



Judicial Council of California
Judicial Branch Budget Committee

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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN IN-PERSON MEETING

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

THIS MEETING IS BEING RECORDED

Date: Thursday, July 11, 2024
Time: 1:15 p.m. – 2:45 p.m.
Location: 455 Golden Gate Avenue, San Francisco, CA 94102, Redwood Room
Public Videocast: <https://jcc.granicus.com/player/event/3214>

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 June 4, 2024, Judicial Branch Budget Committee meeting.

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

In-Person Public Comment

Members of the public requesting to speak during the public comment portion of the meeting must place the speaker's name, the name of the organization that the speaker represents if any, and the agenda item that the public comment will address, on the public comment sign-up sheet. The sign-up sheet will be available at the meeting location at least 30 minutes prior to the meeting start time. The Chair will establish speaking limits at the beginning of the public comment session. While the advisory body welcomes and encourages public comment, time may not permit all persons requesting to speak to be heard at this meeting.

Written Comment

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to JBBC@jud.ca.gov. Only written comments received by Wednesday, July 10, 2024, at 1:15 p.m. will be provided to advisory body members prior to the start of the meeting.

III. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Budget Act of 2024

Update on the Budget Act of 2024.

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

Info 2

Funding Methodology Subcommittee Annual Work Plan

Update on the annual work plan for the Funding Methodology Subcommittee of the Trial Court Budget Advisory Committee.

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

Ms. Rose Lane, Senior Analyst, Judicial Council Budget Services

IV. ADJOURNMENT

Adjourn



JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

June 4, 2024

1:15 p.m. – 2:15 p.m.

<https://jcc.granicus.com/player/event/3588>

Advisory Body Members Present: Hon. Ann C. Moorman, Chair; Mr. David H. Yamasaki, Vice Chair; Hon. Carin T. Fujisaki; Hon. Maria Lucy Armendariz; Hon. Charles S. Crompton; and Ms. Rachel W. Hill

Advisory Body Members Absent: Hon. Brad R. Hill and Hon. C. Todd Bottke

Others Present: Ms. Shelly Curran, Mr. Zlatko Theodorovic, Ms. Fran Mueller, Mr. Chad Finke, Ms. Angela Cowan, Ms. Donna Newman, Ms. Sarah Rattanasamay, and Ms. Keng Saefong

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 1:17 p.m. and took roll call.

Approval of Minutes

The committee approved the minutes of the May 16, 2024, Judicial Branch Budget Committee (Budget Committee) meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

Item 1: Community Assistance, Recovery, and Empowerment (CARE) Act Allocations for 2024–25 (Action Required)

Consideration of Trial Court Budget Advisory Committee recommendations for 2024–25 allocations for the CARE Act.

Action: The Budget Committee voted to approve the following Trial Court Budget Advisory Committee (TCBAC) recommendations for consideration by the Judicial Council at its July 12, 2024, business meeting:

1. Continue all elements of the allocation methodology approved in fiscal year 2023–24, including employing the Workload Formula and the funding base already defined;
2. Approve, for Cohort One courts and Los Angeles, an allocation based on the amount required for a full year of CARE Act implementation; and
3. Approve, for Cohort Two courts, an allocation prorated to the amount required for a full year of CARE Act implementation.

Item 2: Court Report Allocations for 2024–25 (Action Required)

Consideration of TCBAC recommendations for 2024–25 allocations to increase the number of court reporters in family law and civil case types.

Action: The Budget Committee voted to approve the following TCBAC recommendations with clarified language for recommendation 2, for consideration by the Judicial Council at its July 12, 2024, business meeting:

1. *Allocate the \$20 million to the trial courts on a proportional basis using the council-approved methodology with updated assessed judicial need data based on the 2022 Judicial Needs Assessment as outlined in Attachment A.*
2. *Direct Judicial Council staff to survey the courts after allocations are distributed to the trial courts as soon as practical, but no later than mid-year of fiscal year 2024–25, for a one-time redistribution of unspent funds to ensure the full appropriation is maximized to increase the number of court reporters in family law and civil cases.*

Item 3: Allocations from the Trial Court Trust Fund (TCTF) for 2024–25 (Action Required)

Consideration of TCBAC recommendations for 2024–25 allocations from the TCTF.

