



JUDICIAL COUNCIL OF CALIFORNIA

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Chief Justice of California
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MR. MARTIN HOSHINO
Administrative Director,
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TECHNOLOGY COMMITTEE

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Date

April 4, 2022

Action Requested

Please Review

To

Technology Committee

Deadline

April 6, 2022

From

Hon. Kyle S. Brodie,
Chair, Judicial Council Technology
Committee

Contact

Kyle S. Brodie
kbrodie@sb-court.org

Heather L. Pettit
Heather.Pettit@jud.ca.gov

Subject

Technology-Related Budget Change
Concepts

Dear Technology Committee,

We have been asked to review the five attached technology-related Budget Change Concepts (BCCs) that were approved by the Judicial Branch Budget Committee at its March 9, 2022 open meeting. When the Budget Committee approves a BCC that involves technology, our committee must review the BCC to ensure that it aligns with our strategic plan for technology.

As you know, the Technology Committee is charged with overseeing the council's policies concerning technology and the funding of branchwide initiatives and projects. Under California Rules of Court, rule [10.16\(g\)](#), the committee "*reviews, prioritizes, and recommends requests for the funding of branchwide technology initiatives and projects with input from advisory committees. Factors to be considered by the committee include overall return on investment, business risk, alignment with the technology goals approved by the council in the strategic technology plan, and the availability of sufficient funding from an identifiable funding source.*"

Consistent with our charter, our committee must review five BCCs. They have been summarized below, but the full text has been sent to you along with this email, and may also be found here:

<https://www.courts.ca.gov/documents/jbbc-20220309-materials.pdf>.

Because prompt action is needed and there is not sufficient time to convene a meeting prior to the April 8 due date, I deemed an action by email necessary.

All of the potential BCCs appear to be in alignment with the Judicial Council approved *Strategic and Tactical Plans for Technology*. They align with Strategic Plan Goal 1: Promote the Digital Court and Goal 3: Advance IT Security and infrastructure.

Branchwide IT Modernization Funding (23-11)

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

ACS Proposition 66 Costs in the Courts of Appeal (23-16)

This funding is to support new workload and costs associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 in the Courts of Appeal. The Judicial Council of California (JCC) is requesting 14.5 positions and \$8.93 million General Fund in 2023-24; \$8.76 million General Fund in 2024-25; and \$8.76 million General Fund ongoing to support new workload and costs associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 (Prop 66) in the Courts of Appeal including appointed counsel, investigation, records storage, and technology upgrades

Self-Help Centers - Expanding In-Person, Remote and On-Line Services (23-19)

This funding is to address the next step in implementing recommendations of the Chief Justice's Commission on the Future of California's Court System regarding the 4.3 million Californians who come to court each year without an attorney. This will support two key initiatives (1) Expanding Self-Help Centers in courts to address unmet needs through in-person and remote services; and (2) Resources for information and collaboration to enable courts to expand into unmet areas of civil law and increase efficiency and effectiveness by expanding on-line, interactive resources for self-represented litigants. The Judicial Council of California (JCC) requests 5.0 positions and \$27.428 million in General Fund in 2023-24 and \$27.371 million in 2024-25 and annually thereafter

Legal Support for Court Rules and User-Friendly Forms (23-20)

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

Language Access Efforts in the California Courts (23-21)

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

Additional Detail

Three of these technology-related BCCs were previously reviewed by the committee as part of the 2022-23 Budget Change Proposal cycle. The Branchwide IT Modernization Funding BCC (no. 23-11) was presented at the February 8, 2021 [open meeting](#) and is currently in the proposed budget; however, if it is *not* funded, the BCC will be resubmitted. The Self-Help Centers (no. 23-19) and the Language Access Efforts in the California Courts (no. 23-21) were presented at the March 8, 2021 [open meeting](#) of the Judicial Council Technology Committee. The committee found at that time that they aligned with the branch’s technology goals. However, they were not funded in the budget and are being resubmitted.

The two new BCCs are ACS Proposition 66 Costs in the Courts of Appeal (no. 23-16) and Legal Support for Court Rules and User-Friendly Forms (no. 23-20).

Finally, although not a part of the action being requested here, if the Branchwide IT Modernization Funding is not funded in the 2022-23state budget, it will be submitted so that it might be considered for the 2023-24 budget cycle.

