources to bridge the remaining gap to further address recruitment and retention in both panel attorneys and in Appellate Project Offices staff and to provide for continually increasing operating costs of the Appellate Project Offices.

The current appointment rates are negatively affecting the Program in the areas of the recruitment of new panel attorneys and the retention of existing competent and experienced counsel, which are at the heart of an efficient and cost-effective court-appointed counsel program. 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 \$40 per hour rate increase is necessary for the continued recruitment of 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 more appointments, and complex and more serious cases. The hourly rate structure includes three tiers to reflect the complexity of the case and to differentiate between assisted and independent cases. Currently, 90 percent of the cases are assigned to more experienced panel attorneys on an independent appointment basis, an increase of 23 percent since 1997. Assisted assignments are integral to the health of the Program to provide training and guidance to attorneys who are newer to these types of cases, but independent assignments are the most cost effective as they require less Program resources in both Appellate Project Offices oversight and case time.

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, many in favor of more lucrative representation in federal courts or other state agencies. The panel size in July of 2023 included 670 attorneys (as compared to 858 in July of 2003 and 927 in July of 2013) of which 184 accepted less than three or fewer cases in a two-year period. 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 Courts of Appeal Court-Appointed Counsel Program. Without continued and significant reduction of this pay gap, the Program will continue to struggle to maintain a healthy panel able to timely accept appointments.

In addition, the current funding for the Five Appellate Project Offices (nonprofit organizations) that provide legal support to the private appointed attorneys is inadequate to support continued increases in operational costs. California's Appellate Court-Appointed Counsel (CAC) Program, through the annual contracts of the Five Appellate Project Offices fulfills the constitutional mandate of providing adequate representation for indigent appellants in the Courts of Appeal, in non-capital cases. Since 2014-15 the overall average annual operating expenses for rent has increased by over 29 percent (some Appellate Project Offices experiencing an increase of as high as 65 percent), payroll taxes have increased by 4.6

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percent (with some Appellate Project Offices seeing an increase as high as 11 percent) and pension has increased by 22 percent (where some Appellate Project Offices contribution percentage has decreased in this area to address funding gaps and have not returned to normal competitive contribution rates). The costs for technology have not greatly increased since 2014-15 in the Appellate Project Offices due to lack of resources, not lack of need. To better serve the Program clients, it is critical the Appellate Project Offices are able to leverage resources to maintain and upgrade or implement when needed databases, external websites, conferencing systems, and electronic document retention systems.

Background/History of Problem

In 1963, *Douglas v. California* (372 U.S. 353) held that the U.S. Constitution guarantees an indigent defendant convicted of a felony the right to a court-appointed attorney for the initial appeal. Twenty-two years later, in 1985, the Court clarified in *Evitts v. Lucey* (469 U.S. 387), that the guarantee of court appointed counsel requires that counsel be competent. As indicated in *Evitts v. Lucey*, “[W]e have held that the Fourteenth Amendment guarantees a criminal appellant pursuing a first appeal as a right certain minimum safeguard 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 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)(1) and (e)(1).)

California’s Court-Appointed Counsel Program (in place for about 30 years), with the Appellate Project Offices and the private sector panel attorneys fulfill these rights for indigent defendants. The panel attorneys provide critical and constitutionally required representation to indigent individuals in criminal, juvenile delinquency, and dependence appeals. Through contracts with the California Courts of Appeal the Appellate Project Offices (non-profit organization) oversee the statewide panel of attorneys who receive appointments in that district. The Appellate Project Offices 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 a \$5 per hour increase became effective July 1, 2007. These rates then remained stagnant for over 9 years (\$85/\$95/\$105) 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 \$40 per hour

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increase to raise these 2025 rates to \$150, \$160, and \$170 per hour to provide comparable compensation for these critical services.

In 2014-15 the Appellate Project Offices' annual contracts totaled just under \$17.5 million. Three years later in 2017-28 the Appellate Project Offices received an increase of \$18.2 million (less than 6 percent). Seven years later, the Appellate Project Offices' contract amount has only increased once with the budget increase of 2022-23 which provided a 10.5 percent increase of which the majority went to narrow but not close the gap between the administrative and staff attorneys' rates as compared to that provided in similar type agencies and firms.