Action: The Budget Committee voted to approve the following TCBAC recommendations for consideration by the Judicial Council at its July 12, 2024, business meeting:

1. *Consumer Price Index funding included in the budget to address inflationary costs for the trial courts is not considered “new money” for the purpose of allocating funding via the Workload Formula and, therefore, revise the definition of “new money” in the policy to exclude Consumer Price Index funding.*
2. *Base, discretionary, and nondiscretionary program allocations from the TCTF and General Fund in the amount of \$3 billion (Attachment 3B, column AC), including:*
 - *TCTF allocation of \$50 million for support for operation of the trial courts (Attachment 3B, column B); and*
 - *General Fund allocation of \$68.8 million for employee benefits (Attachment 3B, column T).*
3. *As a subset of the \$3 billion total allocation, a Workload Formula allocation of \$2.5 billion based on methodologies approved by the Judicial Council (Attachment 3C, column X).*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 2:06 p.m.

Approved by the advisory body on .

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Judicial Branch Budget Committee
(Information Item)

Title: Funding Methodology Subcommittee Annual Work Plan Update
Date: 7/11/2024
Contact: Rose Lane, Senior Analyst, Budget Services
916-643-6926 rosemary.lane@jud.ca.gov

Issue

Overview of updates to the Funding Methodology Subcommittee’s (FMS) annual work plan for 2024–25 and beyond.

Background

The FMS prepares an annual work plan that guides its work to (1) review and refine the Workload Formula and (2) evaluate existing allocation methodologies and consider alternative methodologies to advance the goal of funding equity and stability to support trial court operations. The work plan is reviewed and approved by the Trial Court Budget Advisory Committee (TCBAC) in July of each year.

Last year’s work plan approved by the TCBAC on July 6, 2023, is included as Attachment 1A. The 2024 TCBAC Annual Agenda includes projects in the FMS work plan, such as the evaluation of the court cluster system and an allocation methodology for Court Interpreter Program funding (Attachment 1B).

Work Plan Updates

Updates to the annual work plan approved by the TCBAC at its July 2, 2024, meeting¹ are outlined below:

Ongoing Through 2024–25

- 1. Develop an ongoing, workload-based methodology for allocation of Court Interpreter Program funding including, but not limited to, video remote interpreting and cross assignments, effective in 2024–25.**

¹ Trial Court Budget Advisory Committee Meeting Notice and Agenda (July 2, 2024), <https://www.courts.ca.gov/documents/tcbac-20240702-noticeandagenda.pdf>;
Trial Court Budget Advisory Committee Meeting Materials (July 2, 2024), <https://www.courts.ca.gov/documents/tcbac-20240702-materials.pdf>.

Remove this item from the work plan as Judicial Council staff from the Center for Families, Children & the Courts' Language Access Services Program report a significant decline in the need for video remote interpreting based on data collected in the Court Interpreter Data Collection System². Additionally, courts are billing each other for cross assignments as needed.

2. Reevaluate the court cluster system which is determined by the number of Authorized Judicial Positions.

Move this item to 2024–25 to provide additional time for the Data Analytics Advisory Committee to review the statewide four-cluster model and its criteria. Trial courts' cluster placement is one of the factors under review in the workload study.

3. Consider further refinements to the Workload Formula policy, including methodologies to allocate future budget reductions and/or the restoration of funding that had previously been reduced due to budget shortfalls.

Add this item to the work plan as the current Workload Formula policy states that allocations in fiscal years for which a reduction must be implemented will be addressed as needed. Further, there may be value in clarifying now the allocation methodology to be used to the extent that a future budget will restore funding to the trial courts that had previously been reduced.

4. Reevaluate the Trial Court Minimum Operating and Emergency Fund Balance Policy.

Add this item to the work plan as the current Trial Court Minimum Operating and Emergency Fund Balance policy has been suspended since 2012–13 and determine if it should be repealed at a future time based on the state-level emergency reserve and fund balance cap.

Annual Updates

5. Review the base funding floor amounts annually, if requested by the applicable courts, for consideration by the TCBAC no later than December of each year, to determine whether an inflationary adjustment is needed.

Retain this item on the work plan as an ongoing process for the funding floor courts to request augmentations as needed to support their core operations.

