

Trial Court Budget Advisory Committee
AOC San Francisco Office – Judicial Council Boardroom
Minutes for Meeting of March 25, 2014

Trial Court Budget Advisory Committee members present: Judge Laurie M. Earl, Co-Chair, Zlatko Theodorovic, Co-Chair; Judges Thomas J. Borris, Rene A. Chouteau, C. Don Clay, Mark A. Cope, Thomas DeSantos, Barry P. Goode, Lloyd L. Hicks, Elizabeth W. Johnson, Laura J. Masunaga, Marsha Slough, Robert J. Trentacosta, Brian Walsh, and David S. Wesley; court executive officers Sherri R. Carter, Jake Chatters, Richard D. Feldstein, John Fitton, Rebecca Fleming, Kimberly Flener, Shawn C. Landry, Deborah Norrie, Michael D. Planet, Michael M. Roddy, Brian Taylor, Mary Beth Todd, Tania Ugrin-Capobianco, Christina M. Volkers, and David H. Yamasaki; advisory members present: Curt Child, Jody Patel, Curt Soderlund.

Members absent: Judge Loretta M. Begen.

Public Comment

No in-person public comment was presented.

Written Comments Received

No written comments were received.

Approval of Minutes

The minutes of the January 30, 2014 Trial Court Budget Advisory Committee (TCBAC) meeting were approved unanimously.

Item 1 – Court Interpreter Allocations

A motion was made and approved unanimously to recommend to the Judicial Council for their consideration, the following recommendations of the Interpreter Funding Subcommittee:

1. Each court shall be eligible to receive in reimbursement from the Unused Savings a percentage of the Unused Savings that is equal to the average percentage of Program 45.45 reimbursements it received over the past five years (column B on Attachment).
2. AOC staff should track the rate at which the Unused Savings are being drawn down and report that to the trial courts each month. The Trial Court Budget Advisory Committee should review that at least once each quarter.
3. If requests for reimbursement for mandated case types and domestic violence matters (including family law matters in which there is a domestic violence issue, and elder or dependent adult abuse) from the Trial Court Trust Fund (TCTF) Program 45.45 appropriation in the current fiscal year (2013–2014) exceed the amount of money in that fund, then the Unused Savings should first be allocated to Program 45.45 in an amount sufficient to cover

the shortfall. This same amount of Unused Savings shall also be held to ensure adequate funds are available in FY 2014–2015 to cover the mandated case types and domestic violence matters. In FY 2014–2015, upon review and approval of the TCBAC, all remaining Unused Savings shall be allocated to each court pursuant to the percentages established in recommendation (1) above. If (a) requests for reimbursement from the Trial Court Trust Fund Program 45.45 in FY 2014–2015 exceed the amount of money in that fund, and (b) the Unused Savings have not been exhausted by the end of FY 2014–2015, then the remaining Unused Savings shall be allocated to the unsatisfied requests for reimbursement. The Judicial Council should direct AOC staff to seek the necessary expenditure authority to permit reimbursement from the Unused Savings in FY 2013–2014 and FY 2014–2015. If there are additional Unused Savings in FY 2013–2014 from the Program 45.45 appropriation, those amounts shall be added to the total reimbursement each court is eligible to receive in FY 2014–2015 pursuant to recommendation (1) above.

4. In addition, the Subcommittee recommends tracking separately the expenditures for requests for reimbursement that result from providing interpreters for indigent parties in civil cases. Data on those requests for reimbursement should be tracked monthly so it can be determined how quickly the Unused Savings are being spent. The Judicial Council should direct AOC staff to create the necessary procedures that would collect this data from the Phoenix Financial System.

Additionally, a motion was made and approved unanimously to request that the Court Executives Advisory Committee consider any implementation issues related to the expansion of interpreter services and provide any recommendations to the TCBAC or Judicial Council directly.

