



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

[www.courts.ca.gov/tcbac.htm](http://www.courts.ca.gov/tcbac.htm)  
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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

March 23, 2015

10:00 a.m. to 3:00 p.m.

Judicial Council of California, 2860 Gateway Oaks Drive, Suite 400, Sacramento

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- Advisory Body Members Present:** Judges: Laurie M. Earl (Chair), Thomas J. Borris, Jonathan B. Conklin, Mark A. Cope, Thomas DeSantos, Gregory S. Gaul, Dodie A. Harman, Lesley D. Holland, Elizabeth W. Johnson, Carolyn B. Kuhl, Cynthia Ming-mei Lee, Paul M. Marigonda, Marsha Slough, and Winifred Young Smith; Executive Officers: Alan Carlson, Sherri R. Carter, Jake Chatters, Richard D. Feldstein, Rebecca Fleming, Kimberly Flener, Jose Octavio Guillen, Shawn C. Landry, Stephen H. Nash, Deborah Norrie, Michael M. Roddy, Mary Beth Todd, Kim Turner, Christina M. Volkers, and David Yamasaki; Judicial Council staff advisory members: Curtis L. Child, Curt Soderlund, and Zlatko Theodorovic.
- Advisory Body Members Absent:** Judges: Barry P. Goode; CEOs: None; Judicial Council staff advisory members: Jody Patel.
- Others Present:** Patrick Ballard, Steven Chang, Bob Fleshman, Vicki Muzny, Colin Simpson, and Don Will.

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The meeting was called to order at 10:05 a.m. and roll was taken.

##### **Approval of Minutes**

The advisory body reviewed and approved the minutes of the January 15, 2015, Trial Court Budget Advisory Committee (TCBAC) meeting.

##### **Public Comment**

Judge Earl announced that written comments were received for items on this meeting's agenda, by the following individuals and organizations:

##### **Item 3 – Court-Appointed Dependency Counsel Allocation**

- Candi M. Mayes, Dependency Legal Group of San Diego\*
- David M. Meyers, Dependency Legal Services\*
- Roger Chan, East Bay Children's Law Offices\*\*

- Hon. Joyce Hinrichs and Kerri Kennan, Superior Court of California, County of Humboldt
- Jennifer Kelleher, Legal Advocates for Children & Youth\*
- David Otsuka, The Bar Association of San Francisco
- Jill E. McInerney, San Francisco Counsel for Families & Children\*
- AnnaLisa Chung, Dependency Advocacy Center\*
- Hon. Cindee Mayfield, Superior Court of California, County of Mendocino
- Hon. Stephen O. Hedstrom and Krista LeVier, Superior Court of California, County of Lake
- Hon Winifred Y. Smith, Superior Court of California, County of Alameda
- Kenneth Krekorian, Los Angeles Dependency Lawyers
- Cheryl Hicks, Juvenile Dependency Counselors
- Leslie Starr Heimov, Children’s Law Center of California\*

Item 2 – 2015–2016 Allocations for Various Programs from the State Trial Court Improvement and Modernization Fund and the Trial Court Trust Fund:

- Sustain Justice Edition Consortium members: Deborah Norrie, Tammy Grimm, Rhonda Gysin, Kerri Keenan, Lee Kirby, Krista LeVier, Gil Solorio, Bonnie Thomas, and Cindy Van Schooten
- Hon. Brian McCabe and Linda Romero Soles, Superior Court of California, County of Merced
- Hon. F. Dana Walton and Cynthia J. Busse, Superior Court of California, County of Mariposa

\* These individuals also appeared at the meeting in person.

\*\* Joy Ricardo appeared in person on behalf of this organization.

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## DISCUSSION AND ACTION ITEMS (ITEMS 1 – 6)

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### Item 2

**2015–2016 Allocations for Various Programs from the State Trial Court Improvement and Modernization Fund (IMF) and the Trial Court Trust Fund (TCTF)**

***Action: This item contained numerous recommendations that were taken up and voted on as indicated below.***

1. ***TCBAC approved unanimously a recommendation that would require that any new proposal that would rely on TCTF or IMF funding or any proposal for increased costs of an existing program above the program’s fiscal year (FY) 2014–2015 allocation, shall include information on alternative funding options and shall be reviewed by the TCBAC prior to presentation to the Judicial Council for consideration.***

2. ***TCBAC approved with two no votes a recommendation to direct the Workload Assessment Advisory Committee (WAAC) to include in the Resource Assessment Study computation of workload need, the paid complex case fee filings, and assign to them the asbestos weighting of about 3,546 minutes, until such time as WAAC reviews the validity of the weighting.***
  