² Language Access Metrics Report (Spring 2024), <https://languageaccess.courts.ca.gov/sites/default/files/partners/default/2024-04/lap-metrics-report-2024-spring.pdf>

6. Review Workload Formula Adjustment Request Process submissions as referred by the TCBAC chair.

Retain this item on the work plan as the policy requires the FMS to review annual Adjustment Request Process submissions from the trial courts and to prioritize the requests in its work plan (Attachment 1C). In January 2024, one submission was received for the most recent annual cycle from the Superior Court of Fresno County. It was determined that the workload items included in the submission are already accounted for in the Workload Formula. Therefore, no further action is required.

Attachments

Attachment 1A: FMS Work Plan, as approved on July 6, 2023

Attachment 1B: 2024 TCBAC Annual Agenda

Attachment 1C: Workload Formula Adjustment Request Procedures

Attachment 1D: FMS Work Plan, as approved on July 2, 2024

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN
As approved by the Trial Court Budget Advisory Committee on July 6, 2023

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

Ongoing Through 2023-24

1. Develop an ongoing, workload-based methodology for allocation of Court Interpreter Program funding including, but not limited to, video remote interpreting and cross assignments, effective in 2024-25.
2. Reevaluation of the cluster system to be addressed by the new Data Analytics Advisory Committee.

Annual Updates

3. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the Trial Court Budget Advisory Committee no later than December, to determine whether an inflationary adjustment is needed.
4. Review of Workload Formula Adjustment Request Process submissions as referred by the Trial Court Budget Advisory Committee Chair.

Trial Court Budget Advisory Committee**Annual Agenda¹—2024****Approved by Judicial Branch Budget Committee: January 18, 2024****I. COMMITTEE INFORMATION**

Chair:	Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Lead Staff:	Ms. Rose Lane, Senior Analyst, Judicial Council Budget Services
<p>Committee's Charge/Membership:</p> <p>Rule 10.64(a) of the California Rules of Court states the charge of the Trial Court Budget Advisory Committee is to make recommendations to the Judicial Council on the preparation, development, and implementation of the budget for trial courts and provide input to the council on policy issues affecting trial court funding. Rule 10.64(b) sets forth additional duties of the committee.</p> <p>Rule 10.64(c) sets forth the membership requirements of the committee. The Trial Court Budget Advisory Committee currently has 24 members. The current committee roster is available on the committee's web page.</p>	
<p>Subcommittees/Working Groups²:</p> <ol style="list-style-type: none"> 1. Fiscal Planning Subcommittee – Review recommendations regarding trial court requests to set aside funds on their behalf that have reverted to the Trial Court Trust Fund pursuant to Government Code section 77203. This subcommittee also reviews requests from trial courts that relate to Children's Waiting Room funding. 2. Funding Methodology Subcommittee – Ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreters Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary. Additionally, the subcommittee will continue its ongoing work to evaluate existing allocation methodologies and consider alternative methodologies to advance the goal of funding equity and stability to support trial court operations. 3. Revenue and Expenditure Subcommittee – Ongoing review of Trial Court Trust Fund and State Trial Court Improvement and Modernization Fund allocations supporting trial court projects and programs as well as any systematic cash flow issues affecting the trial courts. 	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, [rule 10.30 \(c\)](#) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

4. Ad Hoc Interpreter Working Group – Develop an ongoing, workload-based methodology for allocation of Court Interpreters Program funding including, but not limited to, video remote interpreting and cross-assignments.
5. Ad Hoc Funds Held on Behalf Working Group – Review of current Trial Court Trust Fund Funds Held on Behalf of the Trial Courts guidelines to develop recommendations to increase program efficiency and transparency.

Meetings Planned for 2024³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

Trial Court Budget Advisory Committee

January 2024/Videoconference; February 2024/Videoconference; May 2024/Videoconference; July 2024/ Videoconference; September 2024/In-person; November 2024/Videoconference

Funding Methodology Subcommittee

April 2024/Videoconference; June 2024/ Videoconference, October 2024/Videoconference

Fiscal Planning Subcommittee

April 2024/Videoconference; September 2024/Videoconference; October 2024/Videoconference

