



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

**MATERIALS FOR APRIL 30, 2020
TELECONFERENCE MEETING**

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JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

www.courts.ca.gov/tcbac.htm
tcbac@jud.ca.gov

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TRIAL COURT BUDGET ADVISORY COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

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

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: April 30, 2020
Time: 12:00 p.m. to 12:30 p.m.
Public Call-in Number: 1-877-820-7831; passcode 1884843 (Listen Only)

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

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to tcbac@jud.ca.gov.

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the January 23, 2020 Trial Court Budget Advisory Committee (TCBAC) telephonic meeting, the January 24, 2020 action by email between meetings, and the March 25, 2020 action by email between meetings.

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

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. 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. Only written comments received by 12:00 p.m. on April 29, 2020 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

None

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Trial Court Budget Change Proposal (BCP) Concepts for 2021-22 (No Action Required)

Update on BCP concept submissions reviewed by the Judicial Branch Budget Committee at its April 21, 2020 meeting.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Deputy Director, Judicial Council Budget Services
Ms. Fran Mueller, Deputy Director, Judicial Council Budget Services

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

January 23, 2020
12:00 p.m. – 1:30 p.m.
1-877-820-7831 Passcode 1884843 (Listen Only)

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly Gaab, Hon. Joyce D. Hinrichs, Hon. Patricia L. Kelly, Hon. Charles Margines, Hon. Deborah A. Ryan, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Mr. Shawn Landry, Mr. Michael D. Planet, Mr. Chris Ruhl, and Mr. Neal Taniguchi.

Judicial Council Staff Advisory Members: Mr. John Wordlaw and Mr. Zlatko Theodorovic

Advisory Body Members Absent: Ms. Kim Bartleson, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David Yamasaki.

Others Present: Ms. Brandy Sanborn, Ms. Lucy Fogarty, Ms. Michele Allan, and Mr. Catravel Wood.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 12:00 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the November 21, 2019 Trial Court Budget Advisory Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1 – Trial Court Budget Change Proposals for 2021-22 (Action Required)

Development and adoption of trial court funding priorities for 2021-22 budget change proposals.

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

Action: The Trial Court Budget Advisory Committee chose the top 5 recommendations with the top two being the major votes for approval to bring forward to Judicial Branch Budget Committee:

1. Automatic annual inflationary adjustment
2. Civil assessments and Maintenance of Effort backfill
3. Maintenance (including deferred maintenance)
4. New construction and local costs associated with new courthouses
5. Additional judgeships

INFORMATION ONLY ITEMS (INFO 1-3)

Info 1 - Governor's Budget Proposal for 2020-21

Update on the Governor's budget proposal for 2020-21.

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

Action: No action taken

Info 2 - 2020 Trial Court Budget Advisory Committee Annual Agenda

Update on the agenda approved by the Executive and Planning Committee for 2020.

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

Action: No action taken

Info 3 - Trial Court Trust Fund Funds Held on Behalf Expenditure Reporting

Quarterly report to the Trial Court Budget Advisory Committee on how funds were expended for projects and planned expenditures that are complete.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

Action: No action taken

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:20 p.m.

Approved by the advisory body on enter date.



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TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

January 24, 2020

11:00 a.m.

Action by E-mail Between Meetings

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly A. Gaab, Hon. Joyce D. Hinrichs, Hon. Patricia L. Kelly, Hon. Charles Margines, Hon. Deborah A. Ryan, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Mr. Shawn Landry, Mr. Michael D. Planet, Mr. Chris Ruhl, Mr. Neal Taniguchi, Ms. Kim Turner, and Mr. David Yamasaki.

Advisory Body Members Absent: Mr. Brian Taylor

Others Present: Ms. Brandy Sanborn

OPEN MEETING

Vote

Voting was opened at 11:12 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Review a recommendation for 1) Reallocation of funding for the AB 1058 Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year 2019-20, and the allocation of funding for the Child Support Commissioner and Family Law Facilitator Program for 2020-21; and 2) The approach for a midyear reallocation of Model Self-Help Pilot Grant funds for 2019-20 from the Model Self-Help Technology project to the four remaining projects/court participants as a result of the fifth court's inability to continue participation.

Action: The Trial Court Budget Advisory Committee (TCBAC) unanimously approved 1) The recommended reallocation of funding for the AB 1058 Child Support Commissioner and Family Law Facilitator Program for the remainder of 2019-20 as well as the approach on allocation of funding for 2020-21, subject to the Budget Act, for consideration by the Judicial Council; and 2) The approach for the \$191,400 midyear reallocation for 2019-

20 from the Model Self-Help Technology project for consideration by the Judicial Council with an informational report to follow on the final reallocation to both the TCBAC and the council.

A D J O U R N M E N T

Voting closed at 5:00 p.m.

Approved by the advisory body on [Date].



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TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 25, 2020

11:00 a.m.

Action by E-mail Between Meetings

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly A. Gaab, Hon. Patricia L. Kelly, Hon. Charles Margines, Hon. Deborah A. Ryan, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Mr. Shawn Landry, Mr. Michael D. Planet, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Joyce D. Hinrichs

Others Present: Ms. Brandy Olivera

OPEN MEETING

Vote

Voting was opened at 11:06 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Review a recommendation for 1) Allocation of the 2018-19 Juvenile Dependency Counsel Collections Program (JDCCP) funds of \$455,316 in the current year; and 2) Approve the allocation of the estimated unspent 2019-20 funding of \$1,081,225 in the current year.

Action: The Trial Court Budget Advisory Committee (TCBAC) unanimously approved the recommended 1) Allocation of the JDCCP funds in the current year; and 2) Allocation of estimated unspent funding in the current year for consideration by the Judicial Council.

ADJOURNMENT

Voting closed at 5:00 p.m.

Approved by the advisory body on [Date].



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET COMMITTEE

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JUDICIAL BRANCH BUDGET COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING WITH CLOSED SESSION

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c), (d), and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: April 21, 2020
Time: 9:00 a.m. to 12:15 p.m.
Public Call-In Number: 1-877-820-7831; passcode 6677064 (Listen Only)

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

Members of the public seeking to make an audio recording of the open meeting portion of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to JBBC@jud.ca.gov.

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the November 15, 2019, Judicial Branch Budget Committee meeting and the December 19, 2019 Joint Court Facilities Advisory Committee and Judicial Branch Budget Committee Meeting.

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

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to JBBC@jud.ca.gov or mailed or delivered to 455 Golden Gate Avenue, San Francisco, CA 94102 attention: Angela Cowan. Only written comments received by 9:00 a.m. on April 20, 2020 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-1)

Item 1

2021-22 Budget Change Concepts (Action Required)

Review of 2021-22 Budget Change Concepts

Presenter(s)/Facilitator(s): Hon. David M. Rubin, Chair

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(D))

Item 1

Innovations Grant Program (California Rules of Court, Rule 10.75 (D)(9))

Evaluation of individual grant applications

Review and discussion of administrative matters and requests from grantees regarding projects.

Presenter(s)/Facilitator(s): Ms. Marcela Eggleton, Supervising Analyst, Leadership Support Services

Adjourn Closed Session



JUDICIAL COUNCIL OF CALIFORNIA

JUDICIAL BRANCH BUDGET
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JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

November 15, 2019

11:30 a.m. to 12:30 p.m.

455 Golden Gate Avenue, San Francisco, CA 94102, Sequoia Room

Advisory Body Members Present: Hon. David. M. Rubin, Chair; Hon. Ann Moorman, Vice Chair; Hon. C. Todd Bottke; Hon. Carin T. Fujisaki; Hon. Brad R. Hill (by phone); Hon. Harold W. Hopp; Mr. Michael M. Roddy; Ms. Andrea K. Wallin-Rohmann

Advisory Body Members Absent:

Others Present: Ms. Angela Cowan, Mr. John Wordlaw; Mr. Zlatko Theodorovic, Ms. Marcela Eggleton, Ms. Brandy Sanborn, Ms. Lucy Fogarty

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 11:38 a.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the July 18, 2019, Judicial Branch Budget Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1)

Item 1 - Update to the \$10 million State-Level Reserve Policy (Action Required)

Consideration of revisions to the \$10 million State-level Reserve Policy originally established in October 2016

Presenter(s)/Facilitator(s): Ms. Brandy Sanborn, Manager, Budget Services

Action: The Judicial Branch Budget Committee unanimously approved a recommendation, to the Judicial Council for consideration at its January 16-17, 2020 business meeting, for the following changes to the policy:

1. Replacing item h to remove the cash advance requirement and specify the distribution process for approved requests.

2. Making changes to item i) iv. to reflect the expectation of a court applicant's fund balance status is that it is negative in the current year.
3. Removing the fiscal year references in item i) vi.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:50 p.m. to begin a closed session.

Approved by the advisory body on enter date.



JUDICIAL COUNCIL OF CALIFORNIA

COURT FACILITIES
ADVISORY COMMITTEE

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JOINT MEETING OF THE COURT FACILITIES ADVISORY COMMITTEE AND JUDICIAL BRANCH BUDGET COMMITTEE

MINUTES OF OPEN MEETING

December 19, 2019
10:00 a.m. – 11:30 a.m.
Teleconference

CFAC Advisory Body Members Present:
Hon. Brad R. Hill, Chair
Hon. Patricia M. Lucas, Vice-Chair
Hon. Joann M. Bicego
Hon. Donald Cole Byrd
Mr. Anthony P. Capozzi
Hon. Keith D. Davis
Ms. Melissa Fowler-Bradley
Hon. William F. Highberger
Hon. Steven E. Jahr (Ret.)
Hon. Gary R. Orozco
Ms. Linda Romero Soles
Mr. Larry Spikes
Mr. Val Toppenberg
Mr. Thomas J. Warwick, Jr.

CFAC Advisory Body Members Absent:
Mr. Stephan Castellanos, FAIA
Hon. Robert D. Foiles
Hon. David Edwin Power (Ret.)
Hon. Robert J. Trentacosta

JBBC Advisory Body Members Present:
Hon. David M. Rubin, Chair
Hon. Ann C. Moorman, Vice-Chair
Hon. C. Todd Bottke
Hon. Brad R. Hill
Hon. Harold W. Hopp
Mr. Michael M. Roddy
Ms. Andrea K. Wallin-Rohmann

JBBC Advisory Body Members Absent:
Hon. Carin T. Fujisaki

Others Present: The following Judicial Council staff/others were present:

Mr. Mike Courtney, Director, Facilities Services
Ms. Angela Cowan, Manager, Budget Services
Mr. Jeremy Ehrlich, Attorney II, Legal Services
Ms. Lucy Fogarty, Deputy Director, Budget Services
Mr. Michael Giden, Principal Managing Attorney, Legal Services
Ms. Rose Livingston, Senior Analyst, Executive Office
Ms. Ann Ludwig, Senior Project Manager, Facilities Services
Mr. Chris Magnusson, Supervisor, Facilities Services
Ms. Pella McCormick, Deputy Director, Facilities Services
Ms. Akilah Robinson, Associate Analyst, Facilities Services
Mr. Jagandeep Singh, Principal Manager, Facilities Services
Ms. Lynette Stephens, Senior Budget Analyst, Budget Services
Mr. Zlatko Theodorovic, Director, Budget Services
Mr. John Wordlaw, Chief Administrative Officer, Executive Office

OPEN MEETING

Call to Order and Roll Call

The Court Facilities Advisory Committee (CFAC) chair called the meeting to order at 10:00 a.m., roll call was taken of both advisory committees, and opening remarks were made by Mr. John Wordlaw. The CFAC chair indicated that the meeting would be held jointly with the Judicial Branch Budget Committee (JBBC), given the shared interest and action required of both advisory committees on the topic of Capital Outlay Budget Change Proposals (COBCPs) recommended for Fiscal year 2020–21.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1**Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2020–21 and 2020-21 Capital Outlay Budget Change Proposals**

The CFAC reviewed the draft *Judicial Branch Five-Year Infrastructure Plan Fiscal Year 2020-21*, which included a *Five-Year Plan for Trial Court Capital-Outlay Projects*. This plan informs capital project funding requests for the upcoming and outlying fiscal years. For consideration of funding in the 2020 Budget Act (2020–21), submission of the plan and COBCPs are required in advance of the California Department of Finance’s February 2020 Spring Finance Letter deadline. Mr. Mike Courtney presented this item consistent with materials that were posted online for public viewing in advance of the meeting and available at www.courts.ca.gov/documents/cfac-jbbc-20191219-materials.pdf.

Action: The CFAC—with the exceptions of judges Donald Cole Byrd and William F. Highberger, as an Ex-Officio, non-voting members, and the members who were absent as shown above—voted unanimously to approve the following motions:

1. The draft *Judicial Branch Five-Year Infrastructure Plan Fiscal Year 2020–21* move forward to the Judicial Council for adoption with phase adjustments to the following projects:
 - a. *Lake – New Clearlake Courthouse* project start move to FY 2022–23 to assist the logistics of simultaneous projects within the county;
 - b. *Nevada – New Nevada City Courthouse* project start move to FY 2021–22 to allow staff to conduct a study of new construction and renovation approaches advocated for within the county; and
 - c. *Los Angeles – New Santa Clarita Courthouse* project start remain in FY 2020–21 but accommodate both Acquisition and Performance Criteria phases.
2. Delegate to the CFAC chair and vice-chair review/approval of the advisory committee’s report on the five-year infrastructure plan to the Judicial Council.

3. Fiscal year 2020–21 COBCPs—consistent with the draft five-year plan and including the phase adjustments (to the projects described above under Motion 1)—are recommended to the Judicial Branch Budget Committee (JBBC) for its consideration.

The JBBC reviewed the FY 2020–21 COBCPs, which were consistent with the draft five-year plan and included the phase adjustments the CFAC approved for the projects described above in these meeting minutes.

Action: The JBBC—with the abstention of Judge Moorman’s vote on the *Mendocino – New Ukiah Courthouse* project and the exception the member who was absent as shown above—voted unanimously to approve the following motion:

1. Fiscal year 2020–21 COBCPs—consistent with the draft five-year plan and including the phase adjustments approved by the CFAC (to the projects described above under CFAC Motion 1)—move forward to the Judicial Council for approval.
2. Delegate to the JBBC chair and vice-chair review/approval of the advisory committee’s report on the FY 2020–21 COBCPs to the Judicial Council.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:10 a.m.

Approved by the advisory body on February 5, 2020.

BCP included in the 2020-21 Governor's Budget and is pending legislative approval.
 BCP Proposed for the 2020-21 Governor's Budget and was denied.

#	Concept Tracking #	JCC Office	Title	Description	# Positions	2021-22 Cost Estimate	Fund Source	Previous Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments
1	21-01	COA	Placeholder - Sixth District court of Appeals Rent Increase/Relocation Costs	Funding to support a significant increase in rent as a result of lease expiration or relocation costs, increased rent, and tenant improvement costs in the event that lease negotiations are unsuccessful.	0.0	\$ 1,179,000	GF	N	APJAC	APJAC	
2	21-02	COA	Appellate Court Security	Funding to support 7.0 CHP-Judicial Protection Service officers at seven state appellate courthouses.	7.0	\$ 1,537,000	GF	Y	APJAC	APJAC	BCP was submitted for inclusion in 2020-21 Governor's Budget and was denied by DOF.
3	21-03	COA	COA Court Appointed Counsel Program	Funding to support \$12/hr. rate increase for court-appointed panel attorneys in the Courts of Appeal Court-Appointed Counsel Program.	0.0	\$ 5,087,000	GF	N	APJAC	APJAC	
4	21-04	COA	Appellate Court Libraries Electronic Resources and Collections	Funding to support increased costs for updating and acquiring print collections that are unavailable in non-print formats and for electronic legal research resources.	0.0	\$ 682,000	GF	Y	APJAC	APJAC	BCP was submitted for the inclusion in 2020-21 Governor's Budget and was denied by DOF.
5	21-05	COA	Proposition 66 Costs in the Courts of Appeal	Funding to support new workload costs associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016.	14.5	\$ 9,048,000	GF	N	APJAC	APJAC	
6	21-06	COA	IT Modernization for Supreme Court and Courts of Appeal	Funding to support technology modernization initiatives for SC and COA.	14.0	\$ 5,138,000	GF	N	APJAC	APJAC	
7	21-07	CFCC	Language Access Efforts in the California Courts	Funding to support trial courts language access services and improvements to the Court Interpreters Data Collection System.	2.0	\$8.18M - \$30.38M	GF	Y	ACPAF	ACPAF	Similar BCP was included in 2020-21 Governor's budget and is pending Legislative approval. This BCP is an addition to 2020-21 request to continue funding court interpreters program for the projected shortfall.
8	21-08	CFCC	Court Response to Mental Health Issues among Children, Families, and Their Communities	Funding to support the implementation and deployment of key initiatives to address access to justice gaps in the courts' ability to respond to children and family mental health issues.	8.0	\$ 3,708,000	GF	N	CJAC, ITAC	CJAC	
9	21-09	CFCC	Self-Help Centers in Trial Courts - Continuing Funding and Expanding Services	Funding to support Futures Commission recommendations by maintaining existing funding levels for court based self-help centers and expanding unmet areas of civil law resources including on-line and interactive resources for self-represented litigants.	6.0	\$ 45,608,000	GF	Y	ACPAF	ACPAF	Similar BCP was submitted in 2018-19 and \$19.1 million in funding was approved for a 3 year period of time, ending after 2020-21. This proposal seeks to make the \$19.1 million ongoing and expand that funding enabling expanded self-help services.
10	21-10	FS	Alignment of Energy Efficiency Efforts with California Emissions Reductions Policy Timelines	Funding to align Judicial Council energy efficiency efforts with State of California Greenhouse Gas (GHG) Emissions Reductions Policy timelines.	0.0	\$ 3,000,000	GF	N	TCFMAC	TCFMAC	Similar BCP submitted in 2019-20 for the inclusion in Governor's budget and was denied by DOF.
11	21-11	FS	Insolvency Resolution for State Court Facilities Construction Fund	Funding to resolve the forecasted insolvency of the State Court Facilities Construction Fund.	0.0	\$ 90,000,000	GF	N	TCFMAC	TCFMAC	
12	21-12	FS	Trial Court and COA Facility Operations and Maintenance, Leased Space, and Deferred Maintenance	Funding to support facilities services costs in the trial and appellate court for operations and maintenance, unfunded leased trial court space, deferred maintenance projects, and additional staff to oversee these efforts.	13.0	\$ 164,785,000	GF	Y	TCFMAC	TCFMAC	BCP was submitted for the inclusion in 2020-21 Governor's Budget.
13	21-13	TCBAC	Inflationary Adjustment for Trial Courts	Funding for adjustment to trial court budget to reflect inflationary cost increases as reflected in the Consumer Price Index.	0.0	\$50M - \$70M	GF	N	TCBAC	TCBAC	BCP was submitted in 2020-21 as part of funding stabilization request for the inclusion in Governor's Budget and wasn't approved by DOF.
14	21-14	TCBAC	Funding for the Remaining 23 Unfunded Judgeships Authorized by AB 159	Funding to support the remaining 23 of the 50 trial court judgeships authorized by AB 159, accompanying support staff, and facilities-related costs (facilities costs are unknown at this time).	23.0	\$ 40,060,000	GF	Y	TCBAC	TCBAC	Budget Act 2018 provided funding for 2 AB 159 judgeships. Budget Act 2019 provided funding for 25 AB159 judgeships. This request is to provide funding for the remaining 23 of the 50 AB159 judgeships.
15	21-15	TCBAC	Civil Assessment Revenue Fund Shift	Transition the deposit of civil assessment revenues into GF instead of TCTF.	0.0	\$ 102,438,000	GF	Y	TCBAC	TCBAC	Submitted in 2020-21 as part of funding stabilization BCP for the inclusion in Governor's Budget and was not approved by DOF.
16	21-16	IT	Digital Navigator: Statewide Digital Customer Service Platform	Funding to deliver and maintain a new digital customer service initiative (Digital Navigator) that will expand the depth and breadth of services delivered to Californians via the web, email, and text.	15.0	\$ 7,925,000	GF	N	JCTC	JCTC	