Item 2 – IMF Allocations for 2014–2015

Item 3 – TCTF 2014–2015 BCP

A motion was made and approved unanimously that, in addition to the two recommendations approved at the January 16, 2014 TCBAC meeting, the TCBAC recommend that the Judicial Council take the following actions:

Starting in 2014–2015, (1) no longer transfer \$20 million from the State Trial Court Improvement and Modernization Fund (IMF) to the TCTF, (2) use the IMF instead of the TCTF to pay the non-reimbursed costs of about \$10 million a year for the V2 and V3 case management systems, and (3) submit a budget change proposal (BCP) for \$67.6 million in ongoing funding to address the \$67.6 million structural deficit in the TCTF. Without a \$67.6 million augmentation in the General Fund transfer to the TCTF, there is projected to be only enough monies in the TCTF to fund all but \$56 million of trial courts' base and other allocations in 2014–2015 and all but \$67.6 million in future years.

Item 5 – BCP Priorities for 2015–2016

A motion was made and approved unanimously to adopt a modification to option 2 that would mean a survey would be sent to the courts that included the 6 blueprint priorities and any other

priorities approved by the TCBAC, as well as any additional areas the courts believed are critical.

A motion was made to include Self-Help as a priority for inclusion on the survey for possible recommendation for a FY 2015–2016 BCP. The motion was not approved.

As the TCBAC did not approve any additional priorities, the survey to the courts will include the following priority areas. Courts will be requested to prioritize them and to include any additional areas they believe are critical.

1. Trial court reinvestment – closing the funding gap;
2. Trial court employee benefit and salary increases;
3. Judgeships – second set of 50 (AB 159);
4. Court facilities – modification projects, increased operating costs for new and renovated courthouses, and maintenance of trial court facilities;
5. Court-appointed dependency counsel; and
6. Technology.

AOC staff would then present a summary compilation of the priorities from all of the surveys to the TCBAC for review at its May meeting for consideration in the final recommendations to the Judicial Council on the 2015–2016 priorities to be developed into BCPs.

Item 4 – WAFM Adjustment Request – Mendocino Superior Court

A motion was made and approved by all present, with one abstention, for the reasons listed below, to recommend that the Judicial Council deny Mendocino Superior Court’s request.

1. The WAFM Adjustment Request Process is intended to provide trial courts the opportunity to identify those factors not yet accounted for in the WAFM and request ongoing adjustments to the WAFM funding need.
2. Mendocino’s staffing needs pursuant to the Resource Assessment Study (RAS), the foundation of the WAFM, are sufficient to handle their workload; however, since they are not fully funded to their workload need, they are not able to provide reasonably adequate court services at their single-courtroom branch facility.
3. The issue identified by Mendocino is an issue currently faced by many California trial courts.
4. The issue identified by Mendocino is not due to a workload factor unaccounted for in the WAFM, but rather as a result of not being fully funded by the state General Fund.
5. Mendocino’s concerns regarding access to court services related to geographic location of court houses are important issues with statewide funding and policy implications.
6. As opposed to being a TCBAC issue, the problems and challenges of maintaining branch courts should be addressed as an “access to justice” issue requiring critical and far-reaching statewide and local policy decisions and funding determinations outside of the WAFM’s scope.

The WAFM Adjustment Request Process specifically provided that inadequacy of funding, cost of labor issues, and/or a trial court's local decision to provide specialized services for discrete court populations will not constitute sufficient factors to warrant an adjustment to the WAFM.

Item 6 – 1 Percent Cap

This was an information only item. Zlatko Theodorovic explained that the way the State views encumbrances is different from how the courts have done so in the past. In order to educate the courts on this, conference calls are being held on Friday, March 28. A list of frequently asked questions will be prepared based on the discussions held during the conference calls to address the issues raised, and made available to the courts. The 1 Percent Guidelines will be presented to the Judicial Council for its consideration.

Item 7 – Allocations of Monies Above 1 Percent Cap

This was also an information only item. A brief discussion was held on how allocation should be made of any funds remaining above the 1 percent cap. The first guestimate of any excess money would be in July 2014. Several members indicated that this would be a one-time problem as efforts would be made to insure that there was no unspent money above the 1 percent in future years.