Impact of Denial of Proposal

The 2022-23 increase provided an opportunity to chip away at the impact of years without an increase to the panel attorney hourly rate and to Appellate Project Offices for operation and staff salary increases; but there is still a critical need for additional resources to bridge the gap to address recruitment and retention in both panel attorneys and in Appellate Project Offices staff.

If denied, the Appellate Court-Appointed Counsel Program will struggle to provide the oversight to the panel attorneys as they will continue to be unable to recruit new panel attorneys and will continue to lose the most experienced panel attorneys to other government entities for more lucrative compensation and job security.

The Program will continue to see lower panel attorney numbers, especially the loss of those individuals with experience in serving the Program's indigent clients, impacts the Program's ability to make timely appointments as the remaining experienced panel attorneys are often not sufficient to accept appointments on the current complex cases and the less experienced panel attorneys accept fewer appointments in their early years as a panel attorney.

The Appellate Project Offices will continue to be underfunded and face increased costs to maintain office operations, including recruitment and retention of experienced staff to other government entities for more lucrative compensation. The Appellate Project Offices also lose staff to other government entities for a more lucrative compensation package.

Outcomes and Accountability of Proposal

The Appellate Indigent Defense Oversight Advisory Committee (AIDOAC) regularly monitors the efficiency of the appellate court-appointed counsel system by analyzing cost, workload, and a variety of other factors to ensure the Appellate Project Offices and the panel attorneys are continuing to provide the value to the Courts of Appeal and the indigent litigants as required by the courts and the Constitution. AIDOAC reviews trends and re-evaluates 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 Office directors to refine the guidelines of when it is appropriate to seek compensation in this category and monitor this line item as part of its quarterly reviews to determine the impact of this change in guidelines. If approved, this proposal will provide a more comparable compensation for panel attorneys handling cases on appeal; provide adequate representation for the indigent appellants in California's Courts

**Judicial Branch
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of Appeal; attract and retain new and existing panel attorneys and grow their experience so they can take on more complex and more serious matters; and reduce attrition of experienced and new panel attorneys to other government entities. These outcomes will be measured by the continued tracking of panel attorney numbers (as discussed previously), and the continued tracking of turnover rates, longevity, and attrition to other government entities or retirement. In addition, the nonprofit Appellate Project Offices 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, Diversity, and Inclusion
- Goal IV: Quality of Justice and Service to the Public
- Goal VI: Branch wide 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 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, and Inclusion states that “The branch must work to remove all barriers to access and fairness by being responsive... to all people. Branch efforts in this regard must include ensuring that the courts are free from both bias and the appearance of bias... remaining receptive to the needs of all branch constituents, ensuring that court procedures are fair and understandable...” The objectives of California’s appellate CAC system are to: (1) ensure the right of indigent clients to receive effective assistance of appointed counsel, as guaranteed to them by the Constitution; and (2) provide the Courts of Appeal with useful briefings/arguments that allow them to perform their function efficiently and effectively.

Approval

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

Director Signature: *Laura Speed*

Contact Name: Marcela Eggleton

**Judicial Branch
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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 requests 14.5 positions and \$9.9 million General Fund in 2025-26 and \$9.7 million General Fund in 2026-27 and ongoing 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 (Enter whole dollars rounded to thousands) *

Fiscal Year	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	14.5	14.5	14.5	14.5	14.5
Personal Services	4,302	4,302	4,302	4,302	4,302
Operating Expenses & Equipment	5,609	5,443	5,443	5,443	5,443
Local Assistance					
Total	9,911	9,745	9,745	9,745	9,745
One-time	310	0	0	0	0
Ongoing	9,601	9,745	9,745	9,745	9,745

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

Problem or Issue

Proposition 66 was approved without funding or resources and the new workload cannot be absorbed by the current appropriated funds and staffing for the Courts of Appeal. Approximately 150 petitions were transferred from the Supreme Court to the trial courts, a majority of which 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 are now in the Courts of Appeal. Thirty-six have been stayed due to lack of funding for habeas corpus appeal counsel. Ten are moving forward despite the lack of funding because counsel is an agency such as Habeas Corpus Resource Center (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 2025-26. 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

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proponents of Prop 66 and, by extension, the majority of Californians wanted when Prop 66 was passed.