As discussed above, all of the potential BCCs appear to be in alignment with the Judicial Council approved *Strategic and Tactical Plans for Technology*, in that they align with Strategic Plan Goal 1: Promote the Digital Court and Goal 3: Advance IT Security and infrastructure. However, should you wish to review any of these proposals at a meeting, please reach out to me.

Thank you for reviewing these BCCs.

Sincerely,



Hon. Kyle S. Brodie, Chair
Judicial Council Technology Committee

Attachment

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

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

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

Does this proposal require a statutory change? Yes No

Estimated Cost (Rounded to thousands) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	27.0	6,372,000	28,161,000		34,533,000
2024-25	GF	42.0	9,358,000	29,161,000		38,519,000
2025-26	GF	50.0	10,846,000	29,161,000		40,007,000
2026-27						
2027-28						
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	40,007,000
					One-Time	0

Judicial Branch
2023-24 Budget Change Proposal Concept
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Problem or Issue

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

Current modernization efforts for the courts are based on the concept of the “Digital Court”, specifically increased access to the courts, administration of justice in a timely and efficient manner, and optimization of case processing by implementing comprehensive digital services for the public and for justice partners.

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

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

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

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

**Judicial Branch
2023-24 Budget Change Proposal Concept
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Background/History of Problem

The judicial branch received one-time funding of \$25 million each year in 2020-21 and 2021-22 for trial court modernization to benefit the public. It is important to note that the Courts of Appeal and Supreme Court were not included in this modernization funding. For the trial courts, the Judicial Council Technology Committee (Technology Committee) conducted extensive outreach to all the courts to determine a roadmap for technology initiatives to improve access to justice. A survey conducted in 2020, which included responses from all 58 counties provided insights on the immediate needs of the trial courts. The top five priorities for the courts are: 1) Remote Appearance Technology, 2) Digital Court Records, 3) Next Generation Cloud Services, 4) Digital Services, and 5) Data Driven Forms.

Other key needs identified by the courts' responses included Digital Evidence and Notification & Messaging solutions. The survey also indicated that most of the courts are just beginning their journey to implement these technology solutions. The first year (2020-21) of the Modernization Funding focused on advancing these top priorities for the trial courts. By analyzing the survey results, the Technology Committee also gained insight into where each of the courts stand in their implementation of the goals and objectives of the digital court. It became clear, however, there is a significant range across the trial courts in the use of technology to support public services, largely due to lack of resources and expertise. Therefore, designing a strategy to assist courts on their journey to the digital court based on their current level of technical maturity is critical.

The Technology Committee determined that providing funding directly to courts for their implementation of the digital court, and assisting courts in their implementation journey was needed to ensure success. The Technology Committee also recognized the need for funding branch initiatives that align with the Chief Justice's vision for Access 3D: Physical, remote, and equal access. In preparation for the second year (2021-22) of the Modernization funding, the Technology Committee worked with the courts on their roadmap and implementation strategies for using technology to modernize their operations and provide better access to the public and court users.

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

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

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

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

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

Impact of Denial of Proposal

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

Outcomes and Accountability of Proposal

With the one-time modernization money, the Technology Committee has created a governance model that has proven very successful. This was achieved by aligning financial allocations to the courts and programs to the goals and objectives outlined in the digital court goal of the judicial branch technology strategic and tactical plans. The model includes review and approval of all projects and programs being funded by the modernization money, as well as pre-defined reporting criteria and success metrics. The base requirements for any program related to modernization, must contain the following components: benefit the public, comply with branchwide policies and standards, be vetted and approved by the Technology Committee, fall into one of the Judicial Council approved categories, and have measurable outcomes reported quarterly to the Technology Committee. Each program category also has key requirements.

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Required Review/Approval

Information Technology Advisory Committee
Technology Committee

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

Goal I: Access, Fairness, and Diversity
Goal III: Modernization and Management of Administration

Approval

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

Director Signature: *Heather Pettit*

Contact Name: **Heather Pettit**

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

Requesting Entity	Administrative Presiding Justices Advisory Committee
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Proposal Title	Proposition 66 Costs in the Courts of Appeal
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Proposal Summary

The Judicial Council of California (JCC) is requesting 14.5 positions and \$8.93 million General Fund in 2023-24; \$8.76 million General Fund in 2024-25; and \$8.76 million General Fund ongoing to support new workload and costs associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 (Prop 66) in the Courts of Appeal including appointed counsel, investigation, records storage, and technology upgrades.

