



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR FEBRUARY 15, 2018

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

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))  
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS  
THIS MEETING IS BEING RECORDED

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**Date:** February 15, 2018  
**Time:** 12:00 p.m. – 1:30 p.m.  
**Public Call-in Number:** 1-877-280-7831, Pass code: 1884843 (listen only)

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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### **I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))**

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

#### **Approval of Minutes**

Approve minutes of the January 17, 2018, Trial Court Budget Advisory Committee meeting.

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### **II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))**

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#### **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 [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov) or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, CA 94102, attention: Ms. Brandy Sanborn. Only written comments received by 12:00 p.m. on February 14, 2018 will be provided to advisory body members prior to the start of the meeting.

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### **III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1)**

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#### **Item 1**

#### **Trial Court Budget Change Proposals (Action Required)**

Adoption of trial court funding priorities for 2019-20 budget change proposals.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee; Mr. Zlatko Theodorovic, Director, Judicial Council Budget Services

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**IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**None**

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**V. ADJOURNMENT**

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**Adjourn**



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

January 17, 2018  
12:00 p.m. - 1:30 p.m.  
Teleconference

**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Andrew S. Blum, Hon. Daniel J. Buckley, Hon. Mark Ashton Cope, Hon. James E. Herman, Hon. Joyce D. Hinrichs, Hon. Charles Margines, Hon. Paul M. Marigonda, and Hon. Brian L. McCabe.

Executive Officers: Ms. Nancy Eberhardt, Mr. Chad Finke, Ms. Rebecca Fleming, Ms. Kimberly Flener, Mr. Kevin Harrigan, Mr. Jeffrey E. Lewis, Mr. Michael M. Roddy, Ms. Linda Romero-Soles, Ms. Tania Ugrin-Capobianco, and Mr. David Yamasaki.

Judicial Council staff advisory members: Mr. John Wordlaw and Mr. Zlatko Theodorovic.

**Advisory Body Members Absent:** Judges: Hon. Patricia M. Lucas  
Court Executives: Ms. Sherri R. Carter, Mr. Michael D. Planet, and Mr. Brian Taylor.

**Others Present:** Ms. Lucy Fogarty, Ms. Brandy Sanborn, and Ms. Suzanne Blihovde.

OPEN MEETING

**Call to Order and Roll Call**

The chair called the meeting to order at 12:01 p.m. and roll was called.

**Approval of Minutes**

The advisory body reviewed and approved the minutes of the December 4, 2017 Trial Court Budget Advisory Committee (TCBAC) meeting.

DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-3)

**Item 1 – Trial Court Trust Fund Funds Held on Behalf Policy (Action Required)**

Consideration of proposed revisions to the Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Trial Courts as recommended by the Fiscal Planning Subcommittee.

Presenter(s)/Facilitator(s): Ms. Suzanne Blihovde, Senior Analyst, Judicial Council Budget Services

*Action: The Trial Court Budget Advisory Committee voted to approve the revisions to the Judicial Council-Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Trial Courts, including adding clarification that the Fiscal Planning Subcommittee has authority to approve or deny amended requests and that requests will be consistent with allocation reductions for exceeding statutorily required reserves.*

**Item 2 – Trial Court Budget Change Proposals for 2019-20 (Action Required)**

Adoption of trial court funding priorities for 2019-20 budget change proposals.

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

*Action: The TCBA Cdecided to defer this item to a future meeting to allow further information to be provided.*

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**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Info 1**

**Governor’s Budget Proposal for 2018-19**

Update on the Governor’s budget proposal for 2018-19.

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

**Info 2**

**2018 Trial Court Budget Advisory Committee Annual Agenda**

Update on the agenda approved by the Executive and Planning Committee for 2018.

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

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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 12:45 p.m.

Approved by the advisory body on enter date.