3. ***TCBAC approved unanimously (except with regard to the Complex Civil Litigation Program which had two no votes) a recommendation to allocate \$59.37 million from the IMF in 2015–2016, a net reduction of \$10.8 million, for various programs and projects, including the elimination of all IMF funding, totaling \$5.77 million starting in 2015–2016, for the following programs and projects:***
  - a. ***Human Resources – Court Investigation (\$94,500)***
  - b. ***Workers’ Compensation Reserve (\$1.23 million)***
  - c. ***Audit Contract (\$150,000)***
  - d. ***Justice Partner Outreach/e-Services (\$200,700)***
  - e. ***Alternative Dispute Resolution Centers (\$75,000)***
  - f. ***Complex Civil Litigation Program (\$4,001,000)***
  - g. ***Subscription Costs – Judicial Conduct Reporter (\$17,100)***

***If the JC believes HR court investigations are a priority, the Judicial Council should consider whether JCC staff should look into whether this service can be provided under a JC master agreement where participating courts would pay for their costs from the TCTF.***

4. ***TCBAC approved unanimously a recommendation that the Judicial Council reconsider its decision to not allocate any IMF funding for Jury Management Systems in 2015–2016 and allocate 2015–2016 jury royalties deposited into the IMF first for Jury System Improvement Projects and any remaining royalties for Jury Management Systems.***
  
5. ***TCBAC approved unanimously a recommendation that the Judicial Council eliminate the funding for the ongoing maintenance costs for the California Law Enforcement Telecommunications Systems (CLETS)/Integration program. If the Judicial Council believes this program is a priority, it should consider granting an exception to its 2006 policy on statewide administrative infrastructure services that are to be paid from either the TCTF or IMF and provide the service to the courts on a fee-for-service basis.***
  
6. ***TCBAC approved unanimously a recommendation that the Judicial Council reduce the Center for Judicial Education and Research funding from the IMF by 15% and allow the CJER Governing Committee to decide how to assign the recommended total allocation of \$1.202 million for education programs among the five education program categories. (The information provided to TCBAC at the time of the meeting included the Governing Committee’s funding decisions.)***

7. ***TCBAC approved unanimously a recommendation that the Judicial Council reduce the funding for the Litigation Management Program from the IMF by \$500,000 and direct the staff of the program to bring before the Revenue and Expenditures Subcommittee of TCBAC for funding consideration any claims whose costs cannot be covered within the amount allocated for funding from the IMF.***
8. ***TCBAC approved unanimously a recommendation that the Judicial Council eliminate \$347,600 in IMF funding starting in 2016–2017 for the JusticeCorps program. If the Judicial Council believes this program is a priority, it should direct JCC staff to work with all interested courts for possible participation in the JusticeCorps program, and fund their share of the cost of the program.***
9. ***TCBAC approved unanimously a recommendation that the Judicial Council eliminate the funding of the Trial Court Security Grants program from the IMF. If the Judicial Council believes this program is a priority, it might consider funding it from one of the state construction funds starting in 2015–2016, if possible.***
10. ***TCBAC approved unanimously a recommendation that the Judicial Council eliminate the funding of one position from the Trial Court Procurement program from the IMF. If the Judicial Council believes this is a priority, it might consider funding the position from the state construction funds starting in 2015–2016, if possible.***
11. ***TCBAC approved unanimously a recommendation that the Judicial Council reduce funding for the Domestic Violence Family Law Interpreter Program by 15% (\$3,000) from the IMF in 2015–2016 and, beginning in 2016–2017, shifts the funding for the full amount of these costs (\$17,000) to the TCTF Program 45.45 Court Interpreter appropriation. TCBAC requests that the Judicial Council advise the TCBAC of this decision by the October 2015 Judicial Council meeting. This funding relates to translation of domestic violence forms.***
12. ***TCBAC approved unanimously a recommendation that the Judicial Council fund the costs for the following programs in 2015–2016 from the IMF and then, beginning in 2016–2017, shift these “core central office” costs to the council’s General Fund appropriation: Court Interpreter Program – Testing, Development, Recruitment and Education; Treasury Services – Cash Management; Audit Services; Uniform Civil Fees; and Regional Office Assistance Group.***
13. ***TCBAC approved unanimously a recommendation that the Judicial Council maintain funding from the IMF for CFCC Publications in 2015–2015 at the 2014–2015 funding level. Recommend that JCC staff determine whether they can develop a cost recovery model with justice partners for these costs beginning in 2016–2017, and direct that JCC staff advise the TCBAC of this determination by October 1, 2015.***