Does this proposal require a statutory change? Yes No

Estimated Cost (Rounded to thousands) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	14.5	\$3,993,000	\$4,932,000	\$0	\$8,925,000
2024-25	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
2025-26	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
2026-27	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
2027-28	GF	14.5	\$3,993,000	\$4,766,000	\$0	\$8,759,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$8,759,000
					One-Time	\$166,000

Problem or Issue

Approximately 150 petitions are currently pending in the superior courts that will likely result in an appeal under Proposition 66. The estimated workload calculation projects that one-fourth (1/4) of the pending 150 cases will be appealed in each year beginning in fiscal year 2023-24. There is also a backlog of inmates on California's death row who have the right to counsel in state post-conviction proceedings but currently must wait as long as 24 years for appointment of an attorney. The Courts of Appeal cannot absorb the new workload from the superior courts. These delays in appointment of counsel are not only against the interests of justice and fairness, but substantially increase both the litigation costs of each case and the incarceration costs associated with the delay in providing a substantial number of condemned inmates potential relief from their death judgments. As of mid-2018, 367 inmates were without habeas counsel. Although the issue of responsible party for payment to appointed counsel for trial court habeas proceedings and the rate of pay is still to be determined, the component of this request that seeks additional funding for appointed and assisted counsel at the current capital case rate of \$145/hour for matters in the Courts of Appeal will help address one aspect of the chronic shortage.

The Courts of Appeal will need additional staff to handle these appeals. Because these cases involve the death

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

The estimated workload calculation is based on averaging two types of anticipated appeals: appeals from initial petitions, which will require extensive work; and appeals from second or subsequent petitions, which will often require less work. For appeals from initial petitions, a full-time equivalent (FTE) position will need an average of six months to prepare a draft opinion. For appeals from second or subsequent petitions, an FTE position will need from one week to several months to prepare a memorandum or draft decision. Averaging these estimates results in the need for one FTE position to work on a case for four months. The estimated workload calculation projects that: a quarter of the pending 150 cases, estimated at 38 cases, will be appealed in each year for years beginning in 2023-24; and that 20 cases will be appealed in each of the ensuing years. The number of annual appeals is projected to drop to 20 because of the practical difficulty of finding and appointing counsel in these cases.

Courts of Appeal Appointed Counsel has already been appointed in virtually all 150 cases pending in the superior courts, and most of the decisions issued in these cases will be appealed under Prop 66. However, the Courts of Appeal cannot assume that because a petitioner had representation in the superior court, the petitioner will have representation on appeal. Under applicable court rules, unless the petitioner and counsel expressly request continued representation, new counsel must be appointed. This concept projects that the Courts of Appeal will be required to appoint and compensate counsel in half of the estimated 38 appeals filed each year through 2025-26.

Background/History of Problem

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

Before Prop 66, habeas corpus petitions related to capital convictions were filed in and decided by the Supreme Court. Under Prop 66, these petitions are generally to be decided by the superior courts and then appealed to the Courts of Appeal. Habeas corpus proceedings represent a new workload and the need for new staffing for the Courts of Appeal. Staffing requested includes one supervising appellate court attorney, 11.5 senior appellate court attorneys, and two judicial assistants.

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Impact of Denial of Proposal

The Courts of Appeal does not have the funding and staff resources to address the new workload resulting from the passage of Prop 66. If funding is not provided to the Courts of Appeal, all habeas corpus petitions related to capital convictions appeals will be delayed. In addition, the superior courts will have to absorb over 12.5 work year equivalents each fiscal year resulting from the estimated 38 cases that will be appealed, with each case requiring approximately four months of staffing time to review and prepare. These impacts delay the process of justice, which is precisely the opposite of what the proponents of Prop 66 and, by extension, the majority of Californians supported when Prop 66 was passed.