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**(Action Item)**

**Title:** Prioritization of Trial Court Budget Change Proposal for 2019-20  
**Date:** 1/11/2018  
**Contact:** Brandy Sanborn, Manager, Budget Services  
415-865-7195| [brandy.sanborn@jud.ca.gov](mailto:brandy.sanborn@jud.ca.gov)

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**Issue**

Identification of the 2019-20 statewide budget change proposal priorities for the trial courts needed for conceptual consideration and approval by the Judicial Branch Budget Committee.

In order to generate a discussion of potential 2019-20 statewide budget change proposals (BCPs), the Trial Court Budget Advisory Committee (TCBAC) surveyed its members to solicit input regarding statewide budget needs and priorities. The members were asked to provide three BCP concepts in order of priority, and to provide any additional information for TCBAC consideration when reviewing the submissions. A total of 11 responses were submitted. The concepts suggested by three or more members are identified in Table 1, in alphabetical order, to allow the committee to select and prioritize.

The BCP concepts with two or less submissions are listed in Table 2, also in alphabetical order. Additional details and comments provided in the survey responses are included in Attachments A and B.

**Table 1**

#	BCP Concept (in alphabetical order)
1	Court Construction
2	Facility Maintenance / Modifications
3	Funding Augmentations to Revenues
4	Funding for Trial Court Operations
5	Judgeships
6	Technology

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**Table 2**

#	BCP Concept (in alphabetical order)
1	Court Security
2	Funding for Cost of Living Adjustments
3	Statewide Programs and Services

The 2019-20 BCP concepts listed in Table 1 above were previously submitted as 2018-19 BCPs as follows:

1. **Court Construction.** This BCP proposed a General Fund augmentation of \$560.3 million for transfer to the Immediate and Critical Needs Account (ICNA). This request would return previously redirected funds (\$510.3 million) and eliminate the ongoing transfer of \$50 million from the ICNA to the Trial Court Trust Fund (TCTF) to support trial court operations, providing funds to support court construction projects and assist with the solvency of the ICNA.
2. **Facility Maintenance/Modifications.** This BCP proposed an estimated \$21 to \$28 million to support unfunded trial court facilities operations and maintenance costs and to refresh, maintain, and replace security equipment. This request would provide funding to support costs associated with maintaining newly constructed court facilities and transferred trial court facilities and maintenance and replacement of aging camera, access control, and duress alarm systems.
3. **Funding Augmentations to Revenues.** This BCP proposed \$147 million to transition the deposit of civil assessment revenue, including the \$48.3 million in Maintenance of Effort (MOE buyout) into the General Fund instead of the TCTF, to support the base court operations and provide a stable revenue source for the courts. *If selected as a BCP concept, Judicial Council staff would request clarification if the ask should include backfilling revenue, a buyout or swap of civil assessment and/or other revenues, or both.*
4. **Funding for Trial Court Operations.** This BCP proposed \$178 million to support trial court operations, which would allow the trial courts to hire additional staff to address backlogs, retain existing staff, and improve the public’s access to justice. Components of this request included partially backfilling the funding gap as identified by the Workload-based Allocation and Funding Methodology (WAFM) model; discretionary funding not allocated via WAFM for inflationary increases; trial court employee compensation/personal services increases; and addressing the structural imbalance in the TCTF.

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5. **Judgeships.** This BCP proposed funding to support 10 of the 50 trial court judgeships authorized by the Legislature in 2007–08 (Assem. Bill 159; Stats. 2007, ch. 722). *If selected as a BCP concept, Judicial Council staff would request clarification if the ask should include funding for authorized judgeships, new judgeships, or both.*
  
6. **Technology.** Multiple BCPs proposed funding for the procurement and deployment of a modern case management system (CMS) for the next wave of courts in need of a replacement for their aging systems, upgrading the Phoenix system, digitizing paper and filmed case files, deploying California Courts Protective Order Registry, and single sign-on solution. *If selected as a BCP concept, Judicial Council staff would request clarification of what technology enhancements/projects the committee would like to include.*

**Background**

At its December 16, 2016 meeting, the Judicial Council approved a new process for budget change proposal preparation, approval, and submission to the Department of Finance (DOF) to include the Judicial Branch Budget Committee (JBBC) established in July 2016. The JBBC reviews and prioritizes BCPs prior to submission to the council for final prioritization and approval. At its July 28, 2017 meeting, authority was delegated to the Judicial Council Administrative Director to make technical changes to BCPs as necessary.