Currently there are approximately **364 California condemned** incarcerated persons awaiting appointment of habeas corpus counsel. Approximately 123 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. 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. The requested funding will promote the interests of the fair administration of justice by allowing cases to proceed to final resolution, benefiting both the unrepresented and the victim's family members. Of the 364 persons awaiting the appointment of habeas counsel, four have two death judgments for a total of 368 death judgments. Of those 142 (39 percent) have been affirmed on direct appeal.

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 to 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 also 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 2027-28.

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,

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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 includes one supervising appellate court attorney, 11.5 senior appellate court attorneys, and two judicial assistants.

The Courts of Appeal request for new additional staff will handle these appeals. Because these cases involve the death penalty, they are extraordinarily hard fought and involve many complex issues. The Courts of Appeal will be required to do different and additional work than was required of the Supreme Court in resolving pre-Proposition 66 petitions. Unlike the Supreme Court, the Courts of Appeal will have to issue full written opinions, resolve interlocutory writ petitions taken from superior court rulings, decide multiple pre-decision motions, and consider petitions for rehearing. The estimated workload calculation is based on averaging 2 types of anticipated appeals: appeals from initial petitions, which will require extensive work, and appeals from second or subsequent petitions, which will require less work.

There is a backlog approximately **364 California condemned** 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. Incarcerated persons are being denied their constitutional and statutory rights to challenge their convictions and sentences. 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. 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. However, if the current \$145/hour rate through 2024-25 for capital appointments, changes in 2025-26 (with proposed BCP Concept to increase current appointment rate by \$40 for 2025-26), additional funds will be requested in the 2026-27 budget cycle to obtain adequate funds for any approved increases in capital appointment rates.

Impact of Denial of Proposal

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 (funding and staff) to support the new workload and other costs (including appointed counsel, investigation, records storage, and technology

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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. 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 California’s approximately 364 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). Additionally, the Death Row U.S.A (DRUSA) Winter 2023 (as of Jan. 1, 2023), a quarterly report by Legal Defense Fund, lists California’s inmates on Death Row in the below categories:

California Death Row Stats as Jan. 1, 2023													
State of CA	Total	Black		White		Latino/a		Native American		Asian		Unknown	
	665	232	35%	220	33%	177	27%	9	1%	27	4%	0	—

Approval of this proposal will also provide timely processing of these cases and provide equity for all Californian’s including families who are seeking timely justice for the victims and families of incarcerated persons in the habeas corpus petition cases. In addition, these funds will reduce the amount of time of innocent incarcerated persons serve in prison awaiting an appeal, 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 overwhelming the Courts of Appeal. Accountability will be measured through attorney recruitment and will help in the process of reducing the backlog of habeas counsel appointments to prisoners on death row.

Required Review/Approval

Administrative Presiding Justices Advisory Committee

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

- Goal I: Access, Fairness, Diversity, and Inclusion
- 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 Judicial Council of California 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:

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Quality of Justice and Service to the Public and VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch.

Approval

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

Director Signature: *Laura Speed*

Contact Name: Deborah Collier-Tucker, Manager ACS

**Judicial Branch
 2025-26 Budget Change Proposal Concept**

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

The California Supreme Court requests \$2.4 million General Fund in 2025-26 and ongoing to support the Supreme Court’s Capital Court-Appointed Counsel Program. The request has two components: (1) \$1.0 million General Fund for a \$40 per hour rate increase for capital appeal appointments; and (2) \$1.9 million General Fund for a 30 percent increase in the annual contract for California Appellate Court – San Francisco Project Office. The \$2.4 million requested is reduced to account for existing program savings of \$500,000.

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	2025-26 (BY)	2026-27 (BY+1)	2027-28 (BY+2)	2028-29 (BY+3)	2029-30 (BY+4)
Positions	0	0	0	0	0
Personal Services	0	0	0	0	0
Operating Expenses & Equipment	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000
Local Assistance	0	0	0	0	0
Total	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000
One-time	0	0	0	0	0
Ongoing	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000	\$ 2,412,000

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

Problem or Issue

The Supreme Court’s Capital Court Appointed Program received an increase of \$255,000 (a 4.57 percentage increase) in the 2017 Budget Act for its Capital Court Appointed Counsel Project Office (CAP-SF), in 2022-23 the Supreme Court approved internal funds for a pay parity increase of \$155,000 (2.67 percent) for CAP-SF’s employees only, and no new funds have been approved since 2007-08 for the ongoing increases in CAP-SF’s OE&E costs since 2007-08. Because of the lack of adequate funding increases for CAP-SF’s staff and ongoing increases in its operating equipment and expenses (OE&E), CAP-SF must reduce its reserves each year to close the gap in their operations. Even the appointment rate for capital cases is currently \$145 per hour and has been in place since October 2007, thus impacting new attorneys from accepting capital work.