Outcomes and Accountability of Proposal

With approval of this proposal, the Courts of Appeal will have the funding resources to hire and develop professional staff to handle habeas corpus appeals in order to review and render timely opinions to provide relief to prisoners without counsel. The Courts of Appeal will have the necessary funding and staff resources to support the new workload and other costs to adequately address the appeals and the costs associated with the implementation of Prop 66 including appointed counsel, investigation, records storage, and technology upgrades. Finally, successful implementation of this proposal will be manifested through prompt hiring and training of new staff members, allowing the new workload created by Prop 66 to be addressed appropriately and not overwhelm the Courts of Appeal. Accountability will be measured through attorney recruitment and will help in the process of reducing the backlog of habeas counsel appointments to prisoners on death row.

Required Review/Approval

Administrative Presiding Justices Advisory Committee

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

Goal I: Access, Fairness, Diversity

Goals IV: Quality of Justice and Service to the Public

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

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

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conducted as expeditiously as possible.” (Penal Code Section 1509(f)). This concept also fulfills the Judicial Branch Strategic Plan Goals: IV: Quality of Justice and Service to the Public and VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch.

Approval

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

Director Signature: *Laura Speed*

Contact Name: Deborah Collier-Tucker

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

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

The Judicial Council of California (JCC) requests 5.0 positions and \$27.428 million in General Fund in 2023-24 and \$27.371 million in 2024-25 and annually thereafter as the next step in implementing recommendations of the Chief Justice’s Commission on the Future of California’s Court System regarding the 4.3 million Californians who come to court each year without an attorney. This will support two key initiatives (1) expanding self-help centers in courts to address unmet needs through in-person and remote services; and (2) providing resources for information and collaboration to enable courts to expand into unmet areas of civil law and increase efficiency and effectiveness by expanding on-line, interactive resources for self-represented litigants.

Does this proposal require a statutory change? Yes No

Estimated Cost (Rounded to thousands) *

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

Problem or Issue

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

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more effectively.

The “Impact of Self-Help Center Expansion in California Courts” (cost-benefit report) submitted to the Legislature in January 2020, describing the impact of the \$19.1 million in funding, documents that the courts have been able to significantly expand services, and that those services are greatly appreciated by the public and the court. Nonetheless, the report also documents clear litigant feedback that more attorneys and extended hours would help cut down time spent waiting for needed services. In addition, there remain many civil case types where services are very limited or not available at all. Without help, many low-income litigants cannot defend themselves in court. All too often, they cannot take the legal steps needed to present their case before the court, nor to defend themselves when cases are brought by others. When they are able to come to court, judges and court staff report that they require significantly more time than those who have received assistance from self-help centers. Courts also report that more litigants are able to settle their cases without need for trial when they have assistance from self-help centers.

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

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

It would expand and maintain user-tested educational resources for self-represented litigants so that litigants can understand and accomplish as much as they can on their own, including simplified forms and procedures.

Under this proposal, two new staff attorneys at the Judicial Council (JC) will be dedicated to increasing resources and effectiveness of self-help services in housing, consumer debt, small claims, and other civil legal information. These attorneys will be responsible for developing a wide range of digital resources designed to help litigants get as much assistance on-line as possible including resources to help them settle their case. Since many litigants will need to supplement on-line assistance with the ability to get more personalized assistance from a self-help center, the JC attorneys will also provide training and technical assistance to self-help centers on these issues. They will also work to develop simplified forms and procedures and informational materials to address common issues faced by self-represented litigants in civil case types.

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

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tracking local court rules, forms, and processes so that information can be incorporated into statewide on-line resources. This will save courts significant time as litigants are better prepared and do not need to make calls to court clerk staff or self-help centers on common issues. The analysts will assist in court coordination efforts and will oversee and provide high level analysis of the data collected for the project required to demonstrate accountability and to assist the courts and Judicial Council in making informed decisions about resource allocations.

An administrative coordinator will provide the support for the trainings, including webinars and in-person trainings as requested by the courts; support the databases developed by the attorneys and analyst; and provide administrative support for the contracting and invoicing process for the funds.

Through this combination of support for local courts and their innovative approaches, coupled with statewide support, training and adaptation so that these resources and best practices can be used statewide, we expect to build on the highly effective model of self-help assistance. This will allow the public to do as much as possible on their own using on-line solutions supported by remote assistance from self-help center staff, saving time for the public, and allowing staff to provide more in-depth, in-person assistance for those that require that additional support. Centers can expand the types of legal problems they address to better meet community needs with statewide legal and technical support.