14. ***TCBAC approved unanimously a recommendation to the Judicial Council to increase funding from the IMF for the California Courts Protective Orders Registry (CCPOR) Program in 2015–2016 by \$130,000 over the 2014–2015 level, and direct JCC staff to determine whether they can provide the service on a fee-for-service basis in 2016–2017. JCC staff are to advise the TCBAC of this determination by October 1, 2015.***
15. ***The original Recommendation 15 was not voted on by the TCBAC as it was addressed as part of Recommendation 3 involving the HR-Court Investigations. The TCBAC did address two additional allocation items that were not included in the Revenue and Expenditures Subcommittee issue paper and are addressed below.***

***The TCBAC approved unanimously a recommendation that the Judicial Council maintain funding for the Transactional Assistance Program in 2015–2016 at the 2014–2015 level. It further recommended that the JCC staff determine whether the staff can provide the service on a fee-for-service basis, with the courts reimbursing the Judicial Council for services used, and direct that JCC staff advise the TCBAC of this determination by October 1, 2015.***

***The TCBAC approved unanimously a recommendation that the Judicial Council approve that in 2015–2016 the costs to prepare the Other Post-Employment Benefits (OPEB) Reports, which are estimated to be somewhat over \$600,000, not be funded from the IMF.***

16. ***TCBAC approved unanimously a recommendation that the Judicial Council allocate \$139.37 million in 2015–2016, as indicated in Table 1 below, from the Trial Court Trust Fund Judicial Council (Program 30.05), Trial Court Operations (Program 30.15), and Support for Operation of the Trial Courts (Program 45.10) appropriations for various programs and projects as well as specific allocations that reimburse trial court costs. These programs are approved in amounts that the JCC staff has stated are required at this time, to maintain these programs.***
17. ***TCBAC approved unanimously a recommendation to the Judicial Council that for jury reimbursement, JCC staff be directed to make, if eligible jury costs exceed the total allocation, a year-end allocation adjustment so that each court receives a share of the approved allocation based on their share of the statewide allowable jury expenditures.***

**Table 1 -- Recommended 2015–2016 TCTF Allocations**

<b>Program or Project Title</b>	<b>2014–2015 Allocation</b>	<b>2015–2016 Estimated Restricted Revenue or Court Reimbursement</b>	<b>2015–2016 Recommended Maximum Allocation</b>	<b>Total Recommended 2015–2016 Allocation</b>
<b>Judicial Council (Program 30.05)</b>				
Sargent Shriver Civil Counsel Pilot Program	\$500,000	\$500,000		\$500,000
Equal Access Fund	\$262,000	\$194,000		\$194,000
Court-Appointed Dependency Counsel Collections	\$260,000	\$260,000		\$260,000
Statewide Support for Collections Programs	\$625,000		\$625,000	\$625,000
Civil, Small Claims, Probate and Mental Health (V3) CMS	\$1,478,521	\$0	\$0	\$0
Phoenix Financial Services	\$106,434	\$107,000		\$107,000
Phoenix Human Resources Services	\$1,349,000	\$1,360,000		\$1,360,000
CLETS Services/Integration	\$0	\$114,000		\$114,000
<b>Trial Court Operations (Program 30.15)</b>				
Children in Dependency Case Training	\$113,000		\$113,000	\$113,000
Sargent Shriver Civil Counsel Pilot Program	\$7,738,000	\$7,686,000		\$7,686,000
Civil, Small Claims, Probate and Mental Health (V3) CMS	\$4,179,616			
Civil, Small Claims, Probate and Mental Health (V3) CMS (reimbursed by courts)	\$804,863	\$625,000		\$625,000
California Courts Technology Center	\$1,602,750	\$1,606,000		\$1,606,000
Interim Case Management System	\$956,207	\$843,000		\$843,000
Human Resources – Court Investigation	\$0	\$94,500		\$94,500
CLETS Services/Integration	\$0	\$400,000		\$400,000
Other Post Employment Benefits Valuation	\$0	\$650,000		\$650,000
<b>Support for Operation of the Trial Courts (Program 45.10)</b>				
Court-Appointed Dependency Counsel	\$103,725,445		\$103,725,000	\$103,725,000
Jury Reimbursements	\$16,000,000		\$14,500,000	\$14,500,000
Replacement Screening Stations Reimbursements	\$2,286,000		\$2,286,000	\$2,286,000
Self-Help Center Reimbursements	\$2,500,000		\$2,500,000	\$2,500,000

<b>Program or Project Title</b>	<b>2014–2015 Allocation</b>	<b>2015–2016 Estimated Restricted Revenue or Court Reimbursement</b>	<b>2015–2016 Recommended Maximum Allocation</b>	<b>Total Recommended 2015–2016 Allocation</b>
Elder Abuse Reimbursements	\$332,000		\$332,000	\$332,000
California State Auditor Reimbursement	\$325,000		\$325,000	\$325,000
CAC Dependency Counsel Collections Reimbursement	\$996,574	\$525,200		\$525,200
<b>Total</b>	<b>\$146,140,410</b>	<b>\$14,964,700</b>	<b>\$124,406,000</b>	<b>\$139,370,700</b>