Previously, in order to generate a discussion of potential 2018-19 statewide BCPs, the TCBAC surveyed its members to solicit input regarding priorities for submission to the council for approval and prioritization for submission to the DOF. In addition to prioritizing concepts identified by the committee, the members also reviewed BCP concept submissions developed by other committees in which the TCBAC was identified as having purview and the opportunity to provide input for submission to the JBBC.

TCBAC met on February 9, 2017 and on May 23, 2017 to develop the following prioritized list of BCP concepts for recommendation to the JBBC:

1. Stabilization of Civil Assessment Revenue;
2. Court Appointed Counsel in Juvenile Dependency Proceedings;
3. Support for Trial Court Operations;
4. Mandated Proposition and Legislation Related Workload;
5. Funding for 10 of the 50 Judgeships Authorized by AB 159;
6. Trial Court Facilities Operations Costs;
7. Case Management System Replacement; and
8. Statewide Security Systems and Equipment – Maintenance and Replacement.



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The remaining BCP concepts presented were acknowledged and supported by TCBAC but without prioritization or inclusion with TCBAC's BCP concept submissions:

- a. Advancing the Implementation of the *Strategic Plan for Language Access in the California Courts*;
- b. Court Appointed Special Advocates (CASA) in Juvenile Dependency Court;
- c. Deploy a Single Sign-On Solution for the Judicial Branch;
- d. Deploy and Maintain California Courts Protective Order Registry (CCPOR) for the Superior Courts;
- e. Digitizing Paper and Filmed Case Files for the Superior Courts and Appellate Courts;
- f. Funding for Programs Supporting Trial Courts Statewide;
- g. Judicial Branch Litigation Management Program;
- h. Phoenix System Required Updates; and
- i. Self Represented Litigants Statewide E-Services Solution.

On July 28, 2017, the JBBC recommended and the Judicial Council approved the following branch BCP concepts and prioritization for submission to the DOF as follows:

1. *Support for Trial Court Operations*
2. *Stabilization of Civil Assessment Revenue*
3. Sustainability of the Immediate and Critical Needs Account
4. *Trial Court Facilities Operations Costs/Statewide Security System and Equipment – Maintenance and Replacement*
5. *Court-Appointed Dependency Counsel*
6. *New Judgeships (AB 159) and Appellate Court Justices*
7. *Sustain Justice Edition Case Management System Replacement*
8. Information Technology Projects
9. General Fund Support of Essential Statewide Programs and Services
10. Implementation of Language Access Plan
11. Supreme Court and Appellate Courts – California Court Appointed Counsel Projects
12. Appellate Court Facility Maintenance Program
13. Appellate Court Security
14. Self-Help Centers in Trial Courts
15. Self-Represented Litigants Statewide e-Services Solution
16. Court Appointed Special Advocate (CASA) in Juvenile Dependency Counsel
17. Single Sign-on Solution
18. Habeas Corpus Resource Center—Case Teams Staffing. Although the Judicial Council submits requests on behalf of the HCRC it was not prioritized, as the HCRC operates as an independent entity.
19. *Funding for New Mandates (Trial Court Workload)*. This request is a placeholder as a portion of the request has not gone into effect.