Background/History of Problem

As documented by the National Center for State Courts, more than 76% of civil cases now involve at least one self-represented litigant. The 2019 Justice Gap study prepared by the State Bar of California reported that only 20% of Californians receive legal help for their civil legal needs. With the average attorney rate of over \$300 per hour, this trend is expanding and increasing numbers that come to court without attorneys. Statutory changes have added complexity in many case types with self-represented litigants and has increased responsibility on the courts to provide services. These include significantly more complex procedures for eviction, restraining order and small claims debt cases.

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

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

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Impact of Denial of Proposal

Without additional support, the majority of California courts will be unable to provide assistance for self-represented litigants in civil case types which have been identified as high need by the Justice Gap Study. Courts will not be able to continue the expanded level of remote services and also address the needs of the public that needs in-person assistance due to language and technology barriers or the complexity of their issues. Self-represented litigants will receive less on-line information and guidance, and will have much more difficulty pursuing their cases, leading to frustration and wasted time in clerks' offices and courtrooms.

Outcomes and Accountability of Proposal

Expanded funding will allow more litigants to be served, in more case types and more effectively. Courts will be able to provide both remote and in-person services based on needs of the litigants. More self-represented litigants will be able to settle their cases before trial. Courts will continue to provide quarterly reports on the use of these funds and expansion of services in order to measure the impact of the increased funding, including the use of innovative services. Courts will use the STARS database for collecting information on self-help services to report on increased numbers of litigants served, method of service delivery and type of legal issue. Google Analytics will be used to document the usage of the websites and resources. A new customer satisfaction tool will be developed for self-help centers and on-line resources to collect expanded information on the outcomes of the services.

Required Review/Approval

Advisory Committee on Providing Access & Fairness
Information Technology Advisory Committee

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

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

Approval

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

Director Signature: *Charlene Depner*

Contact Name: **Bonnie Rose Hough**

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

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

Does this proposal require a statutory change? Yes No

Estimated Cost (Rounded to thousands) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	12.0	\$2,502,000	\$429,000		\$2,931,000
2024-25	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
2025-26	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
2026-27	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
2027-28	GF	12.0	\$2,502,000	\$292,000		\$2,794,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$2,794,000
					One-Time	\$137,000

Problem or Issue

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

Need for Legal Subject Matter Experts

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

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

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

Need for Forms Design and Accessibility Experts

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

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

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

Background/History of Problem

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

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

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

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

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Impact of Denial of Proposal

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

Outcomes and Accountability of Proposal

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

Required Review/Approval

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

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

Approval

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

Director Signature: *Charlene Depner*

Contact Name: Don Will

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

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

Does this proposal require a statutory change? Yes No

Estimated Cost (Rounded to thousands) *

Fiscal Year	Fund Source	Positions	Personal Services (A)	Operating Expenses & Equipment (B)	Local Assistance (grants/trial court funding) (C)	Total (D=A+B+C)
2023-24	GF	2.0	\$369,000	\$216,000		\$585,000
2024-25	GF	2.0	\$369,000	\$147,000		\$516,000
2025-26	GF	2.0	\$369,000	\$147,000		\$516,000
2026-27	GF	2.0	\$369,000	\$147,000		\$516,000
2027-28	GF	2.0	\$369,000	\$147,000		\$516,000
*Please include all costs associated with request including costs for other offices and courts.					Ongoing	\$516,000
					One-Time	\$69,000

Problem or Issue

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

Background/History of Problem

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

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

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

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

Impact of Denial of Proposal

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

Outcomes and Accountability of Proposal

New staff will work with IT to support several measurable outcomes for CIDCS: (1) establishing a standardized platform for CIDCS with low code development requirements; (2) ease of data integration; (3) ability to scale up to allow additional system users; and (4) payment and remote access features. The new staffing will support team efforts to make CIDCS more robust and uniform, including development and implementation of a new court interpreter scheduling system and adding in-person and remote interpreting assignment functionality to realize branch efficiencies and better serve the public with certified and registered interpreters.

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

Progress on CIDCS and court interpreter testing improvements, including data metrics and numbers of examination passers, will be reported to the branch and public and will include internal and external stakeholders. Training will also be developed at all stages for court staff, court interpreters, and other justice system partners.

Required Review/Approval

Technology Committee
Advisory Committee on Providing Access & Fairness

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

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

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

Approval

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

Director Signature: *Charlene Depner*

Contact Name: Douglas G. Denton