Revenue and Expenditure Subcommittee

April 2024/Teleconference, August 2024/Teleconference

Check here if exception to policy is granted by Executive Office or rule of court.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Project Title Firearms Relinquishment Grant Program	Priority 1 ⁵
<p data-bbox="170 318 1942 574">Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of \$40 million one-time General Fund included in the 2022 Budget Act, of which \$36 million is to be distributed to trial courts to support court-based firearm relinquishment programs. The Family and Juvenile Law Advisory Committee and Trial Court Budget Advisory Committee’s recommendation to allocate \$18.5 million to seven trial courts in the first grant cycle was approved by the Judicial Council at its January 20, 2023 business meeting. A subsequent recommendation to allocate \$1.5 million to one additional trial court in the second grant cycle was approved by the Judicial Council at its May 12, 2023 business meeting. The funding for these programs must be spent or encumbered by June 30, 2025.</p> <p data-bbox="170 613 533 646">Status/Timeline: One-time.</p> <p data-bbox="170 685 1411 717">Fiscal Impact/Resources: Center for Families, Children & the Courts and Budget Services staff.</p> <p data-bbox="170 727 1919 802"><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. The committee will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="170 841 1184 873">Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p data-bbox="170 912 1503 945">AC Collaboration: Family and Juvenile Law Advisory Committee; Judicial Branch Budget Committee.</p>		

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to or accurately reflect the law; 1(b) Council or an internal committee has directed the committee to consider new or amended rules and forms; 1(c) Change is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(d) Proposal is otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk. 2(a) Useful, but not necessary, to implement changes in law; 2(b) Responsive to identified concerns or problems; 2(c) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

# New or One-Time Projects ⁴		
2.	Project Title Court Cluster System	Priority 2⁵
		Strategic Plan Goal⁶VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from a Funding Methodology Subcommittee recommendation made on February 20, 2020 to initiate an ad hoc subcommittee to reevaluate the cluster system to identify potential opportunities for refinement or change. On July 6, 2023, the Trial Court Budget Advisory Committee approved updates to the annual Funding Methodology Subcommittee workplan, which included redirecting the court cluster system project to be addressed by the new Data Analytics Advisory Committee, which replaced the former Workload Assessment Advisory Committee. The project outcome could potentially impact the statewide four-cluster system and/or its criteria.</p> <p>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Business Management Services’ Office of Court Research and Budget Services staff.</p> <p><input checked="" type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. The committee will coordinate with Budget Services to ensure their review of relevant materials.</p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Data Analytics Advisory Committee; Judicial Branch Budget Committee.</p>		
3.	Project Title Funds Held on Behalf Policy Update	Priority 2⁵
		Strategic Plan Goal⁶VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. In October 2023, the Fiscal Planning Subcommittee Ad Hoc Funds Held on Behalf Working Group was established. The working group was charged with evaluating the process, application, and distribution components of the Funds Held on Behalf of the Trial Courts program. The working group met several times during November and December 2023 to develop recommendations for process and policy improvements. These recommendations will be considered at the January 22, 2024 Trial Court Budget Advisory Committee meeting and by the Judicial Council at its March 24, 2024 business meeting.</p> <p>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Budget Services staff.</p> <p><input checked="" type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. The committee will coordinate with Budget Services to ensure their review of relevant materials.</p>		

#	New or One-Time Projects ⁴
	<p data-bbox="176 188 1184 220"><i>Internal/External Stakeholders:</i> External stakeholders include the trial courts.</p> <p data-bbox="176 261 888 293"><i>AC Collaboration:</i> Judicial Branch Budget Committee.</p>