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The Capital Court-Appointed Counsel Program’s ability to continue attracting qualified attorneys to apply for capital appointments continues to fall short of the number of annual death judgments. Even with the modest increase in salary for CAP-SF’s employees, CAP-SF continues to struggle to retain its most experienced attorney staff and employees. Several of the program’s most qualified staff attorneys and panel 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 2023-24 Price Book of \$170 per hour for external legal advice continues to stand in stark comparison to the current rate of \$145 per hour offered by the Supreme Court Capital Court-Appointed Counsel Program.

With the approval of this proposal many underrepresented groups would benefit from timely administration of justice. The National Academy of Sciences has estimated that approximately 4 percent of condemned inmates may be innocent, suggesting that as many as 14 of the California’s 364 unrepresented condemned inmates may have potentially meritorious claims of innocence. Many more likely have at least viable claims of unjust conviction and /or sentence. Racial and ethnic minorities are disproportionately impacted, with African Americans comprising approximately 35 percent of California’s death row (as compared to approximately 6 percent of the general population).

Background/History of Problem

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

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for indigent defendants.

Prior to 2004-05, the capital appointment rate was \$125 per hour. Effective October 1, 2005, the rate 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 \$145 per hour has been in place for over 15 years. The Supreme Court is requesting a \$40 per hour increase to raise the 2024 rate to \$185.

The Supreme Court is requesting an ongoing \$1.9 million (30 percent increase) in the annual contract for the Supreme Court’s Capital Appellate Project – San Francisco (CAP-SF).

CAP-SF cannot retain and hire experienced attorneys with adequate funds and address the continued increases in the operational costs for operating a non-profit organization. No permanent increase since 2017 has impacted the stability of the program. Below illustrates the continued increases in the cost of doing business from fiscal year 2016-17 vs 2022-23 and CAP-SF need the requested 30 percent increase.

CAP-SF Expenditures by Fiscal Year	2006-07 Actuals	2007-08 Actuals	2016-17 Actuals	2022-23 Actuals	% Increase Expenses from 2016-17 vs 2022-23	\$ Increase Expenses from 2016-17 vs 2022-23
Grand total Expenditures	\$5,003,036	\$5,124,378	\$5,135,078	\$6,202,572	21%	1,067,494

The above cost of doing business increases are ongoing pressures from increases in rent, technology, salary and benefits, payroll taxes, professional liability insurance, etc. The 21 percent increase in the cost of doing business from 2016-17 to 2022-23, reflects a \$1.1 million increase in business related cost pressures. The 30 percent increase will allow CAP-SF to provide adequate salary adjustments and operational areas.

Impact of Denial of Proposal

If denied, the Supreme Court and the Capital Project Office (CAP-SF) 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 job security. The Supreme Court Capital Project Office (CAP-SF) will continue to be underfunded and unable to absorb increased costs while struggling to maintain office operations, including recruitment and retention of experienced staff.

The capital appointment 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 Californians where families are seeking timely justice for the victims and the families of inmates 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 these funds to process these cases, innocent incarcerated inmates are serving longer times in prison, as the families on both sides continue to wait for their day in court and closure.

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Outcomes and Accountability of Proposal

Provide equal public access to justice, timely, and adequate legal representation for indigent appellants for capital appeals in California. The goal for CAP-SF 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. The requested funds will support CAP-SF in its contractual obligation by retaining experienced staff attorneys and recruiting experienced staff attorneys to support capital contractual services in a timely manner to the Supreme Court and appointed counsel in the CAC program for the represented and unrepresented appellants.

CAP-SF has experienced a 52.9 percent turnover since Jan. 2021 and Feb. 2024. Twenty-six percent of them had 5-10 years of experience, twenty-one percent had over 10 years of experience, fifteen percent had 3-5 years' experience, fifteen percent had 1-3 years' experience, fifteen percent had 6 months to 1 year experience, and five percent had less than 6 months of experience. Thirty-six percent of them left for other employment

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: Branch wide 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 Judicial Council'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." 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 JB 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 Name: Deborah Collier-Tucker, Manager ACS