#	Concept Tracking #	JCC Office	Title	Description	# Positions	2021-22 Cost Estimate	Fund Source	Previous Submittal	JCC Committee	Proposed Lead Advisory Committee	Comments
17	21-17	IT	California Courts Protective Orders Registry Mobile Access and Modernization	Funding to support the modernization of the California Courts Protective Orders Registry, by the development and support of a mobile-friendly, secure user interface.	3.0	\$ 1,834,000	GF	N	ITAC, TCBAC, JCTC	JCTC	
18	21-18	IT	Judicial Branch Office of Information Security	Funding to establish and maintain an Office of Information Security to comply with best practices in management of information security, technical risks, and risks to the data held across the Judicial Branch.	13.0	\$ 8,810,000	GF	N	JCTC	JCTC	
19	21-19	CJS	Maintaining a Sufficient Pool of Competency to Stand Trial Court Evaluators	Funding to support trial courts in addressing the increased number of Penal Code (PC) § 1368 competency to stand trial evaluations required throughout the state.	1.0	\$ 4,157,000	GF	N	CJCAC	CJCAC	
20	21-20	CJS	Criminal Procedure: Sex Offender Registration Termination	Funding to support trial courts in addressing the impact of SB 384, which allows eligible sex offender registrants to petition the court to terminate their registration requirement if they have been on the registry for the appropriate amount of time.	0.0	\$ 29,150,000	GF	N	TCBAC	TCBAC	
21	21-21	CJS	Collaborative Justice Court Programs: Trial Court and Statewide Administrative Support	Funding for administrative and program costs associated with drug and other adult and juvenile collaborative justice courts with effective case outcomes and reduced recidivism.	5.0	\$ 15,000,000	GF	N	CJCAC	CJCAC	
22	21-22	FS	Placeholder-Various Capital Outlay Projects	Funding to provide for projects listed as year 2 starts based on the Judicial Branch Five-Year Capital Outlay Plan.	0.0	\$ 849,000,000	GF	N	CFAC	CFAC	
23	21-23	HCRC	HCRC Case Team Staffing and Establishment of Los Angeles Office	Funding to support new workload costs associated with implementation of Proposition 66, and to establish a HCRC office in Los Angeles. Request is for 30 positions and \$6.6 million in 2021-22 increasing to 70 positions and \$11.5 million ongoing.	30.0	\$ 6,600,000	GF	Y	HCRC-BD	HCRC-BD	
24	21-24	CFCC	Court Appointed Special Advocates (CASA) Statewide Support	Funding to enable CASA Programs to rebuild capacity, stabilize, and sustain support as the COVID-19 crisis has had a number of disruptive effects. Request is for \$8 million in 2021-22 increasing to an ongoing value of \$12 million over two years.	0.0	\$ 8,000,000	GF	N	FJLAC TCBAC	N/A	
						Total including Capital Outlay ¹	\$ 1,503,126,000				
						Total not including Capital Outlay	\$ 654,126,000				

Internal Committees	
JCTC	Judicial Council Technology Committee
JBBC	Judicial Branch Budget Committee
Advisory Committees	
CFAC	Court Facility Advisory Committee
TCBAC	Trial Court Budget Advisory Committee
TCFMAC	Trial Court Facility Modification Advisory Committee
APJAC	Administrative Presiding Justices Advisory Committee
ITAC	Information Technology Advisory Committee
ACPAF	Advisory Committee on Providing Access & Fairness
HCRC-BD	Habeas Corpus Resource Center Board of Directors
FJLAC	Family and Juvenile Law Advisory Committee
CJCAC	Collaborative Justice Courts Advisory Committee

¹ Total includes the trial court inflationary adjustment concept at high value of \$70 million and language access concept at high value of \$30.38 million.

Requesting Entity	Administrative Presiding Justices Advisory Committee
Tracking Number	21-01

A. Proposal Title

Placeholder-Sixth District Court of Appeal Rent Increase or Sixth District Court of Appeal Relocation

B. Summary

This placeholder budget change concept (BCC) is being submitted to cover the estimated, significant lease cost increase in the Sixth District Court of Appeal that will occur as a result of the lease expiring on January 31, 2022. The lease is currently under negotiation but is estimated to increase from \$2.98 per square foot (PSF) to \$5.39 PSF, with an estimated rental cost of \$1.18 million for the remainder of 2021-22 (February to June) and an annualized rental cost of \$2.83 million for future years.

In addition, because the lease may not be successfully negotiated, the Sixth District Court of Appeal may have to relocate, resulting in relocation costs. Estimates of relocation costs are unknown at this time and can be updated as lease negotiation progresses.

C. Relevance to the Judicial Branch and State Budget

This BCC supports Strategic Plan Goal VI: Branchwide Infrastructure for Service Excellence and Goal VII: Adequate, Stable, and Predictable Funding for a Fully Functioning Branch. The branch must provide the appropriate physical infrastructure for the Sixth District Court of Appeal to ensure access is available for the public and make every effort to achieve greater financial independence and flexibility for funding the court system at a level of sufficiency.

D. Required Review/Approvals

Administrative Presiding Justices Advisory Committee has approved this request. No additional advisory bodies or Judicial Council approval is required.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total February – June FY 21-22	Total FY 22-23	Total FY 23-24
0001	N/A	N/A	Full-service rent @ \$5.39 PSF (43,758 SF)	\$1,179,000	\$2,830,000	\$2,830,000

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total February – June FY 21-22	Total FY 22-23	Total FY 23-24
0001	N/A	N/A	Relocation costs	Unable to estimate due to ongoing negotiations	Unable to estimate due to ongoing negotiations	Unable to estimate due to ongoing negotiations
Total				\$1,179,000	\$2,830,000	\$2,830,000
Ongoing				TBD	TBD	TBD
One-Time				TBD	TBD	TBD

F. Background/History

The Sixth District Court of Appeal was established in 1984; handles cases from the counties of Santa Clara, San Benito, Santa Cruz, and Monterey; and currently conducts business out of the 10th and 11th floors (43,758 sq. ft.) of a privately owned, leased building at 333 West Santa Clara Street in San Jose at perimeter of the downtown area. The current lease is a five-year lease that expires January 31, 2022. Under current lease terms, the full-service rent PSF was \$2.65 in 2017 and will be \$2.98 until the lease expires in January 2022. Based on initial market comparisons, Judicial Council Facilities has advised the court to anticipate an increase in full-service rent PSF to \$5.39, with the likelihood of yearly increases over the lease term. The estimated annualized rental cost after January 31, 2022 would be \$2.83 million annually (an increase of more than \$1.65 million annually).

G. Justification

The Sixth District Court of Appeal anticipates a significant increase in rent and tenant improvement costs commencing February 2022 if the court negotiates a lease renewal at its present location. The volatility of the commercial real estate market in San Jose indicates that the current building owner may not renegotiate the lease on terms acceptable to the court or the JCC. The court must also anticipate the possibility that the building will be sold.

Downtown San Jose and Silicon Valley commercial real estate costs have risen dramatically since the JCC negotiated the current five-year lease for the court. The cost comparisons outlined in the previous sections indicate the likelihood of the estimated dramatic cost increase in 2022. Without a budget change proposal (BCP), the Judicial Council/Courts of Appeal budgets will be required to absorb this extraordinary cost increase.

Additionally, successful lease negotiations are not guaranteed. In 2018, Google spent \$300 million to purchase 8.5 acres with city-approved plans to build an 8 million-square-foot campus, designed to connect the downtown San Jose area to Google, that will include Google operations as well as residential, commercial, and public spaces. The adjacent transportation hub will also be renovated. This acquisition has driven the rapid purchase of property in the

downtown area by developers eager to build high-rise, residential units for tech employees, as well as commercial space for companies whose services complement the tech companies in the area. The downtown-area building currently occupied by the Sixth District Court of Appeal is located on the path linking the two areas purchased by Google and are ideal for high-rise residential or commercial development.

If the building owner carries out the sale of the property or leverages the volatility of the market to increase the cost of the lease in future years, the court will need to relocate to another leased facility, with attendant relocation costs as well as increased rent costs.

H. Funding Methodology and Future Impact

When the current lease at the Sixth District Court of Appeal building expires in January 2022, the estimated rent PSF will increase from \$2.98 to \$5.39, resulting in an increased rental cost of \$1.18 million for the remainder of fiscal year 2021-22 and an increase from \$1.56 million to \$2.1 million annually for future years. Negotiations for relocating the Sixth District Court of Appeal are still in progress, so relocation estimates cannot be provided at this time. The funding source is currently the general fund.

I. Outcomes and Accountability

The desired outcome is to obtain a funding source for unanticipated rental costs that cannot be absorbed by the Sixth District Court of Appeal budget, or the current budgets of the Courts of Appeal and the JCC. This proposal will provide the necessary funding for a significant rent increase, tenant improvements, and/or relocation expenses. The Sixth District Court of Appeal is working with Judicial Council Facilities to provide more precise and itemized cost estimates associated with this proposal for incorporation into a BCP.

J. Analysis of All Feasible Alternatives

1	<p>Renew lease (status quo) with no additional funding provided</p> <p>Pros:</p> <ul style="list-style-type: none"> • No General Fund costs <p>Cons:</p> <ul style="list-style-type: none"> • Sixth District Court of Appeal will have to shift \$1.24 million or more from other operations that may create disruption in serving the public
2	<p>New leased space (includes one-time relocation costs)</p> <p>Pros:</p> <ul style="list-style-type: none"> • Opportunity to reduce square footage and long-term cost of lease • Courtroom and facilities can be constructed/planned/designed to meet appellate court facilities guidelines and provide adequate security/protection <p>Cons:</p> <ul style="list-style-type: none"> • Lease/rent increase costs

	<ul style="list-style-type: none">• Relocation costs• Possible disruption of court business during relocation
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K. Timeline for Implementation

<p>2020</p> <ul style="list-style-type: none">• Judicial Council Facilities will further investigate comparable market rates and analyze court’s space requirement.• Judicial Council Facilities will commence lease negotiations• Negotiations will be completed for 2021-2022 <p>2022</p> <ul style="list-style-type: none">• Current lease will expire January 31, 2022.

2021-22 BUDGET CHANGE CONCEPT

Requesting Entity	Administrative Presiding Justices Advisory Committee
Tracking Number	21-02

A. Proposal Title

Appellate Court Security

B. Summary

The Judicial Council of California (JCC) requests \$1.537 million General Fund in 2021-22 and ongoing to provide 7.0 necessary California Highway Patrol Judicial Protection Section (CHP-JPS) officers at seven courthouses of the state appellate courts, consisting of the California Supreme Court and the six appellate districts and divisions of the Court of Appeal. It has been documented that court-targeted acts of violence are on the rise, and the seven new CHP-JPS officers are necessary to provide minimum police protective services and respond to anticipated threats and acts of violence at those courthouses.

C. Relevance to the Judicial Branch and State Budget

The judicial branch improves access to justice by, among other things, maintaining secure physical locations around the state where members of the public can safely conduct court business. This proposal will allow CHP-JPS to provide the level of police protective services needed for safe access to justice in the appellate courts. Such protection furthers the goals of the Judicial Council's Strategic Plan. Justices, judicial branch employees, and members of the public will benefit from adequate police protective services that permit the resolution of disputes in a safe, secure, and peaceful environment.

D. Required Review/Approvals

The Administrative Presiding Justices Advisory Committee (APJAC) is the committee with jurisdiction over approving funding requests to the Judicial Branch Budget Committee for the California Supreme Court and the California Courts of Appeal.

CHP will review this concept for concurrence with the workload justification and funding requested. CHP will be submitting its own separate, consistent request to the Department of Finance for the authority and approvals needed to comply with this proposal.

2021-22 BUDGET CHANGE CONCEPT

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	7.0	\$1,537,000		\$1,537,000	\$1,537,000	\$1,537,000
Total				\$1,537,000	\$1,537,000	\$1,537,000
<i>Ongoing</i>				<i>\$1,537,000</i>	<i>\$1,537,000</i>	<i>\$1,537,000</i>
<i>One-Time</i>						

F. Background/History

The Department of the California Highway Patrol (CHP) has agreed by contract to provide specified statewide police protective services for the JCC, the California Supreme Court, the six districts of the Court of Appeal, and the Commission on Judicial Performance. The contract provides for one CHP-JPS commander, two sergeants, twenty-two officers, and one office technician. Pursuant to the contract, CHP-JPS is required to provide police protective services for (1) the facilities utilized by the protected entities, including the approximately 900 judicial branch employees and the members of the public using those facilities, (2) protected entity oral arguments, hearings, meetings and events involving state business, and (3) the 112 judicial officers of the courts, even while not conducting state business when there is a threat. As part of these contractual duties, CHP-JPS is required to provide secure transportation for judicial officers limited to state business and to the extent the secure transportation is appropriate for police protection and reasonable under the circumstances. In addition, CHP-JPS conducts ongoing threat assessment and protective security advance work.

The California Supreme Court is based in San Francisco, but it also hears oral arguments in Los Angeles and Sacramento. In addition, the Supreme Court holds special outreach sessions at locations around the state.

The six districts of the Court of Appeal (and their various divisions) have courthouses in the following locations: San Francisco, Sacramento, San Jose, Fresno, Ventura, Los Angeles, Santa Ana, Riverside, and San Diego. Like the Supreme Court, the districts and divisions of the Court of Appeal hold special outreach sessions at locations around the state.

CHP-JPS is required to have a significant presence in San Francisco to provide police protective services for the JCC, the Commission on Judicial Performance, the California Supreme Court, and the First Appellate District. CHP-JPS also must maintain a significant presence in Los Angeles due to the larger size of the Second Appellate District. Existing resources and funding do not provide a sufficient number of officers at certain courthouses.

2021-22 BUDGET CHANGE CONCEPT

G. Justification

The individual officers assigned to the courthouses in Sacramento, San Jose, Fresno, Ventura, Santa Ana, Riverside, and San Diego are unable to provide adequate police protective services at those locations because they cannot simultaneously (1) protect the courthouse facilities including the approximately 900 judicial branch employees and the members of the public using those facilities (e.g., monitor video surveillance, walk the grounds, respond to incidents), (2) provide protection at the oral arguments, hearings, meetings and events taking place on and off site (including providing bailiff duties inside the courtroom), (3) protect the judicial officers as they work in chambers, and (4) protect judicial officers who are traveling on state business. The inability to provide needed security protection increases when an officer falls ill or takes earned vacation time.

Such a gap in protective services is untenable because the threats against justices, courts, government facilities, and places of employment are becoming more alarming. In a 2010 study, the National Center for State Courts (NCSC) documented 185 court-targeted acts of violence including shootings, bombings and arson. A more recent nationwide study identified an additional 209 attacks including knifings and other assaults. A further nationwide report identified another 409 incidents and concluded that such incidents of violence are on the rise.

In 2015 a Texas judge was shot in her driveway. In 2017 a felon shot an Ohio judge. Federal Marshals identified 4,542 threats across the country and inappropriate communications against the federal judiciary in 2018. In June 2019 a man opened fire on a courthouse in Texas. On September 6, 2017, an individual entered the Ronald Reagan State Office Building in Los Angeles, which houses the Second Appellate District and oral arguments for the California Supreme Court, and acted in such a threatening manner that the use of lethal force became necessary to protect the facility and the public. This proposal will provide greater safety and minimum protection not just for judicial officers and judicial branch employees, but also for California citizens who visit and use the appellate courts. In addition, this proposal will enhance officer safety.

H. Funding Methodology and Future Impact

The \$1.537 million in General Fund will be used to fund the Personal Services and OE&E costs for 7.0 FTE CHP officers who will receive specialized training to meet the particular security needs of the Supreme Court and Courts of Appeal as assignees to the Judicial Protection Section. This proposal will also result in greater efficiency. Backfilling officers from other locations to provide needed coverage is extremely inefficient, and backfilled officers are not always available. Backfilled officers incur increased travel costs and overtime. It is much more effective to fund additional necessary officers for the seven existing locations.

2021-22 BUDGET CHANGE CONCEPT

I. Outcomes and Accountability

Although it is difficult to know how many acts of violence have been deterred because of existing police protective services, threats are on the rise and additional officers are needed to maintain safety.

CHP-JPS has policies and procedures in place for the management of their personnel and workload. These include departmental written policy, departmental and unit-specific standard operating procedures, and scheduled review with the Judicial Council project manager, who also monitors contract costs. CHP-JPS meets regularly with the management in each appellate court as well as with the Chair of the Appellate Court Security Committee to address security related issues.

If funding is not provided for this proposal, police protective services will not keep pace with increasing threats and acts of violence; CHP-JPS will be unable to maintain the full range of requested police protective services; CHP-JPS will lack the needed officers to secure judicial events, conferences, outreach activities and other protective service detail operations; CHP-JPS officer safety will be jeopardized; and inefficient backfilling will be the rule rather than the rare exception. Denial of this proposal will maintain the current untenable and unacceptable gap in protection and current increased inefficiencies, and may permit acts of violence against justices, judicial branch employees, and members of the public.

J. Analysis of All Feasible Alternatives

1	<p>Approve \$1.537 million General Fund in 2020-21 and ongoing to provide 7.0 necessary CHP-JPS officers at seven courthouses of the state appellate courts.</p> <p>Pros:</p> <ul style="list-style-type: none">• Will provide the appellate courts with a sufficient level of security, reducing potential civil liability against the State while increasing public confidence in the ability to safely conduct business at appellate court facilities. <p>Cons:</p> <ul style="list-style-type: none">• Additional General Fund resources will be required.
2	<p>Approve the \$1.537 million ongoing General Fund over a two-year period. Approve \$1.097 million ongoing General Fund in FY 2021-22 for five CHP-JPS officers and authorize approval of \$470,000 ongoing General Fund in FY 2022-23 for the remaining two CHP-JPS officers.</p> <p>Pros:</p> <ul style="list-style-type: none">• Reduced commitment of ongoing General Fund resources for fiscal year 2021-22.