# Ongoing Projects and Activities ⁴		
1.	<i>Project Title Allocations to the Trial Courts</i>	<i>Priority 1⁵</i>
		<i>Strategic Plan Goal⁶ VII</i>
<p><i>Project Summary⁷</i>: Part of the charge of the committee pursuant to rule 10.64. The Trial Court Budget Advisory Committee recommended that the Judicial Council allocate \$3 billion to the trial courts, including \$2.8 billion from the Trial Court Trust Fund, which included \$74.1 million General Fund for inflationary costs and \$207.8 million General Fund for employee benefits, pretrial funding, implementation of the Community Assistance, Recovery, and Empowerment Act, and for support of trial court operations for 2023–24. The Trial Court Budget Advisory Committee also recommended approval of the Workload Formula allocation of \$2.5 billion (a subset of the total \$3 billion allocation) based on recommended methodologies. The allocations were approved by the Judicial Council at its July 21, 2023 business meeting.</p> <p>The Trial Court Budget Advisory Committee will continue to make recommendations to the council on the preparation, development, and implementation of the budget for trial courts and provide input to the council on policy issues affecting trial court funding. This will include an ongoing evaluation of existing allocation methodologies and consideration of alternative methodologies to advance the goal of funding equity and stability to support trial court operations.</p> <p><i>Status/Timeline:</i> Ongoing.</p> <p><i>Fiscal Impact/Resources:</i> Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. The committee will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><i>Internal/External Stakeholders:</i> External stakeholders include the trial courts.</p> <p><i>AC Collaboration:</i> Judicial Branch Budget Committee.</p>		
2.	<i>Project Title Workload Formula Adjustment Request Process (ARP)</i>	<i>Priority 1⁵</i>
		<i>Strategic Plan Goal⁶ VII</i>
<p><i>Project Summary⁷</i>: Part of the charge of the committee pursuant to rule 10.64. At its August 22, 2013 meeting, the Judicial Council approved the Trial Court Budget Advisory Committee’s recommendation to adopt the Workload Formula Adjustment Request Process to allow courts an annual opportunity to submit recommendations for changes to the Workload Formula. The project outcome is expected to assist the courts and the council with ongoing review and refinement of the Workload Formula to support trial court operations.</p> <p><i>Status/Timeline:</i> Ongoing.</p>		

#	Ongoing Projects and Activities⁴	
	<p>Fiscal Impact/Resources: Business Management Services’ Office of Court Research and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. The committee will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Data Analytics Advisory Committee.</p>	
3.	Project Title Community Assistance, Recovery, and Empowerment (CARE) Act	Priority 1⁵
	<p>Strategic Plan Goal⁶VII</p> <p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of a new required court-based mental health services engagement and oversight program. The 2023 Budget Act included \$29.5 million for the trial courts for program planning and implementation. Of that amount, \$21.7 million was allocated to Cohort One trial courts (Glenn, Orange, Riverside, San Diego, San Francisco, Stanislaus, Tuolumne, and Los Angeles) and \$7.7 million to Cohort Two courts to support implementation in 2024–25. The Trial Court Budget Advisory Committee recommended utilizing the Workload Formula methodology to allocate the 2023–24 CARE Act funding to all participating courts in 2023–24 and in subsequent years. This methodology was approved by the Judicial Council at its July 21, 2023 business meeting. The allocation for Los Angeles Superior Court was approved by the council at it September 19, 2023 meeting, as Los Angeles was added to Cohort One late in the budget process and was not included in the allocations approved by the council in July.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Center for Families, Children & the Courts and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. The committee will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
4.	Project Title Court Interpreter Funding Methodology	Priority 2⁵
	Strategic Plan Goal⁶VII	

Ongoing Projects and Activities⁴

Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated due to the declining fund balance in the Trial Court Trust Fund Court Interpreters Program (0150037). The Ad Hoc Interpreter Working Group was established to develop a methodology for allocations from the Court Interpreters Program in the event of a funding shortfall and to review existing methodologies. The working group made a recommendation to the Trial Court Budget Advisory Committee that was approved by the Judicial Council on July 24, 2020, to allocate the 2020 Budget Act appropriation to the trial courts, replacing the prior reimbursement process. Effective July 1, 2022, the Judicial Council approved an update to the methodology that incorporates the prior three years' interpreter expenditures and allocates funding up to the appropriation amount. Unspent funds will reimburse courts with a shortfall. On January 20, 2023, the Judicial Council approved additional recommendations to the methodology to exclude the 2020–21 pandemic year in the three-year average expenditure data indefinitely, utilize Court Interpreters Program fund balance to make courts whole in the event court savings are insufficient up to the appropriation amount, and approve a cross-assignment reimbursement process. The working group will continue its work in 2024 to consider if data on video remote interpreting can be utilized in the methodology for consideration by the Trial Court Budget Advisory Committee and Judicial Branch Budget Committee. The project outcome anticipates that allocations will not exceed the program appropriation using a workload-based methodology based on the most reliable data available.

Status/Timeline: Ongoing.

Fiscal Impact/Resources: Center for Families, Children & the Courts and Budget Services staff.