**Item 3**

**Court-Appointed Dependency Counsel Allocation**

**Action:** *This item contained many recommendations that were taken up and voted on as indicated below.*

**8. TCBAC approved unanimously a recommendation that a joint working group of the Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee be established to review the caseload funding model for court appointed dependency counsel and include in its review the following issues, and report back to the Judicial Council no later than April 2016:**

- a. Whether attorney salaries should continue to be based on an average salary by region, or whether another method should be used such as an individual county index of salaries;**
- b. Whether the attorney salaries used in the model should be updated;**
- c. Whether the calculation for benefits costs in the model is accurate or if it should be changed;**
- d. Whether the calculation for overhead costs in the model is accurate or if it should be changed;**
- e. Whether the state child welfare data reported through U.C. Berkeley accurately represents court-supervised juvenile dependency cases in each county, or whether court filings data or another source of data be used; and**
- f. Whether the ratio used to estimate parent clients in the model is accurate or if it should be changed.**

7. ***TCBAC approved unanimously a recommendation that the Superior Court of California, Colusa County be provided with an allocation for court appointed dependency counsel equal to 75.7 percent of its calculated need.***
  
6. ***TCBAC approved by a vote of 15 to 14 a recommendation that the Judicial Council staff develop a process to reimburse courts for unexpected caseload increases that includes reserving up to \$100,000 of the court appointed dependency counsel budget for that purpose and implementing guidelines and an application and reimbursement procedure. This is an interim measure that is to come to the Judicial Council no later than April 2016. It is further recommended that the JC establish a policy that any remaining funds would rollover to the next year.***
  
5. ***TCBAC approved unanimously a recommendation that any state funds designated for court appointed dependency counsel in addition to the current \$103.7 million budget be allocated to courts with an allocation of less than 75.7 percent of need (the statewide average level of funding) as calculated by the caseload funding model.***
  
4. ***This recommendation was not voted on as it is already a Judicial Council policy.***
  
3. ***TCBAC approved unanimously a recommendation that any court appointed dependency counsel funding that is estimated to remain unspent at the end of the year be reallocated by Judicial Council staff to courts with a funding need as early in the fiscal year as is possible, using the formula and method approved by the Judicial Council for this purpose on January 22, 2015.***
  
1. ***TCBAC approved with a vote of 21 to 8, a recommendation that the Judicial Council approve a process to allocate dependency court appointed counsel funds to the courts that is based on each court's funding need as calculated by the caseload funding model for juvenile dependency, and adjusted to available funding statewide.***
  
2. ***TCBAC approved with a vote of 15 to 13 a recommendation that the new allocations be phased with annual increases or decreases in FY 2015–2016, FY 2016–2017, and FY 2017–2018, and that in FY 2018–2019 all courts will receive an equivalent percentage of their calculated need. The allocations should be phased in by basing each court's annual allocation on a percentage of its base funding in FY 2014–2015, and a percentage of its***



**calculated need in the current fiscal year; and the percentages should change annually as follows:**

- a. FY 2015–2016: court receives 10% of need and 90% of base**
- b. FY 2016–2017: 40% of need and 60% of base**
- c. FY 2017–2018: 80% of need and 20% of base**
- d. FY 2018–2019: 100% of need.**

**Item 4**

**Allocation of Proposed Restored Funding for Retirement Cost Changes**

**Action: TCBAC approved unanimously a recommendation that would allocate the non-interpreter related benefits funding provided in the Budget Act of 2014 as follows:**

**Allocate by prorating 50 percent of the \$10.4 million in restored benefits funding to all the trial courts. The additional 50 percent would be prorated:**

- 1) To courts that do not subsidize the employee share of costs for retirement in 2015–2016; or**
- 2) To courts where only 10 percent or less is paid towards the employee share of retirement of total costs increases; and**
- 3) For courts in which the subsidized portion of the employee share of costs for retirement has been reduced by at least 30% but less than 100% will receive 50 percent of what it would have received if it no longer subsidized the employee share.**

**Due to a lack of time, Item 5 – Amendments to the Statute Requiring a 2 Percent Reserve Held in the TCTF – and Item 6 – Children’s Waiting Room Distributions – were deferred to the next TCBAC meeting.**

**Judge Earl announced that there would be another TCBAC meeting in May, the date to be announced at a later time. She also announced that there would be a TCBAC meeting on July 6, 2015.**

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 3:50 p.m.

Approved by the advisory body on May 18, 2015.