2021-22 BUDGET CHANGE CONCEPT

	<p>Cons:</p> <ul style="list-style-type: none">• Additional General Fund resources will be required over a two-year period.• Through FY 2021-22, the appellate courts will continue to be at greater risk for court-targeted acts of violence, the CHP-JPS will not have sufficient officers to support events outside the courtroom, and the CHP-JPS will continue to use inefficient, less cost-efficient solutions to mitigate security needs statewide.
3	<p>Provide no additional funding to support Appellate Court Security.</p> <p>Pros:</p> <ul style="list-style-type: none">• No General Fund resources required. <p>Cons:</p> <ul style="list-style-type: none">• The appellate courts will continue to be at significant risk for court-targeted acts of violence, the CHP-JPS will have insufficient staffing levels to support required events outside of the courtroom, and the CHP-JPS will have to continue to use inefficient, less cost-efficient solutions to mitigate security needs statewide. The Judicial Council and appellate courts are unable to support significant cost increases related to security coverage. Further, denial of this proposal may result in increased civil liability against the State, decreased public confidence in the ability to safely conduct business at appellate court facilities (effect on the court's ability to ensure public access to justice), and decreased ability to mitigate injury to justices, court employees, officers, and the public as well as damage to court property.

K. Timeline for Implementation

Upon enactment of the 2021 Budget Act, the existing contract between JCC and CHP will be amended based on the approved amount of new funding. Based on current operational practices, CHP will immediately conduct interviews, hire (or transfer) officers, train the new CHP-JPS officers, and deploy them statewide at court facilities in a manner consistent with the need described in this proposal. Existing office space will be utilized. CHP has reviewed this request.

Requesting Entity	Administrative Presiding Justices Advisory Committee
Tracking Number	21-03

A. Proposal Title

Courts of Appeal Court Appointed Counsel Program

B. Summary

<p>The Judicial Council of California (JCC) requests \$5.087 million General Fund in 2021-22 and ongoing to support increased costs for contractual services for the court-appointed counsel panel attorneys for the Courts of Appeal Court-Appointed Counsel Program.</p> <p>The requested amount reflects a \$12 hourly rate increase for the court-appointed panel attorneys. The current appointment hourly rates are \$95, \$105, and \$115. The \$12 rate change will increase the hourly rates to \$107, \$117, and \$127 for the court-appointed panel attorneys.</p>

C. Relevance to the Judicial Branch and State Budget

<p>The United States Constitution’s 6th Amendment guarantees the effective assistance of counsel in criminal proceedings as a fundamental part of our judicial system. The courts are required to provide counsel to indigent defendants and must do so in all appeals that may come before them. 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.”</p> <p>The objectives of California’s appellate court-appointed counsel system are to: (1) ensure the right of indigent clients to receive effective assistance of appointed appellate counsel, as guaranteed to them by the Constitution; and (2) provide the Courts of Appeal with useful briefings and arguments that allow them to perform their function efficiently and effectively.</p>

D. Required Review/Approvals

Administrative Presiding Justices Advisory Committee (APJAC) has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	N/A	N/A	\$5,087,000	\$5,087,000	\$5,087,000	\$5,087,000
Total				\$5,087,000	\$5,087,000	\$5,087,000
Ongoing				\$5,087,000	\$5,087,000	\$5,087,000
One-Time				\$0	\$0	\$0

F. Background/History

In 1963, *Douglas v. California* (372 U.S. 353) held that the U.S. Constitution guarantees an indigent defendant convicted of a felony the right to a court-appointed attorney for the initial appeal. Twenty-two years later, in 1985, the Court clarified in *Evitts v. Lucey* (469 U.S. 387), that the guarantee of court-appointed counsel requires that counsel be competent. As indicated in *Evitts v. Lucey*, “[W]e have held that the Fourteenth Amendment guarantees a criminal appellant pursuing a first appeal as a right certain minimum safeguards necessary to make that appeal “adequate and effective,” see *Griffin v. Illinois*, 351 U.S. 12, 20 (1956); among those safeguards is the right to counsel, see *Douglas v. California*, 372 U.S. 353 (1963).” .. “[T]he promise of *Douglas* that a criminal defendant has a right to counsel on appeal — like the promise of *Gideon* that a criminal defendant has a right to counsel at trial — would be a futile gesture unless it comprehended the right to the effective assistance of counsel.”

This authority can be found in two Rules of Court: Rule 8.300 (Courts of Appeal). Rule 8.300 states in applicable part: “Each Court of Appeal must adopt procedures for appointing appellate counsel for indigents not represented by the State Public Defender in all cases in which indigents are entitled to appointed counsel.... The court may contract with an administrator [project] having substantial experience in handling appellate court appointments to perform any of the duties prescribed by this rule.” (Cal. Rules of Court, rule 8.300(a) and (e)(1).)The statewide panel attorneys in the Court-Appointed Counsel Program for the Courts of Appeal fulfill these rights for indigent defendants.

California’s CAC system, with panel attorneys in the private sector, has now been in place for about 30 years. The Court-Appointed Counsel program’s panel attorneys provide critical and

constitutionally required representation to indigent individuals in criminal, juvenile delinquency, and dependence appeals. The California Courts of Appeal contracts with appellate projects (non-profit organization) to oversee the statewide panel of attorneys who receives appointments in that district. The appellate projects are responsible for working with the panel attorneys to ensure effective assistance is provided; reviewing claims for payment for the work performed by the panel attorneys (to provide consistency and controls over the expenditure of these public monies); and training attorneys to ensure continuity of quality.

The last increase for the appointment hourly rate was a \$10 per hour rate increase for the statewide panel attorneys (non-capital appeal) effective July 1, 2016. Prior to the 2016 increase the last increase was in 2007-2008.

From 1989 to 1995, the hourly rate for all appointed cases was \$65 per hour. In 1995 a second tier was added at \$75 per hour to differentiate compensation in assisted and independent cases. A third tier at \$85 per hour was added in 1998 for the most serious and complex matters. Effective October 1, 2005, the rates increased by \$5 per hour; a \$10 per hour increase was put in place July 1, 2006; and one final \$5 per hour increase effective July 1, 2007. That same rate that was in place until July 1, 2016. The Judicial Council is requesting a \$12 per hour increase to raise these 2016 rates to \$107, \$117, and \$127 per hour.

G. Justification

Recruitment of competent counsel willing and able to make a career of appointed indigent appeals, and retention of experienced counsel, are at the heart of an efficient and cost-effective court-appointed counsel program.

A \$12 per hour rate increase is necessary as an incentive to help the program in the continued recruitment of new attorneys, for the retention of experienced attorneys, and to allow the newer panel members to continue to serve on the panel while they gain the expertise to take on the more complex and more serious cases. Currently, 84 percent of the cases are assigned to more experienced panel attorneys on an independent appointment, an increase of 20 percent since 1997. Independent assignments are the most cost effective. The program's ability to continue this level of independent assignments while providing competent representation is threatened by recent and projected reductions in the statewide pool of experienced attorneys. In recent years, a number of our most qualified attorneys have either left the panel or greatly reduced the number of cases they are willing to accept, in favor of more lucrative representation in the federal courts.

Table 1, below outlines the continued decrease in the number of statewide panel attorneys. As of July 2019, the statewide panel is 789 attorneys (76 percent independent panel attorneys and 24 percent assisted panel attorneys). Compared to January 2013, the

statewide panel was 927 attorneys (66 percent independent attorneys and 34 percent assisted panel attorneys). These most experienced attorneys are primarily in the group that was admitted to the California State Bar between 1971 and 1985, 31 percent of the independent attorneys. Many of these attorneys, especially the most experienced (Levels 4 and 5), were employed and trained by the Office of the State Public Defender and were admitted to the panel when that office downsized in the 1980s.

Table 1 Statewide Panel Ranking Between January 2013 and July 2019

	Level 5		Level 4		Level 3		Level 2		Level 1		NR		N
	N	%	N	%	N	%	N	%	N	%	N	%	
July 2019	154	20%	162	21%	284	36%	119	15%	70	9%		0.0%	789
Jan. 2019	154	19%	172	22%	282	35%	125	16%	66	8%		0.0%	799
July 2018	150	18%	183	22%	293	35%	124	15%	76	9%	-	0.0%	826
Jan. 2018	158	19%	184	22%	286	34%	136	16%	83	10%		0.0%	847
July 2017	157	18%	188	22%	280	32%	151	17%	90	10%	-	0.0%	871
Jan. 2017	160	18%	180	20%	276	31%	175	20%	92	10%		0.0%	883
July 2016	162	18%	182	20%	269	30%	177	20%	106	12%		0.0%	896
Jan. 2016	158	18%	185	21%	271	30%	165	18%	119	13%	-	0.0%	898
July 2015	158	18%	180	20%	273	31%	173	19%	106	12%	-	0.0%	890
Jan. 2015	156	17%	181	20%	274	31%	171	19%	112	13%	-	0.0%	894
July 2014	160	18%	175	19%	272	30%	187	20%	119	13%		0.0%	913
Jan. 2014	125	18%	163	18%	288	32%	169	19%	118	13%		0.0%	900
July 2013	164	18%	163	18%	286	31%	171	19%	131	14%	-	0.0%	915
Jan. 2013	154	17%	170	18%	289	31%	181	20%	133	14%	-	0.0%	927

Even with the approval of this requested rate increase of \$12 per hour, the statewide panel attorneys' highest hourly compensation rate (\$127 per hour) is under the Department of General Services 2019-20 Price Book of \$170 per hour for external legal advice.

H. Funding Methodology and Future Impact

4 Fiscal Years Average- 15/16, 16/17, 17/18 and 18/19	4-yr. Average Number of Claims	4-yr. Average Number of Hours Paid	Cost of Proposed \$12 Hourly Rate
Assisted Claims	1,968	52,032	\$624,384
Independent Claims	10,856	371,924	\$4,463,088
4-year Average	12,824	423,956	\$5,087,472
Total Avg. 4-Year Hours (15-16, 16-17, 17-18 and 18-19)			
\$12 Hourly Rate Increase			\$5,087,472

Multiply the average 4-year Average number of hours paid by \$12 yields the increase funding needed to support the \$12 rate increase.

	Statewide Panel Attorney Funds
Current Statewide Panel Budget	\$49,977,000
Proposed Concept (BCP) 2021-2022	\$5,087,000
Proposed Funding for 2021-2022 Statewide Panel Attorneys - Total	\$55,064,000

I. Outcomes and Accountability

The Judicial Council, through its Appellate Indigent Defense Oversight Advisory Committee (AIDOAC), regularly monitors the efficiency of the court-appointed counsel system (including both the Court of Appeal projects and the panels) analyzes cost, workload, and a variety of other factors to ensure the projects and the panel attorneys are continuing to provide the value to the Courts of Appeal and the litigants required by the courts and the Constitution. AIDOAC reviews trends and re-evaluates course direction when appropriate. For example, noticing an increase in the amount of time spent and compensated for “unbriefed issues,” AIDOAC worked with the project directors to refine the guidelines of when it is appropriate to seek compensation in this category. AIDOAC will monitor this line item as part of its quarterly reviews to determine the impact of this change in guidelines.

It is difficult to predict with certainty the amount of growth in the size of the panel that will result from the \$12 per hour increase, but it is anticipated that the increase may allow the new and less experienced attorneys to remain on the panel and gain the expertise needed to take on the more complex and more serious cases as the more experienced attorneys age out of the system. The rate increase will also allow the more experienced attorneys to remain longer, as they are less likely to be facing cost and inflationary increases that far exceed their compensation. The Judicial Council will continue to monitor the panel composition, survey panel members, and assess efficiency of attorneys based on level of experience to ensure that court-appointed counsel is continuing to provide the effective representation it was designed to.

J. Analysis of All Feasible Alternatives

1	<p>Fund a \$12 hourly rate increase for the panel attorneys</p> <p>Pros:</p> <ul style="list-style-type: none"> • Provide comparable compensation for statewide panel attorneys handling cases on appeal.
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	<ul style="list-style-type: none"> • Indigent appellants in California Courts of Appeal will continue to receive adequate representation as mandated by the United States Constitution. • Attract and retain newer panel attorneys and grow their experience so they can eventually take on the more complex and more serious matters. • Reduce attrition of experienced and new panel attorneys to government entities. • A stable statewide panel will continue to be in place. <p>Con:</p> <ul style="list-style-type: none"> • Results in use of additional General Fund resources.
2	<p>Fund up to a \$10 hourly rate increase for the panel attorneys</p> <p>Pros:</p> <ul style="list-style-type: none"> • Indigent appellants in California Courts of Appeal will continue to receive adequate representation as mandated by the United States Constitution. • Provide a rate increased for current panel attorneys handling cases on appeal. • Infuse the statewide panel with new panel attorneys <p>Cons:</p> <ul style="list-style-type: none"> • Unable to retain the experienced attorneys and lose the most experienced panel attorneys. • Unable to recruit new attorneys and provide adequate compensation for attorneys to stay in the program to gain experience for appointment to complex cases at higher compensation. • Continue to lose experienced and new panel attorneys to government entities for adequate compensation and security. • Panel attorney’s highest hourly rate is significantly below the \$170 rate for DGS external legal advice.
3	<p>Do not fund this request and continue status quo.</p> <p>Pro:</p> <ul style="list-style-type: none"> • No impact to the General Fund. <p>Cons:</p>

- The most experienced attorneys will leave the program and thus increase the cost to the system.
- Low compensation levels would likely deter new attorneys from entering the program and lead to a decline in the number of experienced attorneys remaining in the program.
- The quality of justice provided to the people of California may be seriously impaired.

K. Timeline for Implementation

Effective July 1, 2021, increase the hourly rate by \$12 for the Statewide Court-Appointed Counsel panel attorney on cases appointed on or after July 1, 2021.

Requesting Entity	Administrative Presiding Justices Advisory Committee
Tracking Number	21-04

A. Proposal Title

Appellate Court Libraries Electronic Resources and Collections

B. Summary

The Judicial Council of California (JCC) requests \$682,000 (\$213,000 Program 0130 – Supreme Court and \$469,000 Program 0135 – Courts of Appeal) General Fund in 2021-22; \$445,000 (\$138,000 Program 0130 – Supreme Court and \$307,000 Program 0135 – Courts of Appeal) in 2022-23; and \$451,000 (\$140,000 Program 0130 – Supreme Court and \$311,000 Program 0135 – Courts of Appeal) annually thereafter for the California Judicial Center Library and the Courts of Appeal libraries (collectively the “appellate court libraries”). This request is to support increased costs for updating and acquiring print collections that are unavailable in non-print formats and for electronic legal research resources.

C. Relevance to the Judicial Branch and State Budget

This request is consistent with the constitutional mandate that:

Decisions of the Supreme Court and Courts of Appeal that determine causes shall be in writing with reasons stated. (Constitution of California, Article VI, §14.)

It is impossible to produce written opinions that state the legal basis and the legal reasoning for judicial decisions unless unimpeded access to accurate primary and secondary legal information resources is provided to the justices and judicial research attorneys in the appellate courts. To exercise their constitutionally mandated decision-making authority, justices and their research staffs must consult all relevant resources to ensure that the rule of law is applied consistently and accurately for all who come before the courts, and these resources must be current and accurate.

Without additional ongoing funding the appellate court libraries cannot serve clients to the best of their abilities in both print and electronic formats. This is an ethical obligation as well as a practical obligation for the judicial research attorneys who are employed by the appellate courts. From State Bar of California Formal Opinion No. 2015-193:

Maintaining learning and skill consistent with an attorney’s duty of competence includes “keeping abreast of changes in the law and its practice, including the benefits and risks associated with technology.”

In addition, this request serves to fulfil Goal IV of the Strategic Plan for California’s Judicial Branch, Quality of Justice and Service to the Public.

D. Required Review/Approvals

The Administrative Presiding Justices Advisory Committee (APJAC) is the committee with jurisdiction over approving funding requests to the Judicial Branch Budget Committee for the California Supreme Court and the California Courts of Appeal.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001 Program 0130			\$213,000	\$213,000	\$138,000	\$140,000
0001 Program 0135			\$469,000	\$469,000	\$307,000	\$311,000
			Total	\$682,000	\$445,000	\$451,000
			Ongoing	\$439,000	\$445,000	\$451,000
			One-Time	\$243,000	0	0

F. Background/History

The appellate court libraries consist of the California Judicial Center Library (CJCL) and the libraries at each the Courts of Appeal (COA). The CJCL serves the Supreme Court and the First District Court of Appeal and is funded from Program 0130 – Supreme Court. The libraries for the Second through Sixth District Courts of Appeal are funded from Program 0135 – Courts of Appeal. The mission of the appellate court libraries is threefold: (1) to provide accurate and current legal research and reference materials; (2) to help patrons find materials; and (3) to maintain a record of materials used to author opinions so that future courts can reconstruct the logic used in all opinions.

The appellate court libraries manage the information resources and materials used by research attorneys in the appellate courts to conduct the research necessary to author a complete and accurate case and by judicial assistants to proofread and check the cases for good law. Additional customers of the appellate court libraries include the Justices of the Courts of Appeal and in-chambers staff for the entire appellate court system, all writs departments, and other related entities.

Each appellate court has its own library and a local librarian in charge of their individual print and digital collections. Each librarian is a specialist in their own district. The appellate court libraries therefore need the budget to support and maintain print and digital collections while adding resources to keep up with increasing complexity resulting from changes in the law and with emerging fields of jurisprudence, especially in areas like technology.

Over the past five years the Courts of Appeal have received additional funding to pay for fixed cost increases, such as general salary increases, retirement, health benefits, and rent. In addition, in 2019-20 the Courts of Appeal received \$5 million ongoing to address workload growth due to more complex litigation, new case duties related to recent law changes seeking retroactive decisions, and voter approved initiatives requiring Court of Appeal review. This new and additional workload had put a significant strain on existing resources and staff, and the Courts of Appeal could not readily resolve parties' disputes in a just and timely manner in large part because the courts had been forced to hold positions vacant due to insufficient funding.

The additional \$5 million ongoing funding is allowing the courts to hire additional staff to reduce backlogs and case processing times. However, owing to these critical workload priorities, there were no additional funds available for library purchases and subscriptions and electronic legal research costs. Combined with inflationary cost increases for these purchases and the steep increase in costs for necessary contracted online legal research platforms the situation has become unsustainable. Therefore, a separate request is being made specifically for the appellate court libraries to secure necessary additional ongoing funding.

G. Justification

This request serves two purposes: (1) to increase funding for obtaining print materials that are necessary to author judicial opinions and (2) to account for price increases in the appellate libraries' electronic legal research resources, which are necessary for the ethical practice of law. Over the past ten years, library budgets have been cut steadily across the court system. However, the cost of the subscription materials has risen over that same period. Print publications come from multiple vendors and price increases vary from publisher to publisher. While the overall spending for print materials has fallen, even in the face of rising prices, these constraints cannot continue indefinitely—there is a limit to the number of print books that can be cut from library collections without impacting the library user's research and work product. To save money, the appellate court librarians pool resources, negotiate for discounts, and reduce collections as needed. But these strategies only help mitigate price increases, they cannot replace funding entirely. The appellate court libraries have reached the limits of economizing. Any further cuts will impact compliance with the Constitution of California, Article VI, Sec. 14 and will leave libraries at a crisis level.