This project may result in an allocation or distribution of funds to the courts. The committee will coordinate with Budget Services to ensure their review of relevant materials.

Internal/External Stakeholders: External stakeholders include the trial courts.

AC Collaboration: Judicial Branch Budget Committee.

III. LIST OF 2023 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p>Workload Formula, State Trial Court Improvement and Modernization Fund, and Trial Court Trust Fund Allocations</p> <p>The Trial Court Budget Advisory Committee and Judicial Branch Budget Committee made 2023–24 recommendations to the Judicial Council that included State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund allocations to support trial court programs and operations. The recommendations included allocations of \$45.2 million from the Improvement and Modernization Fund and approximately \$3 billion from the Trial Court Trust Fund, which were approved by the Judicial Council at its July 21, 2023 business meeting.</p>
2.	<p>Allocation Methodologies for SB 154 and SB 101 Backfill Funding</p> <p>The Funding Methodology Subcommittee recommended allocation methodologies for trial court backfill funding, developed in consultation with the Department of Finance, related to the expansion of eligibility for civil filing fee waivers and elimination of certain criminal fees. The Trial Court Budget Advisory Committee approved the recommendation for the five-year revenue collection methodology for allocation of \$689,000 in backfill funding to the trial courts for 2022–23 and ongoing. For 2023–24, trial courts will receive a total of \$1.4 million, which includes the annual backfill amount for 2022–23 and 2023–24. In addition, the Trial Court Budget Advisory Committee approved the five-year average revenue collection methodology for allocation of \$826,000 in backfill funding to the trial courts for 2023–24 and ongoing. The recommendations were approved by the Judicial Council at its September 19, 2023 business meeting.</p>
3.	<p>Civil Assessment Allocation Methodology</p> <p>Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of new, ongoing funding included in the 2022 Budget Act to backfill civil assessment fee revenue loss due to the reduction in the amount of the civil assessment from \$300 to \$100 and one-time elimination of prior debt. Civil assessment revenues are now deposited into the General Fund rather than the Trial Court Trust Fund. The Trial Court Budget Advisory Committee’s recommended allocation methodology for the \$110 million was approved by the Judicial Council at its July 15, 2022 business meeting. Beginning in 2023–24, the amount of civil assessment backfill funding is \$100 million ongoing. The Judicial Council approved the Trial Court Budget Advisory Committee’s recommendation to allocate the ongoing \$10 million reduction at its September 20, 2022 business meeting.</p>
4.	<p>Court Reporter Funding</p> <p>Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of \$30 million ongoing General Fund included in the 2021 Budget Act to increase the number of court reporters in family law and civil law case types. The Ad Hoc Court Reporter Funding Subcommittee was established to develop a methodology for allocating the funding to all trial courts. The Trial Court</p>

#	Project Highlights and Achievements
	<p>Budget Advisory Committee’s recommendation to allocate the \$30 million proportionally based on the most-recently published Assessed Judicial Need, after a funding floor is provided, beginning in 2021–22, was approved by the Judicial Council at its January 22, 2022 business meeting. This established allocation methodology is used to allocate funding included in the annual budget to the trial courts to increase the number of court reporters in family and civil law case types.</p>
5.	<p>Increased Transcript Rates</p> <p>Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of \$7 million ongoing General Fund included in the 2021 Budget Act to address the costs associated with increased transcript rates. The Ad Hoc Court Reporter Funding Subcommittee was established to develop a methodology for allocating the funding to all trial courts. The Trial Court Budget Advisory Committee’s recommendation to allocate the \$7 million proportionally in one lump sum using an average of the prior three-year transcript expenditures was approved by the Judicial Council at its January 21, 2022 business meeting. The recommendation also established a baseline for identifying cost increases based on the most-recently published Assessed Judicial Need after a funding floor is provided, beginning in 2021–22. This established allocation methodology is used to allocate funding included in the annual budget to the trial courts to cover the cost of increased transcript rates.</p>
6.	<p>State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund Allocation Adjustments</p> <p>Part of the charge of the committee pursuant to rule 10.64. The project originated from requests from several Judicial Council offices to increase their approved allocations from the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund to address unanticipated funding needs in support of the trial courts. The Revenue and Expenditure Subcommittee and Trial Court Budget Advisory Committee acted promptly to consider the requests to ensure the funding adjustments occurred timely to meet the needs of the trial courts and comply with related rules of court. The Trial Court Budget Advisory Committee and Judicial Branch Budget Committee advanced the respective recommendations for these requests which were approved by the Judicial Council at various business meetings.</p>