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The Budget Act of 2017 provides for the following:

- \$22 million ongoing for court-appointed dependency counsel;
- \$10 million for two years for equal access;
- \$5 million over two years for case management system replacement;
- \$1.2 million loan from the General Fund over two years for statewide electronic filing implementation;
- \$352,000 for language access;
- \$490,000 for interpreter services;
- \$55 million in General Fund support to address revenue shortfalls in the Trial Court Trust Fund due to lower filing fee and criminal assessment revenues;
- Reallocation of two vacant judgeships;
- Conversion of 16 subordinate judicial officer positions to judgeships;
- \$280,000 to counties for sheriff-provided court security for the reallocation of judgeships;
- \$4.9 million for trial court employee retirement and health benefit costs;
- \$23.9 million reappropriation for five court facility construction projects; and
- \$2.3 million for two new court facility construction projects.

The 2018 Governor's Budget proposal includes:

- \$47.8 million to be allocated via WAFM to trial courts that are below 76.9 percent of their overall need;
- \$75 million in discretionary funding to trial courts based on priorities set by the Judicial Council with suggested reference to recommendations made by the Commission on the Future of California's Court System and report on any anticipated outcomes;
- \$19.1 million to expand self-help services in trial courts;
- \$4 million for Language Access to expand interpreter services in civil matters;
- \$3.4 million for the Judicial Council to implement a civil traffic pilot;
- \$500,000 for the Court-Appointed Special Advocate Program;
- \$200,000 to expand the California Courts Protective Order Registry;
- \$34.1 million to backfill continued decline of fines and penalty revenues expected;
- \$25.9 million for trial court employee retirement and health benefit costs;
- \$32.2 million to complete the design of three courthouse projects; and
- Funding to restart the state's court construction program to complete 10 courthouses.

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**Recommendation**

It is recommended that BCP concept proposals and prioritization by the membership include consideration of the 2018 Governor's Budget Proposal.

It is also recommended that the membership first determine what it considers an appropriate number of BCP concepts to identify on behalf of the trial courts, and then select up to that predetermined amount for consideration by the JBBC (which may include submissions from one or both of the tables above and/or alternate submissions not included in this report).

Considering that the BCP concepts will come back to the TCBAC in the spring for prioritization along with other committee submissions that fall under TCBAC's purview, prioritization for this round of BCP identification is recommended but not required.

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Respondent	Priority #	BCP Concept / Comments
A	1	<b>Funding for Trial Court Operations</b> - To adequately fund trial courts based on need (as determined through WAFM) in order to provide equal access to justice to the public we serve.
	2	<b>Funding for Court Construction</b> - Restoration of funding taken from ICNA in order to move forward with the critically needed projects previously identified under SB1407.
	3	<b>Funding for Technology</b> - Ensuring adequate infrastructure for all courts to provide efficient, accessible access to electronic court records. Examples would be case management system replacements, scanners and document management systems.
B	1	<b>General Trial Court Funding Increases</b> - All trial courts have reduced services to mitigate the inadequacy of funding. Reductions in staff, and reductions in services to the public have reduced access. Base funding increases are needed to eliminate further reductions and expand where services have already been reduced.
	2	<b>Funding for Cost of Living Adjustments</b> - For over 10 years, the Judicial Branch has not received a single dollar to funding cost of living adjustments for employees. Modest increases have been paid by leaving positions vacant. We need to have modest increases funded similar to other Branches.
	3	<b>Backfilling Revenue</b> - Revenues have been identified as "State" monies and have been critical to fund operations and Maintenance of Effort agreements. Changes in the ability to collect court ordered debts have been stifled by statutory restrictions on license holds and have caused these vital revenues to be reduced significantly. As is the case with other revenue shortfalls, local revenues must be backfilled.
C	1	<b>Courthouse construction funding</b> - Several critical need courthouses are unfunded. This places the public and court staff at risk.
	2	<b>Increased funding to cover the WAFM need gap</b> - The branch is funded far below the identified need. The public endures delays and reduced services.
	3	<b>Civil assessment swap for general court funding</b> - Civil assessment revenues should be sent to the general state fund and replaced with stable additional trial court funding.
D	1	<b>Trial Court Operations Funding</b> - General operational cost and salary increases.
	2	<b>Facility Maintenance/ Modifications</b> - Adequate funding to maintain facilities and provide some improvements other than solely funding emergency requests.