Print Collections

While electronic research platforms like Westlaw and LexisNexis are the first and primary legal research tools used, if the judicial research attorneys do not find needed materials on these platforms they will turn to the print library resources and to their librarians. A print law library is therefore maintained in each appellate court, as well as subscriptions to electronic support resources other than Westlaw or LexisNexis. To maximize efficiency, the librarians for the appellate courts have strived to reduce or remove duplicate print items, encouraged shared collections, and increased the use of electronic resources.

However, the libraries have essentially hit the limit of what can be sought in non-print form. New print material must be purchased because many print titles are not available online, are not free through open source venues such as Google Books, are too costly in e-format, or are not formatted correctly in an electronic environment. The following are some examples of print-only resources that must be updated and replaced periodically: CEQA Deskbook—Solano Press; Marsh’s California Corporation Law—Wolters Kluwer; Sack on Defamation—Practicing Law Institute; and Recovery of Damages for Fraud—Lawpress.

Two neutral sources from which to determine legal material pricing include the Library Materials Price Index for 2018 from the American Library Association (ALA) and Svengalis Legal Information Buyer’s Guide, 2018 (Svengalis). ALA shows that the cost of “Legal Serials Services” (the bulk of law library collections) has increased between 9 percent to 14 percent every year since 2013. Svengalis survey of pricing has demonstrated an average 16 percent annual increase in print legal resources costs. The appellate court librarians therefore chose a 13 percent midpoint benchmark from these pricing sources to determine budget funding for print collections.

Electronic Resources

As noted previously, electronic research platforms are the primary tools used in the Courts of Appeal. Westlaw is one of the critical resources for research attorneys, who rely on this service in their daily work responsibilities. The State of California’s Appellate Librarians’ ten-year contract with Westlaw expired in 2018-19. The new contract price for Westlaw increased by approximately \$133,000 or 29 percent to \$588,000 annually, with a one percent year-over-year increase thereafter. The first two years of the new Westlaw contract will need to be absorbed by already strained resources. The annual contractual amount will be approximately \$600,000 by 2021-22.

LexisNexis is the online research platform which holds the “Official” print contract for Official California Reports. Therefore, LexisNexis is a service that the courts are required to maintain in order to comply with the California Style Manual’s cite-checking and editing format. This contract expires in 2020. Currently the appellate court libraries are paying \$86,000 for LexisNexis annually. LexisNexis submitted a Freedom of Information Act request for the appellate court libraries’ current Westlaw contract, so even with preferential pricing the appellate courts foresee a percentage increase to the LexisNexis contract comparable to the Westlaw increase, or approximately 30 percent.

In addition to Westlaw and LexisNexis, the appellate court libraries maintain additional lower-cost online research resources. Increased costs for all these resources (which include online dictionaries, cataloging software, law journal and archival document access) will increase the libraries cost by \$25,000 annually.

Ensuring that there is complete, current, accurate, and usable information is the responsibility of the appellate court law librarians. These professionals support the justices, researchers, and support personnel at the Supreme Court and Courts of Appeal (comprising over 1,000 individuals) by providing vital, high quality resources that enable the work of the courts to occur. The absence of accessible library resources would result in a marked increase in the amount of time each attorney needs to spend on each case searching and trying to find legal research materials outside of the appellate court libraries. Longer research time in turn would require hiring more research attorneys to handle the existing caseload, with associated staffing costs that would be exponentially larger than funding the resources to appropriately support existing libraries.

H. Funding Methodology and Future Impact

The JCC) requests:

- \$682,000 General Fund in 2021-22
- \$445,000 General Fund in 2022-23; and
- \$451,000 General Fund in 2023-24 and annually thereafter.

The request comprises two components—Print Collections and Electronic Resources—and is divided between Program 0130 – Supreme Court and Program 0135 – Courts of Appeal.

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001-CJCL-Program 0130			\$213,000	\$213,000	\$138,000	\$140,000
			<i>Print Collections</i>	\$154,000	\$77,000	\$77,000
			<i>Electronic Resources</i>	\$59,000	\$61,000	\$63,000
0001-COA-Program 0135			\$469,000	\$469,000	\$307,000	\$311,000
			<i>Print Collections</i>	\$332,000	\$166,000	\$166,000

			<i>Electronic Resources</i>	\$137,000	\$141,000	\$145,000
			Total	\$682,000	\$445,000	\$451,000
			Ongoing	\$439,000	\$445,000	\$451,000
			One-Time	\$243,000	0	0

Print Collections

The JCC requests \$486,000 in 2021-22 for library print collections: a 13 percent, \$243,000 one-time augmentation in 2021-22 to address the critical needs for right-sizing and rebalancing print collections that have been underfunded for over decade; and an additional 13 percent, \$243,000 ongoing beginning in 2021-22. These costs are divided between the library in Program 0130 – Supreme Court and the libraries in Program 0135 – Courts of Appeal.

Electronic Resources

The JCC requests \$196,000 ongoing in 2021-22, an additional \$6,000 ongoing in 2022-23 in 2022-23, and an additional \$6,000 ongoing in 2023-24 for increased costs for electronic legal research resources, including annual contractual increases. These costs are divided between the library in Program 0130 – Supreme Court and the libraries in Program 0135 – Courts of Appeal.

Westlaw: By 2021-22, a \$145,000 augmentation will be necessary to cover the increased annual cost of the Westlaw contract. An additional ongoing \$6,000 augmentation is requested in 2022-23 and another in FY 2023-24 ongoing to cover the one percent annual contractual increase with Westlaw, averaging approximately \$6,000 annually.

LexisNexis: The appellate courts foresee a percentage increase to the LexisNexis contract of 30 percent or approximately \$26,000 annually.

Other Online Resources (existing subscriptions) Increased costs for all these resources (which include online dictionaries, cataloging software, law journal and archival document access) will increase the libraries cost by \$25,000 annually.

I. Outcomes and Accountability

The request will address the critically needed acquisition, replacement and maintenance of print collections at the California state appellate court libraries. These funds will be fundamental to enabling the high level of accuracy and breadth of analysis expected from the judiciary in California’s appellate courts. Without the cornerstone resources that would be funded by this request, including online research tools as well as print collections, it would be difficult for the courts to do their jobs effectively and efficiently. The appellate court librarians will report back to the Appellate Presiding Justices Advisory Committee on how the budget funds were spent in each court and further address any continuing price increases.

If this proposal is approved, the adverse effects avoided would include a drop in the quality of the opinions produced by the California appellate courts, a reduction in the speed of their production and a more frustrating work environment for justices and judicial research attorneys. Instead, the result would be continuing the high quality of justice provided by the state appellate courts.

J. Analysis of All Feasible Alternatives

<p>1</p>	<p>Approve \$682,000 (\$213,000 Program 0130 – Supreme Court and \$469,000 Program 0135 – Courts of Appeal) General Fund 2021-22; \$445,000 (\$138,000 Program 0130 – Supreme Court and \$307,000 Program 0135 – Courts of Appeal) in 2022-23; and \$451,000 (\$140,000 Program 0130 – Supreme Court and \$311,000 Program 0135 – Courts of Appeal) annually thereafter</p> <p>Pros:</p> <ul style="list-style-type: none"> • Provides adequate funding to address increased costs for the Appellate Court Library System needs, and to repurchase cancelled library materials where appropriate and requested. • Allows for a more comprehensive and proactive rebalancing of the appellate court libraries’ resources, giving the appellate court staff and patron base an even more effective blend of print and electronic resources. <p>Cons:</p> <ul style="list-style-type: none"> • Additional General Fund resources will be required.
<p>2</p>	<p>Approve \$682,000 one-time General Fund increase in 2021-2022 to support increased costs of doing business for Appellate Court Library System in the Supreme Court and the Courts of Appeal Court.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Provides funding to address critical needs related to increased costs for the Appellate Court Library System needs. • Allows for a wide-ranging and proactive rebalancing of the appellate court libraries’ resources, giving the appellate court staff and patron base a more effective blend of print and electronic resources. <p>Cons:</p> <ul style="list-style-type: none"> • Does not provide ongoing funding to keep pace with 13 percent annual increases in library materials costs or the annual increases in Westlaw contractual costs. • Lack of ongoing funding for print materials repurchasing will increase risk of future reliance on outdated or inaccurate authority by research attorneys and other library patrons. • One-time General Fund resources will be required.

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| 3 | <p>Do not approve additional General Funds to support Appellate Court Library System for the Supreme Court and Courts of Appeal.</p> <p>Pros:</p> <ul style="list-style-type: none">• No impact to the General Fund. <p>Cons:</p> <ul style="list-style-type: none">• The costs for legal materials will continue to go up. As they do so, the courts will have to cut existing resources, regardless of their utility.• By cutting the print collections, the appellate court librarians would not be able to retain and maintain superseded copies (which provide a record of the law as it stood, and the references cited by court opinions as they are released). This would undermine the archival and preservation duties of the appellate court libraries.• Westlaw and LexisNexis, as the largest databases, would be the last items cut, giving them a complete monopoly over the research of the Courts of Appeal in California—there would be no negotiating position to push back on pricing.• The courts would lose access to nearly all materials aside from the publishing arms of Westlaw and LexisNexis. |
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K. Timeline for Implementation

Acquisition of materials will be through approved Judicial Branch procurement processes and costs will be transparent to the public. Because the appellate court libraries maintain an interlibrary loan resource sharing strategy, the benefit of all new acquisitions will be shared by all libraries. The appellate court libraries will perform a comprehensive analysis of their print and digital resource collections during the first year of implementation and will focus first on reinstating subscriptions to materials which were cancelled due to cost—if those resources have been missed—in the best format for the court users. A high-level analysis indicates that this will result in reinstatement of a number of print-based secondary source titles from non-Lexis/Nexis and Westlaw publishers and increased electronic subscriptions from these alternate publishers (where the electronic formatting is usable and economically favorable). The librarians will also review the newly published legal books, materials, and electronic resources that are relevant to California law and legal analysis and obtain new materials and reference resources where appropriate. The purchase of the materials will be staggered over time and prioritized based on projected use and depth of coverage.

Requesting Entity	Administrative Presiding Justices Advisory Committee
Tracking Number	21-05

A. Proposal Title

Proposition 66 Costs in the Courts of Appeal

B. Summary

The Judicial Council of California (JCC) is requests 14.5 positions and \$9.048 million General Fund in 2021-22; \$8.719 million General Fund in 2022-23; and \$8.742 million General Fund annually thereafter to support new workload and costs (including appointed counsel, investigation, records storage and technology upgrades) associated with implementation of Proposition 66, the Death Penalty Reform and Savings Act of 2016 Prop 66), in the Courts of Appeal.

C. Relevance to the Judicial Branch and State Budget

Prop 66 specifically requires the Judicial Council to adopt rules “designed to expedite the processing of capital appeals and state habeas corpus review.” (Pen. 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 conducted as expeditiously as possible.” (Pen. Code, section 1509(f).) That same provision, however, states that proceedings must be conducted “consistent with a fair adjudication.” This request is consistent with the policy of all three branches of state government to provide timely and effective capital post-conviction representation. It also specifically fulfills Goal I, Access, Fairness, and Diversity, of the Judicial Branch Strategic Plan, where” California’s courts will treat everyone in a fair and just manner,” as well as Goal III, Modernization and Management of Administration, to “promote compliance with all court orders and federal and state laws,” and Goal VII, Adequate, Stable, and Predictable Funding for a Fully Functioning Branch, “The judicial branch will advocate for investment in the justice system of California to preserve access to justice for all Californians.”

The Proposition provided no funding mechanism for its implementation. In anticipation of increased demand for habeas counsel, the Habeas Corpus Resource Center (HCRC) submitted a Budget Change Proposal (BCP) in 2019 to fund 70.0 new FTE over three years starting in 2020-21 and rental costs to establish a Los Angeles office to address the new attorney workload created by Prop 66 and address long-standing backlog for appointment of capital habeas counsel. The HCRC BCP was not included in the Governor’s proposed 2020-21 Budget.

The Office of the State Public Defender (OSPD) did have a BCP for 2020-21 included in the Governor’s budget for 5.0 FTE and approximately \$1 million General Fund. Part of this

proposed increase will assist OSPD in filing complex preservation motions for nearly all their clients to reduce the risk of loss of potentially relevant materials for habeas petitions owing to the current long periods between conviction and the appointment of habeas counsel. Note OSPD handles only automatic appeals cases; not habeas petitions impacted by Proposition 66. Neither the HCRC or OSPD BCPs addressed cost impacts or funding needs in the California Courts of Appeal.

This BCC only addresses costs for Proposition 66 cases at the Appellate Court level; this does not include trial court costs. In addition, this estimate is based on our best knowledge of the impact, however, the full implementation and costs surrounding Proposition 66 are yet to be seen.

D. Required Review/Approvals

The Administrative Presiding Justices Advisory Committee (APJAC) is the committee with jurisdiction over approving funding requests to the Judicial Branch Budget Committee for the California Supreme Court and the California Courts of Appeal. The APJAC is coordinating its efforts with the Proposition 66 Implementation Working Group, whose charge includes “identifying additional workload and other resources necessary to facilitate the superior courts and Courts of Appeals performing new work required of these courts by the passage of Proposition 66.”

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	14.5	\$3,114,000	\$5,934,000	\$9,048,000	\$8,719,000	\$8,742,000
Total				\$9,048,000	\$8,719,000	\$8,742,000
Ongoing				\$8,696,000	\$8,719,000	\$8,742,000
One-Time				\$352,000		

F. Background/History

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 (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 October 25, 2017, the Supreme Court's opinion in *Briggs v. Brown* became final ((2017) 3 Cal.5th 808), and the act took effect.

Before Proposition 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 for the Courts of Appeal.

G. Justification

Prop 66 is in effect as the law in California. The Courts of Appeal must review and rule on the appeals that have resulted from the law, as well as implement rules and procedures that are required to assist the processing of habeas corpus proceedings from the trial to the appellate courts. Each appeal will require the Courts of Appeal to write an opinion. 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 1/4 of the pending 150 cases (38) will be appealed in each year beginning in fiscal year 2021-22. If funding is not provided to the Courts of Appeal, the 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 4 months FTE to review and prepare. This will delay all appeals, slowing the process of justice, which is precisely the opposite of what the proponents of Prop 66 and, by extension, the majority of Californians wanted when Prop 66 was passed.

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. These delays in appointment of counsel are not only in 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 the responsible party for paying 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 assisting 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.

There is no direct workload precedent in the Courts of Appeal for the habeas proceedings that will now be appealed from the superior courts. Therefore, the estimates in this budget change concept as outlined below are largely based on comparable workload and expenses of the Supreme Court in deciding pre-Prop 66 petitions.

Courts of Appeal Appellate Attorney Staff—14.5 FTE (PS & OE&E) (1.0) Supervising Appellate Court Attorney, (11.5) Senior Appellate Court Attorney, (2.0) Judicial Assistant

The Courts of Appeal will need additional staff to handle these appeals. Because these cases involve the death 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 Proposition 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 employee (FTE) will need an average of 6 months to prepare a draft opinion. For appeals from second or subsequent petitions, an FTE will need from 1 week to several months to prepare a memorandum or draft decision. Averaging these estimates results in the need for 1.0 FTE to work on a case for 4 months. The estimated workload calculation projects that 1/4 of the pending 150 cases (38) will be appealed in each year for years beginning in fiscal year 2020-21, 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 in finding and appointing counsel in these cases.

Appointed Counsel: 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. The Courts of Appeal cannot assume, however, that just 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 budget change 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 2023-24. The Supreme Court pays counsel a flat rate of \$110,000, and an additional hourly rate for up to 200 hours of record review. The Supreme Court's \$110,000 flat rate represents 759 hours at the \$145 per hour rate, therefore the estimate is that counsel will be compensated for 759 hours plus 200 hours for record review, for a total 959 hours, at the \$145 hourly rate @ approx. 19 cases per year.

Counsel for Certain Ineffective-Assistance Claims: Under Prop 66, an appellant may claim that his or her superior court habeas corpus attorney provided ineffective assistance in failing to argue that the trial attorney was ineffective (so-called Ineffective Assistance of Counsel Squared or IAC²). A new attorney will often need to be appointed when these claims are raised because of conflict-of-interest concerns, in that even if the superior court

habeas attorney is appointed and continues to represent the petitioner in the appeal, he or she cannot investigate and raise his or her own prior deficient performance. The calculation for the costs of these additional attorney fees assumes that appellants will raise these claims in 15 appeals per year through 2023-24. The calculation estimates that the attorneys appointed to represent the appellant for purposes of these ineffective-assistance claims will spend 500 hours at the \$145 hourly rate @ approx. 15 cases each year.

Ineffective Assistance of Counsel Claims—Investigation: The Supreme Court currently provides up to \$50,000 per case for costs of investigating claims of ineffective assistance of counsel. (Government Code, section 68666, subdivision (b).) This budget change concept uses the same rate and estimates that investigative costs will be required in 15 appeals each year through 2023-24.

Assistance Hours: Counsel appointed to represent an appellant in a habeas corpus appeal is legally entitled to assistance from other counsel or entities. This budget change concept estimates that 100 hours of such assistance, at an hourly rate of \$145, will be required in each of the 38 appeals that are projected to be filed per year through 2023-24.

Attorney Recruitment: Under applicable rules, each Court of Appeal must establish a committee to assist the superior courts in recruiting attorneys to represent petitioners in these habeas corpus proceedings. The committees must evaluate attorney applications, match qualified attorneys to cases, remove unqualified attorneys from eligibility, and establish mentoring and training programs. This budget change concept requests funding for the costs associated with these activities, as well as OE&E expenses.

Records Storage: The average size of a record in a death penalty case on direct appeal is about 100 volumes. These records are part of the record in ensuing habeas corpus proceedings. This budget change concept estimates that the habeas corpus proceedings in the superior court will generate another 50 volumes. Thus, the average record for an appeal will be 150 volumes, which translates to approximately 15 boxes. The cost estimate is based on 15 boxes per appeal @ \$36.36 per box, plus an average of \$4 per box for handling costs or \$605 per case. Storage costs double each year as records must be retained for at least 20 years.

Information Technology System Upgrades: The Courts of Appeal will need to upgrade Information Technology (IT) systems in two ways to process the new workload required under Proposition 66: 1. The Courts of Appeal must modify the existing District Courts of Appeal - Court Appointed Counsel System (DCACS) to process invoices from appointed counsel; and 2. The Courts of Appeal must provide a portal for appointed counsel to enter and track compensation claims.

This budget change concept estimates that 2,480 level-of-effort hours will be required for the first year, at a rate of \$125 per hour, and 992 hours will be required each year

thereafter, at the same rate, to implement upgrades required in the following functional areas: appellate courts, Judicial Council (JC) Appellate Court Services, JC Accounts Payable, DCACS JC IT developers, development contractor (DCACS enhancements), development contractor (attorney portal), JCIT enterprise architects, JCIT infrastructure, JCIT security, and JCIT database administrator.