***Workload-Based Allocation and Funding Methodology (WAFM)
Adjustment Request Procedures***

The submission, review and approval process shall be under the direction of the Judicial Council and would be as follows:

1. Initial requests shall be submitted to the Administrative Director either by the trial court's Presiding Judge or Executive Officer no later than January 15 of each year, commencing January 15, 2018.
2. The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director of the Judicial Council Budget Services, in consultation with the Chair of the TCBAC shall review each request and refer the request to the Funding Methodology Subcommittee at the April meeting of the TCBAC.
3. The Funding Methodology Subcommittee shall review the referral from TCBAC and prioritize the request into the proposed annual work plan to be submitted back to TCBAC in July of the new fiscal year.
4. Once prioritized, requests will be evaluated by the TCBAC's Funding Methodology Subcommittee. The review of WAFM Adjustment Requests shall include a three-step process including:
 - a) initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to WAFM;
 - b) evaluation of whether and how the modification should occur; and
 - c) evaluation of whether, for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS), an interim adjustment should be made to a trial court's WAFM funding need pending a more formal adjustment to the RAS model.
5. The Funding Methodology Subcommittee shall review any requests and present its recommendation(s) to the TCBAC no later than January prior to the year proposed for implementation.
6. The TCBAC shall make final recommendations to the Judicial Council for consideration no later than March/April Judicial Council meeting. Requested adjustments that are approved by the Judicial Council shall be included in the allocation based on the timing included in the recommendation. TCBAC will make no further recommendations for changes to the WAFM formulae impacting the next fiscal year after the March/April Judicial Council meeting of the current fiscal year.

Upon approval by the Judicial Council of an adjustment to WAFM, the Director of the Budget Services, in consultation with the TCBAC, shall notify all trial courts. (In some circumstances, the nature of the adjustment will automatically apply to all courts.

7. Adjustments to WAFM will impact the funding need for each trial court that is subject to the adjustment, along with the overall statewide funding need. Therefore, final allocations will be implemented consistent with the WAFM allocation implementation plan as approved by the Judicial Council or as amended in the future. Because funding need is currently greater than available funding and because only a portion of trial court funding

***Workload-Based Allocation and Funding Methodology (WAFM)
Adjustment Request Procedures***

is currently allocated under the WAFM, allocated funding will not equal, and may be substantially less than, the funding need identified for the adjustment being made, just as the allocated funding is substantially less than the entire WAFM funding need.

8. This policy does not preclude the Funding Methodology subcommittee from taking expedited action per the direction of the TCBAC committee.

Trial courts requesting an adjustment in accordance with the WAFM Adjustment Request Process shall be required to submit detailed information documenting the need for such adjustment. The Director of Budget Services shall develop an application form that solicits at minimum, the following information:

1. A description of how the factor is not currently accounted for in WAFM.
2. Identification and description of the basis for which the adjustment is requested.
3. A detailed analysis of why the adjustment is necessary.
4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.
5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.
6. Description of the consequence to the public and access to justice without the funding.
7. Description of the consequences to the requesting court(s) of not receiving the funding.
8. Any additional information requested by the JCC Budget Services, Funding Methodology Subcommittee, and/or TCBAC deemed necessary to fully evaluate the request.

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN
As approved by the Trial Court Budget Advisory Committee on July 2, 2024

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

Ongoing Through 2024-25

1. Reevaluate the court cluster system which is determined by the number of Authorized Judicial Positions.
2. Consider further refinements to the Workload Formula policy, including methodologies to allocate future budget reductions and/or the restoration of funding that had previously been reduced due to budget shortfalls.
3. Reevaluate the Trial Court Minimum Operating and Emergency Fund Balance Policy.

Annual Updates

4. Review the base funding floor amounts annually, if requested by the applicable courts, for consideration by the Trial Court Budget Advisory Committee no later than December of each year, to determine whether an inflationary adjustment is needed.
5. Review Workload Formula Adjustment Request Process submissions as referred by the Trial Court Budget Advisory Committee Chair.