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Respondent	Priority #	BCP Concept / Comments
	3	<b>Technology Funding</b> - Sufficient funding to allow courts to become paperless/electronic. Technology exists, need to ensure sufficient funding and staff resources for implementation.
E	1	<b>Increase in discretionary funding</b>
	2	<b>Buyout of civil assessment</b>
	3	<b>Technology enhancements</b>
F	1	<b>Increase in TCTF to fund WAFM gap between current and workload-based need</b>
	2	<b>Funding to support previously approved but never funded additional judgeships</b>
	3	<b>Increased cost of operating new courthouses and increase in facility maintenance funding</b>
G	1	<b>Trial Court Trust Fund Discretionary Funding</b> - Discretionary funding increase single most important priority branch wide.
	2	<b>Civil Assessment Backfill</b> - Many courts depend on assessment revenue for general operations. Changes in the law and practices of justice stakeholders reducing this revenue without offset.
	3	<b>Technology</b> - To date there has been minimal funding for technology from the State and courts self fund. This results in slow and piecemeal implementation. Service to the public would be greatly enhanced with electronic access and courts cannot self fund out of operations.
H	1	<b>New, ongoing, discretionary funding to at least 80% of need for all courts</b>
	2	<b>Backfill \$48m gap caused by AB227</b>
	3	<b>New judgeships to courts where need is greatest with staff funding</b>
I	1	<b>Augment base funding for the trial courts sufficient to fully fund workload-based need</b>
	2	<b>Augment funding provided by DOF to county sheriff's offices such that all such offices are funded to provide the necessary level of court security, as required under Government Code section 69921.5</b> - The funding levels established for each county post-Realignment are not, in many instances, sufficient to provide the necessary level of court security. Those funding levels were set without regard to, among other things, number of judgeships, number of court locations, and volume of criminal cases. For further information, please see the public comment submitted to the Judicial

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Respondent	Priority #	BCP Concept / Comments
		Council by the Superior Court of Alameda County for the Council's November 17, 2017, meeting.
	3	<b>Provide funding sufficient to enable all courts, regardless of CMS, to provide mandatory data reporting to state entities (e.g., DOJ, DMV)</b> - The funding levels established for each county post-Realignment are not, in many instances, sufficient to provide the necessary level of court security. Those funding levels were set without regard to, among other things, number of judgeships, number of court locations, and volume of criminal cases. For further information, please see the public comment submitted to the Judicial Council by the Superior Court of Alameda County for the Council's November 17, 2017, meeting.
J	1	<b>Trial Court Operations-Fund WAFM gap</b>
	2	<b>Court Construction and Maintenance</b>
	3	<b>Structural change to funding stream for CA Courts (General fund vs. fine and fee revenue)</b>
K	1	<b>Support for Trial Court Operations</b> - Funding needs to be provided for Trial Court Operations so that the courts can restore services that have been reduced.
	2	<b>General Fund Support of Statewide Programs and Services</b>
	3	<b>New Judgeships</b> - New Judgeships are needed to assist the courts with their caseloads. Some facilities have vacant courtrooms due to lack of new judgeships which would provide better access to justice and assist citizens in those geographic areas from having to travel farther to other facilities in the county.

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Respondent	Additional Comments
B	I think it is critical to limit BCP's to fewer than 5. Greater numbers are reduce our ability to obtain support.
H	<p>Concept # 4 Address gap in funding since realignment for local security costs retained by courts (weapon's screening personnel and civil attendants remaining under court budget when Sheriff funding was split out).</p> <p>Concept #5 funding for employee salary increases and benefits.</p>