H. Funding Methodology and Future Impact

The request is for a General Fund Augmentation as follows:

	Cases per Year	Hours per Case	Rate per Hour	FY 21-22	FY 22-23	FY 23-24
Courts of Appeal Appellate Attorney Staff—14.5 FTE (PS & OE&E, including one-time, first year OE&E)	38	640	N/A	\$3,634,000	\$3,468,000	\$3,468,000
Appointed Counsel	19	959	\$145	\$2,642,000	\$2,642,000	\$2,642,000
Counsel for Certain Ineffective-Assistance Claims	15	500	\$145	\$1,088,000	\$1,088,000	\$1,088,000
Ineffective Assistance of Counsel Claims—Investigation	15	N/A	\$50K flat rate	\$750,000	\$750,000	\$750,000
Assistance Hours	38	100	\$145	\$551,000	\$551,000	\$551,000
Attorney Recruitment	N/A	N/A	N/A	\$50,000	\$50,000	\$50,000
Records Storage	38	N/A	\$605 per case	\$23,000	\$46,000	\$69,000
Information Technology System Upgrades	N/A	2480	\$125	\$310,000	\$124,000	\$124,000
Total Estimated Costs				\$9,048,000	\$8,719,000	\$8,742,000

The estimated budget assumes that the Courts of Appeal will handle this new work with a centralized staff, where the attorneys will serve all 6 appellate districts. This assumption recognizes that centralized staff will provide the Courts of Appeal with more flexibility in handling this workload, which is likely to be distributed unevenly among the districts, and it recognizes that additional resources would be required if each Court of Appeal were to hire its own staff. Under a central staff model, 1.0 position will need to be a Supervising Appellate Court Attorney to oversee and review the work of the other attorneys. The recommended classification for the remaining attorneys is Senior Appellate Court Attorney, the classification currently used at the Supreme Court. An additional 2.0 Judicial Assistants are included to support the additional workload. In addition, the funds for attorney recruitment and records

storage will also be overseen by the Courts of Appeal. The funding for appointed counsel, IAC² work, investigation, and assistance hours will most likely be administered by contract through designated assisting entities, similar to the Court Appointed Counsel projects that provide indigent defense in non-capital appeals currently. The funding for technology upgrades to the DCACS system and claims portal would be at the JCC.

I. Outcomes and Accountability

An expert, professional staff will be developed for habeas corpus matters in the Courts of Appeal, which will allow the new workload created by Prop 66 to be addressed appropriately and not overwhelm the appellate courts. Appointed counsel representing appellants in the Courts of Appeal will be paid the suitable rate for capital appeals, an unknown factor that has been hindering the ability to attract counsel at both the trial and appellate levels. Accountability will be measured through attorney recruitment and helping in the process of reducing the backlog of habeas counsel appointments to prisoners on death row.

J. Analysis of All Feasible Alternatives

1 Approve request for 14.5 positions and \$9.048 million General Fund in 2021-22; \$8.719 million General Fund in 2022-23; and \$8.742 million General Fund in 2023-24 and annually thereafter to support new workload and associated costs to implement Prop 66 in the Courts of Appeal.

Pros:

- The Courts of Appeal will be able to hire and develop a professional staff to handle habeas corpus appeals
- The Courts of Appeal will be able to review and render opinions on habeas matters in a timely fashion
- Increased funding for appointed counsel at the \$145/hr. rate will attract more attorneys to represent appellants in the Courts of Appeal
- The interests of justice to assist in providing relief to prisoners without counsel in the appellate courts and the People of California who voted for Prop 66 will be furthered by this request

Cons:

- There will be an increased draw on the General Fund of \$9.05 million in 2021-22 and \$8.7 million ongoing

<p>2</p>	<p>Provide a \$3.6 million General Fund augmentation in 2021-22 and \$3.5 million ongoing that will fund the Courts of Appeal staffing only</p> <p>Pros:</p> <ul style="list-style-type: none"> • The Courts of Appeal will be able to hire and develop a professional staff to handle habeas corpus appeals • The Courts of Appeal will be able to review and render opinions on habeas matters in a timely fashion • Reduces the request by \$5.4 million in 2021-22 and \$5.2 million ongoing <p>Cons:</p> <ul style="list-style-type: none"> • Will not have the ability to attract and appoint qualified attorneys without increased funding for appointed counsel at the \$145/hr. rate • Vital support for investigations, records storage, attorney recruitment for superior court appointments and technology upgrades will go unfunded and stress already stretched budgets • The interests of justice to assist in providing relief to prisoners without counsel in the appellate courts and the People of California who voted for Prop 66 may be stymied by this request if the issue of payment for appointed counsel is still unresolved • There will be an increased draw on the General Fund of \$3.6 million in 2021-22 and \$3.5 million ongoing
<p>3</p>	<p>Provide a \$5.4 million General Fund augmentation in 2021-22 and \$5.2 million ongoing that will fund the appointed counsel, IAC² counsel, assisted counsel and other support costs only</p> <p>Pros:</p> <ul style="list-style-type: none"> • Will have the ability to attract and appoint qualified attorneys for appointed and assistance counsel at the \$145/hr. rate • Investigations, records storage, attorney recruitment for superior court appointments and technology upgrades will be funded and support the work of the appellate appointed counsel • Reduces the request by \$3.6 million in 2021-22 and \$3.5 million ongoing <p>Cons:</p> <ul style="list-style-type: none"> • The Courts of Appeal will have to absorb the over 12.5 work year equivalents among existing staff to handle habeas corpus appeals • The work of the Courts of Appeal will slow, lengthening the time of all appeals • The interests of justice to assist in providing relief to prisoners without counsel in the appellate courts and the People of California who voted for Prop 66 may be stymied by this request if the process of justice is slowed in the Courts of Appeal

	<ul style="list-style-type: none"> • There will be an increased draw on the General Fund of \$5.4 million in 2021-22 and \$5.2 million ongoing
4	<p>Do not provide a General Fund augmentation as requested in this concept</p> <p>Pros:</p> <ul style="list-style-type: none"> • There will be no increased draw on the General Fund in FY 21-22 and ongoing <p>Cons:</p> <ul style="list-style-type: none"> • The Courts of Appeal will not be able to affect the law passed by the majority of California voters • The work of the Courts of Appeal will slow, lengthening the time of all appeals, owing to absorbing over 12.5 work year equivalents and educating existing workforce in an entirely unfamiliar area of appellate law in the Courts of Appeal • Will not have the ability to attract and appoint qualified attorneys without Increased funding for appointed counsel at the \$145/hr. rate • Vital support for investigations, records storage, attorney recruitment for superior court appointments and technology upgrades will go unfunded and stress already stretched budgets • The interests of justice to assist in providing relief to prisoners without counsel in the appellate courts will be frustrated

K. Timeline for Implementation

If augmented funds are received starting in 2021-22, centralized staff positions would be competitively recruited through normal hiring procedures in the Courts of Appeal and a central office location(s) set up. Appointed counsel and assistance counsel services would be competitively solicited through an RFP process. The technology funds would be administered by the JCC with project plans to completion. Budget and program oversight through the Courts of Appeal and the Judicial Council.

Requesting Entity	Administrative Presiding Justices Advisory Committee
Tracking Number	21-06

A. Proposal Title

IT Modernization for Supreme Court and Courts of Appeal

B. Summary

The Judicial Council of California (JCC) requests 14.0 positions and \$5.138 million General Fund in 2021-22, and \$4.277 million annually thereafter for technology initiatives to enable the Supreme Court and Courts of Appeal to modernize with the use of technology for the benefit of the public, the California State Bar (Bar), partner governmental agencies, trial courts, justices and court staff.

C. Relevance to the Judicial Branch and State Budget

Providing the resources for Supreme Court and the Courts of Appeal supports the following goals of the Judicial Branch’s Strategic Plan: *Goal II - Independence and Accountability*, by improving the instruments to report to the public and other branches of government on the appellate courts’ use of public resources; *Goal III - Modernization of Management and Administration*, by having a lead court resource to ensure that data collected by the judicial branch are complete, accurate, and current and provide sound bases for policy decisions, resource allocations, and reports; and *Goal VI - Branchwide Infrastructure for Service Excellence*, by having the incumbent technology managers encourage and sustain innovation in the use of new information-sharing technologies.

These resources also align with the Goals of the Judicial Branch Strategic Plan for Technology: *Goal 1 - Promote the Digital Court*, by using technology to provide access to the public, the Bar, partner governmental agencies, trial courts, justices, and court staff; *Goal 3 - Advance IT Security and Infrastructure*, by creating systems that align with branchwide security models; and *Goal 4 - Promote Rule and Legislative Change*, by using a technology roadmap to create a global view that will identify statute and rule changes needed to advance the use of appropriate technological processes at the appellate level.

D. Required Review/Approvals

The Administrative Presiding Justices Advisory Committee (APJAC) has approved this request. The California Appellate Court Clerks Association (CACCA) has approved this request. The Judicial Council Technology Committee (JCTC) has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	14.0	2,903,000	2,235,000	5,138,000	4,277,000	4,277,000

Total **5,138,000** **4,277,000** **4,277,000**
Ongoing 4,277,000
One-Time 861,000

F. Background/History

The need for technology in the Supreme Court and the Courts of Appeal (“appellate courts”) has accelerated over the last several years, with internal, legislative, and public demands for information and data, paired with the need for innovative and efficient ways to deliver it. Increasing online access to the courts (including case access and educational material), along with maintaining confidential records and cybersecurity concerns are new challenges facing the appellate courts. In addition, the increased use of data and its availability are on the immediate horizon for the appellate courts.

The JCC currently devotes approximately .25 FTE Manager, 1.0 FTE Sr. Application Development Analyst, 2.0 FTE Application Development Analysts, and 2.0 FTE Sr. Business Systems Analysts to support all the appellate court applications, including the Appellate Court Case Management System (ACCMS), Document Management, E-filing, and peripheral systems. ACCMS and E-filing represent just two of the core technological applications necessary for the appellate courts to conduct business. ACCMS is undergoing a review and gap analysis to ascertain improvements and additional functionality, especially online access, electronic notification, data reporting, and the integration of a Document Management System (DMS). These initiatives are currently overseen by portions of other FTEs within upper management and leadership positions at JCC. Establishing appropriate resources and adequate funding will provide each court what it needs to implement relevant technologies to achieve the goals outlined in the digital court and provide IT support staff at a level that meets the demand of court staff whose daily operations are dependent on the technologies and associated technical environments.

Beyond the critical systems above, each court has limited onsite resources to support 13 locations throughout the state with over 1,000 employees. JCC assists in the support of these environments when resources are available; however, these resources are 100 percent dedicated to JCIT operations. The last true investment in technology came from a BCP in 2007-08, which provided funding for core infrastructure such as networking, servers, and application data center hosting to sustain the basic requirements for operating the case

management system. Beyond that infrastructure funding, the courts and JCC have no additional resources to actively improve services using technology at the appellate courts.

Over the past five years, the Courts of Appeal have received funding to pay for fixed cost increases, such as general salary increases, retirement, health benefits, and rent. Specifically, in 2019-20 the Courts of Appeal received \$5 million ongoing to address its highest priority of workload growth due to more complex litigation, new case duties related to recent law changes seeking retroactive decisions, and voter approved initiatives requiring Court of Appeal review. This new and additional workload put a significant strain on existing resources and staff. The Courts of Appeal could not effectively dispose of cases because of these factors, and the courts had been forced to hold positions vacant due to insufficient funding. Additional resources were needed to increase case output and production and to resolve parties' disputes in a just and timely manner. This additional funding allowed the courts to hire additional staff to reduce backlogs and case processing times.

The requested resources in this BCC will enable the appellate courts to address technology deficiencies in both systems and resources, ultimately improving not just as individual courts but create alignment across the Supreme Court and the Courts of Appeal, as well as with the trial courts.

G. Justification

The appellate courts are seeking to modernize their technology to better align with the judicial branch *Strategic and Tactical Plans for Technology*, as well as the Chief Justice's Access 3D. In partnership with the Judicial Council, the courts have developed a prioritized, multi-year strategic technical roadmap to elevate their use of technology for the benefit of the public, the Bar, partner governmental agencies, trial courts, justices and court staff.

The following set of initial projects have been identified as critical for building out the Digital Court and either do not exist or are limited in availability for the appellate courts:

- Online access to case information, including documents
- Self-represented litigant portal and self-help site
- Statewide deployment of Transcript Assembly Program (TAP) to all 58 trial courts
- Modernization of ACCMS, including system enhancements (including electronic notifications), migration to cloud, and ongoing support and upgrades
- E-filing solution upgrade
- Enhancement of security protocols for all system access and alignment with branch Identity Management and Security recommendations
- Upgrades to courtroom technology, including livestream and remote viewing
- Upgrades to justice and staff technology

Detailed evaluation of these projects, in addition to other court requests, determined that neither the courts nor the JCC have the resources required to achieve the goals of the Digital Court as outlined in the strategic plan. This funding request would therefore provide the resources necessary for the appellate courts I to achieve and maintain the Digital Court.

Technology Strategic Roadmap

In an effort to better understand the true technology needs of the appellate courts, the JCC partnered with court leadership to evaluate technology needs and priorities for each of the courts (Attachment 1).

Sample data:

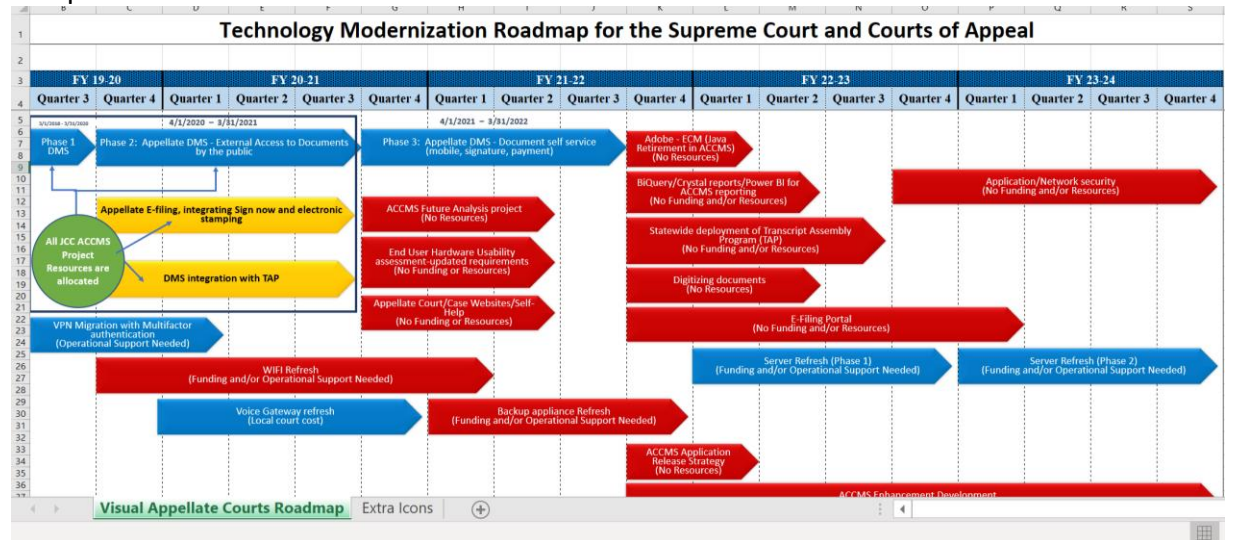
Ranking Summary

Application/Business Projects	# Respond	1 (Critical)	2 (High)	3 (Moderate)	4 (Low)	5 (Optional)
Phase 2: Appellate DMS- External Access to Documents by the public	19	16%	26%	26%	21%	11%
Phase 3: Appellate DMS- Document self-service (mobile, signature, payment)	19	16%	16%	26%	32%	11%
Appellate E-filing, integrating Sign now and electronic stamping	19	26%	21%	32%	16%	5%
DMS integration with TAP	16	6%	31%	31%	13%	19%
ACCMS Future Analysis project	19	21%	32%	32%	11%	5%
Appellate Court/Case Websites	18	6%	22%	22%	44%	6%
ServiceNow (Requisitions)	1	100%	0%	0%	0%	0%
Adobe - ECM (Java Retirement in ACCMS)	1	100%	0%	0%	0%	0%
Digitizing documents	1	0%	100%	0%	0%	0%
Stabilizing the current DMS environment	1	100%	0%	0%	0%	0%
Application/Network security	1	100%	0%	0%	0%	0%
BiQuery/Crystal reports - a better reporting tool, Power BI for ACCMS reporting	2	0%	50%	50%	0%	0%
Security: Incident response plan and end user training	1	100%	0%	0%	0%	0%
Branchwide retention policies for active and backup data, including O365	1	100%	0%	0%	0%	0%
ServiceNow rollout for all appellate/supreme courts	1	0%	100%	0%	0%	0%

HREMS performance evaluations module for all appellate courts	1	100%	0%	0%	0%	0%
E-Filing (Portal instead of what Appellate is using)	1	100%	0%	0%	0%	0%
Hardware Projects	# Respond	1 (Critical)	2 (High)	3 (Moderate)	4 (Low)	5 (Optional)
End User Hardware Usability assessment-updated requirements	15	13%	27%	27%	33%	0%
VPN Migration with Multifactor authentication	18	22%	44%	22%	11%	0%
WIFI Refresh	17	12%	6%	41%	35%	6%
Voice Gateway refresh	16	0%	6%	38%	56%	0%
Backup appliance Refresh	17	12%	41%	18%	6%	24%
Server Refresh	16	6%	38%	19%	25%	13%
Switch Refresh	16	0%	25%	44%	31%	0%
Core Network refresh	16	0%	25%	50%	25%	0%
Bitlocker Network Lock	1	0%	100%	0%	0%	0%
UPS Refresh	1	100%	0%	0%	0%	0%
VoIP SIP to Telco migration/conversion (get away from PRI's)	1	0%	100%	0%	0%	0%
Storage Refresh	1	0%	100%	0%	0%	0%

When the data was analyzed, it was evident that the technology needs for the courts were far greater than the available resources. Using the individual court data, the full appellate court executive staff team prioritized the technology needs as a group. With those needs and priorities defined, the JCC team created the multi-year technology roadmap (Attachment 2).

Sample Data:



There are over 20 projects, plus a significant modernization upgrade needed for ACCMS, with no dedicated resources for improvements or the ongoing support and maintenance. The estimated timeframe for addressing many of these projects is up to five years with appropriate resources.

Based on historical technology needs unmet and initial estimates of new workload, below is the recommended staffing requirement:

Court Required Staffing

Location	Employees	IT	Current Ratio of IT/Staff	Existing IT Manager	Locations	Addition Need	New Ratio of IT/Staff	Recommended Staffing
Supreme Court	149	2	75		3	3	30	1 Manager + 2 Sys Admin
1 DCA	117	3	39		1	1	29	1 Manager
2 DCA	292	6	49		2	3	32	1 Manager + 2 Sys Admin
3 DCA	100	2	50		2	1	33	1 Manager
4 DCA	218	7	31	1	3	0	31	
5 DCA	81	3	27	1	1	0	27	
6 DCA	54	2	27		1	0	27	Convert 1 Position to Supervisor

1011 Additional Court Staff 8

Reference Material: <https://www.workforce.com/news/ratio-of-it-staff-to-employees>

JCC Support Staff		
Position	Count	Activity
Senior Application Developer	2	ACCMS Support
Senior Business Analyst	1	ACCMS Support
Senior Application Developer	1	SRL/Web/Access Services
Senior Technical Analyst	1	Remote Video Access/Streaming
Senior BSA TAP Deployment, Appellate Technology PM	1	TAP, ALL IT Appellate Programs
JCC Support Staff		6
Total requested staffing resources: 14.0 FTE		
These requested resources are required for the appellate courts to align with the Judicial Branch Strategic Plan for Technology and achieve the Digital Court.		

H. Funding Methodology and Future Impact

<u>Non-Staff Costs</u>			
Supreme and Appellate Technology Needs	One-Time	On-Going	Notes
Online access to case information, including documents	\$ 150,000	\$ 75,000	Cloud hosting
Self-represented litigant portal and self-help site	\$ 150,000	\$ 75,000	Cloud hosting
Statewide deployment of Transcript Assembly Program (TAP) to all 58 trial courts		\$ 625,000	SAS Solution
Modernization of ACCMS, including system enhancements (including electronic notifications), migration to cloud, and ongoing support and upgrades		\$ 85,000	SAS Solution hosting and integration
E-filing solution upgrade	\$ 200,000	\$ 75,000	Cloud hosting
Upgrade Courtroom technology, including livestream and remote viewing and participation	\$ 200,000	\$ 150,000	Maintenance & Support
Upgrade SRL, Justice, and staff technology		\$ 450,000	5-7 year replacement Cycle
	\$ 700,000	\$ 1,535,000	

Personal Costs Per Fiscal sheet	14.0 FTE	BY \$2,903,000	BY+1 \$2,742,000
Total Costs	One time \$861,000	On-going BY \$4,277,000	BY + 1 \$4,277,000

I. Outcomes and Accountability

Implementation of the following projects at the appellate courts over the next five fiscal years (starting 2021-22):

- Online access to case information, including documents
- Self-represented litigant portal and self-help site
- Statewide deployment of Transcript Assembly Program (TAP) to all 58 trial courts
- Modernization of ACCMS, including system enhancements (including electronic notifications), migration to cloud, and ongoing support and upgrades
- E-filing solution upgrade
- Enhancement of security protocols for all system access and alignment with branch Identity Management and Security recommendations
- Upgrades to courtroom technology, including livestream and remote viewing
- Upgrades to justice and staff technology

J. Analysis of All Feasible Alternatives

1	Approve request for 14.0 positions and \$5.138 million General Fund in 2021-22, and \$4.277 million annually thereafter for technology initiatives to enable the Supreme Court and Courts of Appeal to modernize with the use of technology for the benefit of the public, the Bar, trial courts, justices and court staff.
2	*** Working with Courts on second alternative.
3	Status Quo

K. Timeline for Implementation

Depending on resources, implementation timeframe is scheduled from 2021-22 until 2025-26. See Strategic Technology Roadmap for Estimate Timelines (Attachment 2). Full level of effort and resource requirements will be finalized in July 2020. Once final analysis is complete, the roadmap will be updated based on existing availability of resources.

Requesting Entity	Advisory Committee on Providing Access and Fairness
Tracking Number	21-07

A. Proposal Title

Language Access Efforts in the California Courts

B. Summary

The Judicial Council of California requests 2.0 positions and \$8.18 to \$30.38 million General Fund in 2021-22 and ongoing to support the efforts of the *Strategic Plan for Language Access in the California Courts*, by funding trial courts for language access services and supporting improvements to the Court Interpreter Data Collection System.

C. Relevance to the Judicial Branch and State Budget

Fundamental to California's Language Access Plan is the principle of adequate funding so the expansion of language access services including infrastructure support will take place without impairing other court services. This initiative for language access expansion and staff support for improvements to the court interpreter data collection system is in alignment with the Strategic Plan for California's Judicial Branch and embodies the Chief Justice's Access 3D framework to enhance equal access by serving people of all languages, abilities, and needs, in keeping with California's diversity. The expansion of language access services and support for data system improvements will support the following goals of the Judicial Branch Strategic Plan: Goal I (Access, Fairness and Diversity), Goal III (Modernization of Management and Administration), and Goal IV (Quality of Justice and Service to the Public). The 2019-20 appropriation for the Court Interpreters Program (program) was \$120.686 million.

There is currently a request pending legislative approval in the 2020-21 Governor's proposed budget that will bring the level of program funding up to \$130 million and this Budget Change Concept (BCC) is to provide additional funding for the program to cover costs for a projected program deficiency. The additional program funding provided to date has helped courts to expand interpreter services in civil matters but will not solve a forecasted funding deficiency in 2021-22 due to increased costs in mandated cases and the use of independent contractors.

Based on current projections, expenditures will exceed the program appropriation by \$7.8 to \$30 million in 2021-22 (the low range assumes that 2020-21 funding is sufficient to cover projected 2020-21 need, including the additional \$7.976 million in the Governor's 2020 Proposed Budget plus an additional \$10.02 million to be requested by the council from the Department of Finance, while the high range assumes that 2020-21 funding is insufficient to fully fund projected need). This request also covers 2.0 new positions for Information Technology to support improvements to the Court Interpreter Data Collection System,

including assessment for improvements, more consistent and accurate data collection, and development of a new court interpreter scheduling system and cross-assignment functionality by new Judicial Council staff.

D. Required Review/Approvals

The Chairs of the Advisory Committee on Providing Access and Fairness and Language Access Subcommittee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001			7,800,000-30,000,000	7,800,000-30,000,000	7,800,000-30,000,000	7,800,000-30,000,000
0001	2.0	331,000	72,000 (Y1)	403,000	380,000	380,000
			49,000 (Y2)			

Total 8,203,000-30,403,000 8,180,000-30,380,000 8,180,000-30,380,000

Ongoing **8,180,000 – 30,380,000** **8,180,000 – 30,380,000** **8,180,000 – 30,380,000**

One-Time **23,000**

F. Background/History

Comprehensive language access across our system of justice requires resources and funding. The Judicial Branch has long supported the need for language access services in the courts, and in January 2015 adopted a comprehensive plan to provide recommendations, guidance, and a consistent statewide approach to ensure language access for all LEP court users. The Language Access Plan (LAP) consists of eight goals and 75 recommendations, including priorities in three phases. The LAP also aligns with the United States Department of Justice's (US DOJ) recommendations for California to expand its language access efforts. Further, it aligns with recent legislation in California, Chapter 721, Statutes of 2014 (AB 1657), that sets priorities for the provision of court interpreters in civil proceedings. No additional funds were secured with the adoption of the LAP.

The goal of the council and the Language Access Plan Implementation Task Force, which was formed in March 2015 and sunset in February 2019, was to complete all phases of the plan over a 5-year period (2015-20). Established effective March 2019, the Language Access Subcommittee of the Advisory Committee on Providing Access and Fairness works to ensure the continuation of efforts to achieve and maintain access to justice for California's LEP court users. Several milestones were reached in the LAP's first two years including the launch of a

web-based Language Access Toolkit, securing \$7 million in additional, ongoing funds in the 2016 Budget Act, and securing one-time funding of \$352,000 in 2017-18 specific to the Video Remote Interpreting (VRI) Pilot Project, which allowed the council to undertake a successful VRI pilot in 2018. For the program, approximately \$116.7 million was allocated to trial courts in 2018-19 to support services of court interpreters and interpreter coordinators. The 2019 Budget Act converted one-time 2018-19 funding of \$4 million to ongoing and included an additional \$9.6 million ongoing. The 2019-20 appropriation for the program was \$120.686 million. The Governor's 2020-21 Proposed Budget includes an additional \$7.976 million ongoing, potentially bringing the annual program appropriation to \$130 million. The Governor's 2020 Proposed Budget also includes 3.0 positions to support a VRI Program, as well as funding for VRI equipment for the trial courts for an estimated 15 courthouses.

Fundamental to California's LAP is the principle of adequate funding so the expansion of language access services will take place without impairing other court services. As of June 2019, all courts indicated that they were able to provide interpreters in all eight civil case type priorities. The languages provided, and the estimated interpreter coverage for each priority, vary by court (the estimated interpreter coverage across all civil case types as of June 2019 was 95%). The additional funding provided for the program in prior years has helped courts to expand interpreter services in civil matters but will not solve a forecasted funding deficiency in the program due to increased costs in mandated cases and the use of independent contractors. Based on current projections, expenditures will exceed the program appropriation by \$7.8 to \$30 million in 2021-22 (the low range assumes that 2020-21 funding is sufficient to cover projected 2020-21 need, including the additional \$7.976 million in the Governor's 2020 Proposed Budget plus an additional \$10.02 million to be requested by the council from the Department of Finance, while the high range assumes that 2020-21 funding is insufficient to fully fund projected need). See attached table.

The Court Interpreter Data Collection System (CIDCS) tracks actual court interpreter usage, including case type, number of interpreted events, languages and costs, including capturing whether court interpreter events were handled by in-person, telephonic or video remote interpreting (VRI). Most of the counties within the state use CIDCS to report data regarding completed interpreter assignments within their respective courts to the Judicial Council of California (JCC). CIDCS is designed to allow court managers as well as individual interpreters to upload interpretation data about each interpretation provided. Information about active interpreters within the state, interpreter employment status as court employees or independent contractors, language certification status (certified, registered or non-certified/non-registered), and case-specific data is collected by CIDCS. Courts that do not use CIDCS still report data to the Judicial Council. Using a Microsoft Excel template designed by the JCC, or a spreadsheet of their own design, the data provided by these non-CIDCS courts is far less robust in detail. Non-CIDCS courts report the number of interpretations broken down by case type and language, as well as the overall percentage of interpretations provided in person, by telephone, or using video remote interpreting. Non-CIDCS courts store this data in their own internal data systems and transmit reports to the council on a regular basis.

G. Justification

Essential to California's language access efforts is securing adequate funding so the expansion of language access services will take place without impairing other court services. Funding dedicated for language access through the Trial Court Trust Fund (TCTF) provides funding solely to reimburse courts for the services of court interpreters.

With approximately seven million LEP residents and potential court users, speaking more than 200 languages and dispersed across a vast geographic area, California is home to the most diverse population in the country. These Californians continue to face obstacles to meaningful access to our justice system, particularly in courtrooms with high volume calendars in which most litigants are self-represented (such as traffic, family law, and small claims). To maintain access to justice, it is essential to fund courts and provide appropriate language access services for the most vulnerable populations in our state.

While several milestones were reached during the life of the Task Force, continued progress regarding the provision of interpreter services will require additional funding. Much improvement has resulted from the initial launch of the LAP and the council seeks to do more. The funding request described in this BCC advances the goals of the Judicial Branch's LAP by expanding interpreter services into all civil proceedings and addressing anticipated increases in interpreter costs, including increased costs for mandated cases and independent contractors.

Projected expenditures for the program in 2021-22 include the following: (1) anticipated increases in staffing levels; (2) projected increases in staff workload costs; (3) the ongoing expansion of court interpreter services into all civil matters pursuant to AB 1657; (4) increased contractor costs; and, (5) cost of living adjustments and estimated benefit costs. Based on current projections, expenditures will exceed the program appropriation by \$7.8 to \$30 million in 2021-22 (the low range assumes that 2020-21 funding is sufficient to cover projected 2020-21 need, including the additional \$7.976 million in the Governor's 2020 Proposed Budget plus an additional \$10.02 million to be requested by the council from the Department of Finance, while the high range assumes that 2020-21 funding is insufficient to fully fund projected need). See attached table.

While CIDCS is a useful tool, system users are keenly aware of the inconsistent reporting by those courts who utilize it and the gap in information that exists. Use of CIDCS is not mandatory and not all trial courts use the system. If all 58 superior courts used the system and their entries were complete and consistent, CIDCS would serve to fulfill a major part of the reporting required by and for Language Access Services and the branch. As a standalone source, the data generated is currently not an accurate representation of interpreter activity statewide, and there is no rule mandating uniform use of CIDCS throughout the branch. A Senior Business Systems Analyst and an Application Development Analyst in Information

Technology will work closely with Language Access Services staff to help make CIDCS more robust and uniform, including development and implementation of a new court interpreter scheduling system and adding cross-assignment functionality to realize branch efficiencies.

H. Funding Methodology and Future Impact

Budget Services conducts an expenditure forecast on a quarterly basis to ensure that forecasting models are refined using the most current available data. Projected expenditures assume the following: (1) anticipated increases in staffing levels; (2) projected increases in staff workload costs; (3) the ongoing expansion of court interpreter services into all civil matters pursuant to AB 1657; (4) increased contractor costs; and (5) cost of living adjustments, and estimated benefit costs. See attached table for a breakdown of costs.

Securing the requested funding in this proposal for interpreter services will help to ensure a stable resource for the courts through the next two fiscal years and potentially longer. Once VRI is successfully established as a program beginning in 2020, greater efficiencies will be realized for the branch by (1) increasing statewide LEP court user access to qualified interpreters, (2) reducing travel time and costs to allow for more efficient use of limited interpreter resources, and (3) creating a service delivery model that allows more interpreters to deliver services to LEP court users as needed across the state in more case matters.

Improvements to CIDCS will improve data collection efforts, including consistent reporting by all participating courts. Dedicated IT staff positions will support development and implementation of a new court interpreter scheduling system and add cross-assignment functionality to CIDCS to realize branch efficiencies.

I. Outcomes and Accountability

The LAP initiative in this proposal has measurable and tangible results for the courts and LEP court users. Consistent with the direction of the Judicial Council, courts have been reporting interpreter usage data in previously mandated case types, domestic violence case types, and the newly expanded civil case types. The Judicial Council also continues to issue regular reports regarding LAP progress to court leadership and public audiences for the purposes of accountability and to demonstrate what concrete and active steps courts are taking to expand language access services, including projects and outcomes related to successful progress on the various recommendations contained in the LAP.

Funding for court interpreter services will allow more courts to provide interpreters in multiple languages in growing numbers of civil cases and case types. Expansion of court interpreter services in civil matters is consistent with the direction of the US DOJ and the findings set forth in Government Code section 68092.1, that it is imperative that courts provide interpreters for all parties who require one, and that both the legislative and judicial branches of government continue in their joint commitment to carry out this shared goal.

Courts will continue to report on interpreter usage, by case type, and the Judicial Council will be able to more effectively calculate the continuing unmet need.

In January 2014, the Judicial Council clarified the authority of the courts to provide interpreters in civil cases to indigent parties, and effective January 1, 2015, statute was changed to provide the courts the authority to provide LEP party interpreters at court cost in all civil cases, regardless of income. Consistent with the direction of the Judicial Council, courts have been reporting interpreter usage data in previously mandated case types, domestic violence case types, and the newly expanded civil case types. Improvements to CIDCS including the addition of new features will be regularly reported to the branch and public. Greater efficiencies for CIDCS will support court interpreter scheduling, including for cross-assignments, and will help ensure the most efficient use of our limited interpreter and staff resources.

J. Analysis of All Feasible Alternatives

<p>1</p>	<p>Approve \$8.18 to \$30.38 million General Fund in 2021-22 and ongoing to support the ongoing efforts of the <i>Strategic Plan for Language Access in the California Courts</i>, by reimbursing trial courts for language access services and supporting improvements to the Court Interpreters Data Collection System.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Courts will have the ability to continue providing interpreter services in mandated proceedings. • Courts will be able to continue to expand interpreter services in civil proceedings. • Opportunity to address the challenge of emerging languages spoken by newly arrived immigrants who have not fully established themselves in significant numbers. • New IT staff positions will be dedicated to making CIDCS improvements, leading to improved data collection and greater efficiencies for the branch. <p>Cons:</p> <ul style="list-style-type: none"> • Additional General Fund resources will be required.
<p>2</p>	<p>Approve \$4 to \$15 million ongoing for the Court Interpreters Program and CIDCS.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Courts will be able to provide for interpreter services in most court proceedings but there will still be a projected funding deficit in the Court Interpreters Program due to increased costs of mandated cases, which could limit provision of interpreter services. • Courts will have limited support for CIDCS improvements. <p>Cons:</p> <ul style="list-style-type: none"> • Additional General Fund resources will be required. • Courts and the Judicial Council will be unable to maintain current service levels and complete civil expansion. • Improvements to CIDCS will take longer to design and implement.

3	<p>Do not approve additional funding for interpreter services or CIDCS.</p> <p>Pros:</p> <ul style="list-style-type: none"> • No impact to the General Fund. <p>Cons:</p> <ul style="list-style-type: none"> • Courts may have to cut back interpreter services in civil matters, which significantly impacts rights of LEP court users and their ability to address remedies. • There may also be insufficient funds to fully provide for interpreter services in those proceedings where it is mandated. • No improvements to CIDCS.
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K. Timeline for Implementation

The Court Interpreter Program is an ongoing appropriation to fund the trial courts for court interpreter services. Based on current projections, expenditures will exceed the program appropriation by \$7.8 to \$30 million in 2021-22 (the low range assumes that 2020-21 funding is sufficient to cover projected 2020-21 need, including the additional \$7.976 million in the Governor’s 2020 Proposed Budget plus an additional \$10.02 million to be requested by the council from the Department of Finance, while the high range assumes that 2020-21 funding is insufficient to fully fund projected need). due to increased costs in interpreter services for civil matters and mandated cases. It is anticipated that as courts continue to expand interpreter services to include all civil proceedings, and with ongoing collective bargaining agreements resulting in higher salaries and the increased use of contract interpreters, the program will continue to experience increases in expenditures for the use of California court interpreters. New funds would address the anticipated deficit for 2021-22 and would become available for funding in July 2021. Efforts to make major improvements to CIDCS would also begin in 2021-22 with the addition of two dedicated staff positions for Information Technology that are dedicated to CIDCS improvements, including enhanced functionality.

**Court Interpreter Program (CIP)
2021-22 BCP Concept**

Projected Court Interpreters Expenditures				
Expenditure Categories	2019-20 Estimated	2020-21 Estimated	2021-22 Estimated	2021-22 Estimated
Mandated	123,045,757	130,375,708	138,303,082	138,303,082
Domestic Violence	1,305,795	1,271,695	1,255,768	1,255,768
Civil	4,923,559	5,011,920	5,102,338	5,102,338
Estimated Wage & Benefit Increases	707,580	3,069,248	3,735,358	3,735,358
Court Interpreter Data Collection System	87,000	87,000	87,000	87,000
Total Expenditures	130,069,691	139,815,571	148,483,546	148,483,546

Projected Court Interpreters Program Funding				
Description	2019-20 Estimated	2020-21 Estimated	2021-22 Estimated (Low Range) ¹	2021-22 Estimated (High Range) ²
Beginning Funding Balance <i>(PY carry over)</i>	(6,178,738)	(2,062,429)	-	(12,084,999)
Total Appropriation	120,686,000	129,793,000	140,689,571	130,667,000
Adjustment	13,500,000	-	-	-
Projected/Actual Expenditures	(130,069,691)	(139,815,571)	(148,483,546)	(148,483,546)
CY Surplus / (Deficit)	(9,383,691)	(10,022,571)	(7,793,975)	(17,816,546)
Ending CIP Program Balance*	(2,062,429)	(12,084,999)	(7,793,975)	(29,901,545)

1) 2021-22 Low Range assumes 2020-21 funding sufficient to cover projected 2020-21 need (2019-20 deficit carryover, CY Deficits). Assumes ongoing funding of \$17.99 million (\$7.976 in 2020 Governor's Budget; Proposed additional \$10.02 million to be requested from the Department of Finance)

2) 2021-22 High Range assumes 2020-21 funding insufficient to fully fund projected need. Assumes ongoing funding of \$7.976 in 2020 Governor's Budget without approval of proposed additional funding of \$10.02 million to be requested from the Department of Finance.

Requesting Entity	Executive Office
Tracking Number	21-08

A. Proposal Title

Court Response to Mental Health Issues among Children, Families and Their Communities

B. Summary

The Judicial Council of California requests 8.0 positions and \$3.708 million General Fund in 2021-22 and \$3.116 annually thereafter to address serious access to justice gaps in the courts’ ability to respond to children and family’s mental health issues and adverse childhood experiences. Requested funds support the implementation and deployment of three key initiatives: (1) *Resources for Information and Collaboration* to build and maintain a digital platform that provides interactive resources to improve mental health services, incorporating expert panels, remote technical assistance, practice guides and digital communities of practice; (2) *Modernization of Court Administration and Coordination* to establish and staff a *Working Group for Court Voices and Systemic Change* that will guide the courts in forming partnerships with justice partners to fully access all of the mental health resources available in the community and to guide the development of problem solving programs in the courts; and (3) *Model Problem Solving Programs* to provide grant funding to courts to implement those problem solving solutions including remote appearance of experts in rural and underserved areas, use of expert panels for psychotropic medication review, coordinating case referral to family, guardianship and dependency court with child welfare and probation partners, and coordinating mental health assessment needs for children in the courts.

C. Relevance to the Judicial Branch and State Budget

This proposal to resource the courts so that they can address the mental issues preventing children and families from access to justice fully supports the vision in the Governor’s Budget Summary 2020-21:

Medi-Cal Healthier California for All will build on that progress by pursuing structural changes to the state’s behavioral health delivery system and expanding statewide wraparound services... These steps will position the state’s Medi-Cal system to better connect individuals – including children and youth in foster care, individuals experiencing homelessness, individuals with substance use disorders, and individuals involved in the justice system – to the services they need.

California’s Judicial Branch Strategic Plan names Access to Justice as the number one goal of the Branch. This request supports these strategic goals:

Goal I: Access, Fairness and Diversity: *California’s Judicial Branch serves an increasingly diverse population, by providing modern technology platforms for use by all counties in California.*

Goal III: Modernization and Management of Administration: *The Judicial Branch is responsible for providing a court system that resolves disputes in a just and timely manner and operates efficiently and effectively, by providing on-line solutions to court users anywhere, anytime.*

Goal IV: Quality of Justice and Service to the Public: *California’s Judicial Branch is committed to providing quality justice to an increasingly diverse society, by providing multiple forums for court services and access to the constituents of California.*

Goal VI: Branch wide Infrastructure for Service Excellence: *Systems for measuring court performance and accounting for the use of resources; and systems for sharing information throughout the branch and with other partners.*

In launching the Access 3D initiative in 2013, the Chief Justice stated “we need to reinvest in justice. We need that reinvestment to institute what I call ‘Access 3D’ – three dimensional access. Access should be physical, remote, and equal.” (*Initial video announcement, 8/17/2013.*)

This proposal supports three Judicial Council Advisory Committees’ efforts to improve mental health: Collaborative Justice Advisory Committee, Family and Juvenile Advisory Committee, and Probate and Mental Health Advisory Committee. It also supports the recommendations of the Chief Justice’s Blue Ribbon Commission on Children in Foster Care and the Judicial Council’s strategic plan for Dependency Court Improvement mandated by the federal Health and Human Services Agency Administration on Children and Families.

In additional, this proposal supports recent recommendations of the Chief Justice’s Commission on the Future of California’s Court System. The Futures Commission’s Recommendation 3.1, which calls for a holistic and multidisciplinary assessment of the needs of children and families in juvenile court, prioritization of services early in the case, and a mechanism for flexible revision of dispositional plans as the case develops.

D. Required Review/Approvals

Executive Office is requesting entity. Advisory Committees affected will be Collaborative Justice Advisory Committee and Information Technology Advisory Committee.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	8.0	\$1,330,000	\$2,378,000	\$3,708,000	\$3,116,000	\$3,116,000

Total	\$3,708,000	\$3,116,000	\$3,116,000
<i>Ongoing</i>	\$3,208,000	\$3,116,000	\$3,116,000
<i>One-Time</i>	\$500,000		

F. Background/History

Background
California faces an epidemic of mental health issues in children and families. These unaddressed issues play an important role in poor outcomes related to poverty, income inequity, homelessness, teen suicide, psychotropic medication prescribing among children in foster care and long waitlists for affordable mental health services. Families struggling with mental health issues often find themselves in those courts that address the safety and well-being of children.

The juvenile court judge takes on the legal responsibilities of the parent for children in juvenile dependency and frequently in juvenile justice cases. In addition, in all case types involving children including juvenile, child custody, guardianship, and domestic violence, the judge makes decisions that have a lasting impact on the health, safety and well-being of the child. Judges in all these case types communicate through every channel available to the Judicial Branch that the lack of resources to help them address the underlying mental health issues in the children and families before the court is their greatest challenge. These resources include access to doctors and other experts, access to minor’s counsel, access to data and information from system partners, practice guides, and a better understanding of the mental health services available to low income children and families in their communities.

Judges in child custody or probate guardianship cases rarely have access to mental health assessments and very limited means to order mental health services. The court users in these case types do not have access to court-appointed counsel or child welfare services.

Courts and their stakeholders are struggling to conceptualize a system of referral, access and support that works for the court users, that is designed through client-centered principles and informed by the voices of system users.

The courts and the resources they can provide are not easily navigable by court users presenting with emotional and cognitive issues. Families may be referred to domestic violence, child custody or probate guardianship courts for issues that dependency court or

county behavioral and mental health services may be better equipped to resolve. Many of the factors cited by the Chief Justice in the Access 3D initiative increase the difficulties these families have when they become involved in the court system. Homeless and incarcerated parents are frequently prevented from engaging in court proceedings and case plans by local county administrative procedures. Judicial officers are blocked from access to health, education, and other information on families which may be vital in overcoming an obstacle to family reunification or permanent placement. Materials provided for families on the court websites to assist them with their understanding of the court proceedings with which they are involved are not accessible to persons with cognitive disabilities.

The inconsistent access to assessment and services across these case types drives disparity in how children and families of color are treated in the courts. A recent convening of court, mental health, child welfare and juvenile justice leadership from 37 counties brought out the inconsistent use of Mental Health Services Act (MHSA) and Medi-Cal funding across counties for children affected in these case types. The Judicial Council's Probate and Mental Health Advisory Committee recently considered referrals of cases that require mental health assessment and services to child custody and guardianship courts, where limited or no services are available to low income court users.

History of Judicial Branch Initiatives

The Judicial Branch has a number of successful strategies and projects to address mental health needs in court users and provide families with the resources they need before cases get caught in the system and spiral into ever-worsening outcomes. Several Judicial Council Advisory Committees address mental health issues on their annual agendas, including Probate and Mental Health, Family and Juvenile Law, and Collaborative Justice Courts. The Advisory Committee on Providing Access and Fairness also addresses issues of the supports court users require including interpretation and language access, technology, and self-represented litigant services.

Resources for Information and Collaboration

Unmet needs for the courts and stakeholders in the area of mental health information and resources include:

- Specific mental health assessment and services available to the court across all relevant case types.
- Digital access to training and practice guides for any court, for any judge, at any time.
- Access to professional guidance from physicians and mental health professionals on topics such as medication orders and interpretation of court-ordered psychological evaluations.
- Access to professional consultation from attorney experts in topics including information sharing across agencies and case types, and case referrals.

- A specific lack of access to resources, services, and experts in mental health for judicial officers handling the issues of adults in the court, whether through community courts, civil case types such as landlord-tenant, and parents in family, probate and juvenile court.
- The ability for courts in isolated rural areas to share knowledge among judicial officers across counties and case types.
- The lack of resources for court users developed with their involvement and adapted to their specific needs including trauma-informed resources and guides adapted to persons with cognitive deficits.

California Dependency Online Guide (CalDOG) is a highly successful example of how making practice resources available on a digital platform can transform a community of practice. CalDOG is provided at no charge to judicial officers, social workers, probation officers, court-appointed counsel, and other child welfare stakeholders. CalDOG provides a full range of continually updated resources to these users, including case summaries, practice guides and bench cards, and on-line training. CalDOG is limited to juvenile dependency providers and in that professional community is used by nearly one hundred percent of all judicial officers and professionals.

The Judicial Council develops and maintains a range of practice guides related to mental health and case coordination, including recent bench guides for trauma-informed services, information sharing among agencies on juvenile court cases, and a guide to the questions that children and youth have told researchers they wish judges would ask about their cases.

The Judicial Council also supports expert panel resources for a limited number of courts. The smallest courts in California have access to a panel of psychiatrists, to provide medical review for judicial officers of psychotropic medication orders for children in foster care.

The Judicial Council has invested considerable time and resources in improving user experience and designing digital products to meet the needs of the court users. These projects include plain language forms, including an extensive revision of probate guardianship forms and the NextGeneration Digital Services Platform.

Modernization of Court Administration and Coordination

Unmet needs for the court and stakeholders in this area include:

- County systemwide guidelines that ensure that children and families are referred to the proper court: community courts and other problem solving programs, child welfare, juvenile justice, probate guardianship, child custody, and domestic violence.
- Involvement of court leadership and all county and education partners in developing programs and practices to access available Mental Health Services Act and Medi-Cal resources for children and adults.

- Involvement of court leadership and all county and education partners in ensuring that mental health referrals and services are available to all eligible children including children of color and children in poverty.

The 2016 report of the Chief Justice's Commission on the Future of the California Courts (Commission) identified gaps in mental health services for children in court and noted that a more consistent and holistic assessment of mental health needs will improve outcomes and save money. The report states that a focus on mental health needs and a response to exposure to trauma is warranted by the significant challenges faced by children and families in juvenile court.

The report of the Commission recommends a holistic approach for juvenile cases, but juvenile cases are not the only cases that deal with children with mental health issues. Judges in probate guardianship, family law custody cases, and domestic violence cases also deal with children and families with mental health issues and who have experienced trauma. In these cases, a relative is often seeking some way to care for a child when the parents are struggling with mental or behavioral health issues.

In December 2019 the Judicial Council held a convening of court, mental health, child welfare and juvenile justice leadership from 37 counties to discuss solutions to the problem of inconsistent and under-usage of Mental Health Services Act and Medi-Cal resources for children in the court system. County representatives worked in teams throughout the day and brainstormed plans to address barriers, collaborate more, and prioritize mental health services for children and families in the court system. Team members agreed the leadership of the Presiding Court Judge and the Presiding Juvenile Court Judge in each county is key to successful collaboration and system improvement. The Judicial Council is currently working to assess the progress of the teams after the convening and provide technical assistance and channels of communication to assist the teams.

In 2019 the Judicial Council published a briefing for courts on the Mental Health Services Act and trained extensively on how courts can collaborate with county partners to access innovation funding.

The Judicial Council has successfully conducted a number of initiatives that engage local court leadership to work with partners and effect change at the county and community level. These include the Blue Ribbon Commission on Foster Care and the Keeping Kids in School and Out of the Courts local initiatives.

Model Problem Solving Programs

Unmet needs for the court and stakeholders in the area include:

- Problem solving approaches to address the multiple assessment, case planning and court proceedings a single family may need resolved.

- Models for court and county agency agreements on the allocation of responsibilities, information sharing, resources, and services available to those entering the court system with mental health issues.
- Ability of the courts to access tools for triage and assessment of children and parents entering the court with mental health issues, and the ability to link to appropriate treatment options and connections to the mental health system.
- An infrastructure of problem solving programs that can link children and families in the courts to mental health and other service providers, assessment, case planning and supervision.

Funding from the MHSA supports ongoing research on specialty courts for survivors of trafficking; an annual Youth Summit for participants in youth courts; adding youth voices to program planning; participation of youth with lived experience in juvenile cases in multidisciplinary education for courts and justice partners. The funding also supports public information and outreach programs on mental health needs of court users.

The model of collaborative and problem solving courts is designed to address the many systemic barriers that court users face in accessing resources and services that will help a family resolve a court case. The Judicial Council provides technical assistance and resources to collaborative courts. This includes grant funding for collaborative and problem solving courts in a range of case types; a roster of collaborative courts; technical assistance; and briefings for courts on developing problem solving courts including a recent briefing on homeless and community courts. Problem solving courts funded through this program include Drug Courts, Youth Courts, Community and Homeless Courts, Mental Health Courts, Domestic Violence and Dating Violence Courts, Commercially Sexually Exploited Children Courts, and Truancy Courts.

A separate BCC to restore funding for collaborative justice courts has been submitted for 2021-22 and we anticipate that funding will extend to collaborative courts serving families and children. The initiatives presented in this proposal supplement and enhance collaborative courts, they do not duplicate those services.

Collaborative courts frequently address the behavioral health issues of a family member involved in a case before the court, but cannot address other issues that prevent adequate assessment and resolution of all the mental health issues raised in a case. These issues can include which court type the case was originally referred by law enforcement or child welfare, whether that court had access to mental health assessment and services, whether that court had access to technology that could ensure the remote participation of family members in the case, and whether a community court or other program was available to help adults resolve health, housing and debt issues preventing them from participating in a case.

Over the past three years, the Judicial Council has also funded and assessed the success of Innovations Courts, a large percentage of which are either collaborative justice/problem solving courts or juvenile courts.

If the court has access to adequate resources it can lead the effort to address the mental health issues underlying cases and prevent them from driving extremely adverse outcomes. Providing families with the tools they need to exit the court system can prevent the well-documented outcomes of disproportionality in long-term and group home care, pipeline to prison cases, inappropriate prescribing of psychotropic medication, and repeated failures in child custody and guardianship orders.

G. Justification

Initiative (1): Resources for Information and Collaboration

Current Deficiencies

- No common source of tools and information for judges and professionals attempting to resolve cases that involve children and families with mental issues. Juvenile dependency and juvenile justice professionals have access to CalDOG. The CalDOG on-line practice resources digital platform has been a very successful tool in engaging juvenile court judges and stakeholders in dependency practice. It is used by close to 100% of judicial officers in juvenile court, and thousands of social workers and probation officers. However it does not provide resources tailored to family, probate guardianship and domestic violence courts.
- The tools available such as CalDOG do not deliver the range of functionality that a digital platform should have to meet all the needs of the courts and stakeholders. CalDOG uses a simple, 15 year old web interface that is not optimized for responsive use (phones and tablets) and does not provide interactive technology to allow users to create their own libraries of information, track their progress in online classes, and interact with one another through listservs and on-line communities of practice.
- No current resource addresses the chief need of judicial officers: access to experts including doctors, specialist attorneys and other professionals. The cost of these services is prohibitive to courts, and very few communities have psychiatrists who specialize in psychotropic medication for children, or attorneys who specialize in information sharing law among state agencies.
- No current resource includes a range of educational programs and bench guides and other materials developed with the involvement of court users, that assist judicial officers and other professionals in adapting to the needs of persons with cognitive deficits and other barriers to access.

Proposal Seeks to Address Current Deficiencies by:

- Creating a digital platform for resources and collaboration around mental health issues of families and children in the courts.
- Designing the platform to address the needs of ALL case types, judicial officers and professionals addressing mental issues while resolving cases related to the safety and well-being of families and children.
- Providing, through the digital platform, on-demand education and practice guides including trauma-informed services guides, psychotropic medication orders and review, evidence-based assessments, cultural competency, and numerous other topics.
- Providing judicial officers a means to access mental health resources through the digital platform, including access to expert panels of psychiatrists to provide guidance on mental health issues including psychotropic medication guidance, access to evidence-based assessment tools, data sources from partner agencies, and a LiveChat tool for technical assistance from specialist attorneys on matters of law, regulation and policy.
- Involving the perspective of the court users the site is meant to address. The voices and perspectives of persons with mental health issues will be engaged through user experience research and directly through podcasts and trainings hosted on the site.

Initiative (2): Modernization of Court Administration and Coordination

Current Deficiencies

- Courts and their partner agencies including law enforcement, probation, and child welfare do not have consistent triage and referral policies to voluntary services or court resolution of issues. Children with essentially identical needs related to mental health issues and their health, safety and well being may be referred in some instances to a case type providing legal counsel, adequate services and help, in other instances to a confusing process where all the parties are self-represented.
- Mental health services for children funded through Medi-Cal and the MHSA are not being accessed for all children involved in court proceedings who need those services.
- State and local policymaking bodies are fragmented by service and case type. There is no existing group at the state level to coordinate the approach and oversight of solutions to the problems noted above.
- The voices of court users including families and children with mental health issues are not incorporated in the approach to local coordination of services or the development of resources and training for the courts and stakeholders.

Proposal Seeks to Address Current Deficiencies by:

- Engaging judicial officer leadership in bringing together the decision-makers at the county level to achieve consistency and fairness in how mental health resources are allocated and applied across case types involving children, including juvenile justice, juvenile dependency, child custody, and probate guardianship cases.
- Establishing and staffing a Working Group for Court Voices and Systemic Change to guide the follow up work of the recent mental health convening and local teams to achieve full use of available resources for mental health and build system capacity in communities. Instead of attempting to provide technical assistance to teams in 58 counties, the Working Group will deploy the features of the Interactive Practice Resources site to engage teams and create efficiencies. These include providing access to experts through LiveChat and on-line communities of practice.
- Establishing and staffing a Working Group for Court Voices and Systemic Change to oversee the Digital Platform for Resources and Coordination and to support the goals of the Convening and the local teams established there.
- Ensuring that court users are involved in the design and production of all content.
- Ensuring that court users are involved in systemic design, including all recommendations related to procedural changes to improve the courts' ability to adequately assess, order services and monitor case plans for children with mental health issues.

Initiative (3): Model Problem Solving Programs

Current Deficiencies

- Existing court practice in juvenile, family, probate guardianship, and civil proceedings is not well suited to identify and address mental health and other issues such as poverty and homelessness which may underly the court case.
- Collaborative justice courts are a powerful model to address certain issues in juvenile and adult non-criminal cases but their scope is limited to specific family members with specific issues (such as substance abuse or trafficking).
- This initiative would encourage further innovative problem solving approaches, drawn from collaborative teams of child-serving entities.
- In order to deploy mental health resources and services where they are needed, courts need to develop a range of procedural tools and collaborations with justice partners including protocols to guide referrals to court, shared jurisdiction, information sharing, and referrals to community courts.

- Courts also need access to technology tools including tools for remote appearance and remote access to mental health experts and peer consultation.

Proposal Seeks to Address Current Deficiencies by:

- Providing support for the courts and local teams engaging in mental health services inter-agency team approaches to make courts serving children and families accessible to persons with mental health issues.
- Providing grant funding for courts to design problem solving programs to address the innovations developed by the Working Group in Initiative 2, including coordinating referral and jurisdiction so children and families are not deprived of services and oversight, and implementing agreements with local stakeholders to provide children and families with assessment, resources, services and follow up.
- Supporting the growth of local collaborative teams under the leadership of the Presiding Court Judge by requiring proposals to be supported by a local team.
- Supporting projects in: remote appearance of experts in rural and underserved areas; use of expert panels for psychotropic medication review; coordinating case referral to family, guardianship and dependency court with child welfare and probation partners; coordinating assessment needs for children in the courts with county mental health and behavioral health services; and establishing Homeless Courts and Community Courts to coordinate care for families.

H. Funding Methodology and Future Impact

The proposal allocates costs and workload across three different initiatives. Those allocations are described below. The total positions and funding requested are:

- \$1,330,000 Personal Services for 8.0 positions including 2.0 Attorney II, 1.0 Senior Business Systems Analyst; 1.0 Senior Analyst, 1.0 Associate Analyst, 2.0 Administrative Coordinator and 1.0 Senior Application Development Analyst at a total of.
- \$288,000 Operating expense other than consulting/professional
- \$90,000 annual on-going for digital platform licenses
- \$500,000 annual on-going for expert panels and professionals hosted on digital platform through LiveChat
- \$500,000 one-time for digital platform development
- \$1,000,000 annual on-going local assistance for model problem solving programs.

- a. Solution (1) Resources for Information and Collaboration
 - i. Development of digital platform and apps: \$500,000 one-time
 - ii. Hosting/licenses: \$90,000 annually on-going
 - iii. Expert panel and consulting Live Chat professionals: \$500,000 annually on-going
 - iv. Staff:
 - 1. 1.0 PY Senior Business Systems Analyst (IT). Digital platform and app design; liaison with IT procurement and development practice; on-going product improvement
 - 2. 1.0 Senior Application Development Analyst (IT). Implement digital platform and app development; on-going integration of services into digital platform
 - 3. 1.0 PY Attorney II (CFCC). Development and updating of legal resources including bench guides, on-demand learning, case law analysis; serve as LiveChat consultant in key case types.
 - 4. 1.0 Senior Analyst (CFCC). Programmatic design of digital platform, liaison to user experience research, development and updating of resources related to mental health.
 - 5. 0.25 Associate Analyst (CFCC). Support to user experience research, web analytics development and production
 - 6. 0.50 Administrative Coordinator (CFCC). Solicitation, procurement, contract management for digital systems and expert consultation vendors; manage licenses and user registration.

- b. Solution (2) Modernization of Court Administration and Coordination
 - i. Annual meetings and communications for Working Group for Court Voices and Systemic Change: \$25,000 on-going
 - ii. Staff:
 - 1. 1.0 PY Attorney II (CFCC). Legal analysis and development of solutions for addressing local and state barriers to case referral, information sharing, dual jurisdiction, and communication with experts. Serve as lead staff to Working Group.
 - 2. 0.50 Associate Analyst (CFCC). Coordinate the recruitment and involvement of community representatives to the Working Group; coordinate the input and feedback of representative court users on Working Group priorities and the development of resources for the digital platform.
 - 3. 1.0 PY Administrative Coordinator (CFCC). Provide all Working Group administrative support.

- c. Solution (3) Model Problem Solving Programs
 - i. Grant program to courts: \$1,000,000

ii. Staff:

1. .25 Associate Analyst (CFCC). Design and implementation outcomes reporting and evaluation methodology; manage data collection process; report on outcomes.
2. .50 Administrative Coordinator (CFCC). Provide all administrative support to grant program including competitive solicitation, rating and approval, procurement, and monitoring of activities and budget.

I. Outcomes and Accountability

- a. Systemic: Improvement in Medi-Cal and MHSA penetration rates; psychotropic medication prescription rates in the foster care population; group home placement rates in the foster care population; court access to funds for Early and Periodic Screening, Diagnostic and Treatment EPSDT funded services.
- b. Development of new court procedures and protocols for dual case status, referrals to child welfare for assessment, referrals of child welfare involved cases to probate guardianship.
- c. Web analytics to demonstrate use of Practice Resources, LiveChat, and communities of practice across professional groups and across case types.

J. Analysis of All Feasible Alternatives

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| 1 | <p>Approve request for 8.0 positions and \$3.708 million General Fund (including \$500,000 in one-time funding and \$3.208 million in on-going annual funding) to address serious access to justice gaps in the courts' ability to respond to children and family's mental health issues by supporting the implementation and deployment of three key initiatives: (1) <i>Resources for Information and Collaboration</i>; (2) <i>Modernization of Court Administration and Coordination</i>; and (3) <i>Model Problem Solving Programs</i>.</p> <p>Pros:</p> <ol style="list-style-type: none">1. Builds all components of an infrastructure to modernize the courts' approach to children and adults in non-criminal cases with mental health issues.2. Gives all judicial officers and justice partners in all courts and counties statewide 24/7 access to a consistent set of high-quality resources on court practice related to court-users with mental health issues in non-criminal cases.3. Engages courts in leading the local effort to fully access all Medical and Mental Health Services Act funding and programs available to assist court users with mental health issues. |
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	<ol style="list-style-type: none"> 4. Create and test models for referral of cases to courts, ensuring that persons who need mental health services are referred to courts where assessment and linkage to services is available. 5. Increase the use of problem solving courts and programs to assist the court user with mental health issues. 6. Incorporate the voice and perspective of court-users with mental health issues into the design and content development of resources for judicial officers, professionals and litigants. 7. Provide remote access to mental health experts and legal experts to courts and counties who have no other options for accessing affordable expert services. <p>Cons:</p> <ol style="list-style-type: none"> 1. Requires commitment of General Fund resources.
2	<p>Approve request for 4.0 positions and \$1.750 million General Fund (including \$250,000 in one-time funding and \$1.5 million in on-going annual funding)</p> <p>Pros:</p> <ol style="list-style-type: none"> 1. Requires reduced commitment of General Fund resources. 2. Builds selected components of an infrastructure to modernize the courts' approach to children and adults with mental health issues in non-criminal cases. 3. Gives all judicial officers and justice partners in all courts and counties statewide 24/7 access to a consistent set of high-quality resources on court practice related to court-users with mental health issues in non-criminal cases. 4. Incorporates the voice and perspective of court-users with mental health issues into the design and content development of resources for judicial officers, professionals and litigants. 5. Supports and partially increases the use of problem solving programs in the courts. <p>Cons:</p> <ol style="list-style-type: none"> 1. Does not provide advanced digital services to judicial officer and professional users including virtual communities of practice and remote access to mental health and legal experts. 2. Does not provide a technical assistance platform to support the local effort to fully access Medi-Cal and MHSA funding. 3. Provides limited ability for courts to test and incorporate problem solving programs.
3	<p>Do not fund the request.</p> <p>Pros:</p> <ol style="list-style-type: none"> 1. No General Fund impact. <p>Cons:</p>

	<ol style="list-style-type: none"> 1. Courts continue to address non-criminal cases involving mental health issues in a variety of ways, with no access to statewide practice resources and guidance. Cases presenting difficult mental health issues continue to delay proceedings and create backlog in court rooms with no access to resources to resolve the issues. 2. Useful protocols developed at the local level for community courts, information sharing, referral protocols, shared jurisdiction and other problem solving programs are not shared and taken to scale statewide. 3. No resources available to support judges at the local level who are leading the effort to build local collaboration and access all resources available for mental health from Medi-Cal and MHSA.
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K. Timeline for Implementation

Initiative	2021-22	2022-2023	2023-24
Digital Practice Resources	Platform Design Process System Procurement Expert panel recruitment	Platform beta testing Platform implementation to all judicial officers and professionals Development of analytics and reporting	Platform administration Build out of LiveChat, remote access to expert panels, and other advanced features Report analytics
Working Group	Working Group formation Local team outreach and assessment User input on content design of platform	Local team technical assistance integrated into platform Working Group sets priorities for new content development	Working Group assessment of local team progress and needs Ongoing technical assistance
Model Problem Solving Programs	Solicitation and funding process to courts for first cycle of grants Data collection and monitoring	Solicitation and funding process to courts for second cycle of grants Data collection and monitoring Evaluation reporting on projects	Report to Judicial Council on evaluation of first two cycles of funding. Solicitation and funding process to courts for third cycle of grants. Data collection and monitoring.

Requesting Entity	Committee on Providing Access and Fairness
Tracking Number	21-09

A. Proposal Title

Self-Help Centers in Trial Courts – Continuing Funding and Expanding Services
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B. Summary

<p>The Judicial Council of California (JCC) requests 6.0 positions and \$45.608 million General Fund in 2021-22, and \$45.374 million annually thereafter. This includes \$19.1 million to maintain existing self-help funding, \$25 million in new ongoing annual funding, \$165,000 in one-time costs for the courts to purchase tablets for data collection, and \$1.343 million for administrative costs to implement 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 through 2 key initiatives: (1) <i>Self-Help Centers</i> maintaining existing funding for court based self-help centers and expanding it to meet unmet needs; (2) <i>Resources for Information and Collaboration</i> to enable courts to expand into the unmet areas of civil law and increase efficiency and allow expansion of on-line and interactive resources for self-represented litigants.</p>

C. Relevance to the Judicial Branch and State Budget

<p>This request will assist the Judicial Council in meeting the following goals of its Strategic Plan:</p> <p>Goal 1 - Access, Fairness and Diversity: Broaden and facilitate access to and understanding of the court process for all persons served by the courts, including unrepresented, low- or middle-income, disabled and non-English-speaking litigants.</p> <p>Goal 3 - Modernization of Management and Administration: Support the efforts of courts to employ sound management practices that foster the efficient use of public resources and enhance the efficient delivery of court services.</p> <p>Goal 4 - Quality of Justice and Service to the Public: Increase public trust and understanding by including, in appropriate court programs, community participation and community outreach and education about the court system.</p> <p>Support the appropriate development, maintenance and expansion of successful alternative dispute resolution programs</p> <p>This request will also support Chief Justice Cantil-Sakauye’s vision for full and meaningful access to justice for all Californians called “Access 3D.” It will address the vision that “Courts</p>
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must be equal-serving people of all languages, abilities and needs, in keeping with California’s diversity.”

The request also enables the JCC to address the recommendations regarding services to self-represented litigants set out by the Chief Justice’s Commission on the Future of California’s Court System.

A request for \$19.1 million was approved and funded in 2018 Budget Act for 3 years. This proposal is to continue and expand that funding to enable self-help centers to provide expanded services in the area of civil law.

D. Required Review/Approvals

The Committee on Providing Access and Fairness has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	6.0	\$1,127,000	\$44,481,000	\$45,608,000	\$45,374,000	\$45,374,000
Total				\$45,608,000	\$45,374,000	\$45,374,000
<i>Ongoing</i>				<i>\$45,374,000</i>		
<i>One-Time</i>				<i>\$234,000</i>		

F. Background/History

In 2004, the Judicial Council approved the Statewide Action Plan for Serving Self-Represented Litigants (plan). Based upon the explosive growth in the number of self-represented litigants coming to California's courts, the plan recommended that court-based, staffed, self-help centers should be developed throughout the state. This was based on evaluations of the family law facilitator program and individual projects as well as a legislatively mandated evaluation of three Family Law Information Centers. In reviewing these reports and other program-based evaluations, the Council's Task Force on Self-Represented Litigants found that "Court-based, staffed, self-help centers, supervised by attorneys, are the optimum way for courts to facilitate the timely and cost-effective processing of cases involving self-represented litigants, to increase access to the courts and improve delivery of justice to the public."¹

¹ Statewide Action Plan for Serving Self-Represented Litigants, page 1, found at <http://www.courts.ca.gov/partners/documents/selfreppltsrept.pdf>

In 2005, an independent report evaluated five pilot self-help centers established through the 2001 State Budget Act that were designed to develop and test best practices in five specific areas of concern. These included coordinating self-help services in small rural courts, services to a Spanish-speaking population, services to a population speaking a range of languages, use of technology to assist self-represented litigants, and coordination and support for services in a large urban community. The evaluation concluded that self-help centers are a valuable method for providing services to people who need access to legal education and information and for improving the quality of justice for litigants. They facilitate a litigant's ability to participate effectively in the legal process. They improve court efficiency and help the court design systems to serve self-represented litigants more effectively. They promote public trust and confidence in the court system; litigants were highly satisfied with the services they received from the self-help centers. They meet a great need for service in their community and have the capacity to meet the needs of many non-English speakers.²

In response to this evaluation, the 2005 Budget Act included \$5 million from the State Trial Court Improvement and Modernization Fund (IMF) for self-help assistance.³ The next year, the Judicial Council increased the support for self-help, allocating \$3.7 in Trial Court Trust Funds to that \$5 million to provide ongoing funding for courts to start or expand self-help services. In 2007, Council provided \$11.2 million in funding to support self-help services (\$5 million IMF and \$6.2 million Trial Court Trust Fund). The funding formula, which remains in effect, provided all 58 courts with a baseline of \$34,000 per year and the remainder is distributed based on population in the county. The baseline was established in response to the research conducted by the California Commission on Access to Justice for their report on Improving Civil Justice in Rural California,⁴ which was updated by in 2019.⁵ The research demonstrated that there is a great disparity in funding per capita for legal services for low-income persons in rural communities throughout California, creating significant inequities in the state. The JCC requires that at least 80 percent of the funding be used for staff, and that the courts make provision to provide services to persons with limited English proficiency.

Coordination of funding has allowed courts to address issues faced by the public as efficiently and effectively as possible by having a one-stop shop for people without attorneys. Self-Help funds are often used to provide for family law facilitator services not reimbursable under Title IVD such as general family law or custody matters. Courts that receive money for small claims advisors from filing fees often add those funds to provide small claims assistance at the self-help center.

² Model Self-Help Pilot Program, A Report to the Legislature, March 2005, Judicial Council of California, found at: [www.courts.ca.gov/partners/211 .htm](http://www.courts.ca.gov/partners/211.htm)

³ 3 Chapter 38, Statutes of 2005, provision 3 of item 0250-102-0159

⁴ Improving Civil Justice in Rural California, A Report of the California Commission on Access to Justice, published September 2010

⁵ California's Attorney Deserts: Access to Justice Implications of the Rural Lawyer Shortage, California Commission on Access to Justice, July 2019

A survey of the courts in 2005 identified a need of \$44.4 million to operate self-help centers. Thus, the \$11.2 million allocated was approximately 25 percent of the amount needed at that time as way to start self-help centers. Self-help centers provided a wide range of legal assistance including assistance with family law, guardianship, domestic violence, elder abuse and small claims matters.

Despite significant budget cuts during the Great Recession, the courts maintained stable funding for self-help centers because they are helpful for individuals seeking services and cost-effective for the courts. The funding allowed self-help centers to provide services to more than 450,000 people each year.

Stable funding, however, did not address the need for cost of living increases and other unavoidable increased costs. It also did not reflect the increased demand due to cutbacks in legal services funding during the recession, which sent increasing numbers of people to court without attorneys and without the basic information and explanation of process, forms assistance and other services provided by self-help centers.

Demands on services have also increased over time. With the average attorney rate as \$3236, increasing numbers 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.

In a survey conducted in the summer of 2017, courts reported that they would need an additional \$62 million in ongoing funding to provide self-help services to meet the needs of their community. This change is based upon the increasing number of self-represented litigants and new statutory requirements that require additional services for self-represented litigants. It is also based upon the years of experience that courts have gained in operating self-help centers and recognizing how helpful they have been in addressing both the needs of the community and the court.

Courts reported that they needed attorneys, paralegals and other support staff who are cross-trained and can assist in a wide variety of matters - providing comprehensive assistance at a lower cost. This prevents gaps in services if a staff member is ill or takes vacation and it reduces wait time for the public. Courts also reported that they would provide services in a variety of ways depending on the size of the county, number of cases, timeline of those cases and other issues. Those services include one-on-one assistance, workshops, in-courtroom assistance, remote services to those using Turbo-Tax like programs to prepare pleadings,

⁶ The \$323 average hourly rate is based on actual rates in California (actual rates are the rates a lawyer charges) according to the 2019 Legal Trends Report by Clio. www.clio.com/resources/legal-trends/2019-report/ read-online/

assisting parties with mediation and a variety of other strategies to most effectively meet the needs of the public and increase the efficiency of the courts.

Courts report that self-help services are invaluable and that they have helped both the court and the public. This is exemplified by a judicial officer who noted in a program evaluation, "The assistance that the self-represented litigants receive in our self-help center greatly reduces our workload in the courtroom and in our business office. In the courtroom, our continuances have been reduced because litigants far more frequently have correct and complete paperwork the first time. And, because of the help they get at the self-help center, the default and uncontested judgments submitted by the self-represented litigants is far more frequently correct the first time it is submitted. This spares the court staff from having to return the paperwork and then review it again and again as it is refiled - until it is finally correct."⁷

JCC is currently conducting a cost benefit study of self-help programs. A 2009 report found that self-help services provide real cost savings to courts. Courts that provide services through a workshop reduce the number of court hearings and staff time required at the public counter, saving approximately \$1.00 for every \$0.23 spent on workshops. Courts that provide one-on-one support and information services to litigants are saving: at least one hearing per case, 5 to 15 minutes of hearing time for every hearing held in the case, and 1 to 1.5 hours of court staff time related to providing assistance to self-represented litigants at the front counter and to reviewing and rejecting proposed judgments. The services required to produce these court savings range from a high of \$0.55 to a low of \$0.36 for every \$1.00 saved. Courts that provide assistance to self-represented litigants to resolve cases at the first court appearance save future court hearings. The cost of self-help services is roughly \$0.45 for every \$1.00 saved. The study further noted that there were significant savings to the public as well."⁸

Initial results from the current study indicate that there continue to be significant savings from self-help – largely as a result of reduction in the number of continuances, savings for court clerks in review and rejection of documents, and having a centralized location for litigants to ask questions and obtain legal information for their case. However, there is likely to be some increased workload for the courts as more litigants file an answer in their case rather than giving up and not participating in the court process.

Further, while some common matters can be handled effectively in a workshop setting, such as starting a divorce, or explaining general processes, most litigants will require additional one-on-one assistance to obtain information about their specific situation. While a growing

⁷ As reported in Task Force on Self-Represented Litigants - Implementation Task Force: Final Report, October 2014, page 19, found at <http://www.courts.ca.gov/partners/documents/EA-SRLTaskForceFinalReport.pdf>.

⁸ The Benefits and Costs of Programs to Assist Self-Represented Litigants: Results from Limited Data Gathering Conducted by Six Trial Courts in California's San Joaquin Valley, prepared by John Greacen, May 3, 2009, found at; <http://www.courts.ca.gov/partners/documents/Greacenbenefitcostfinalreport.pdf>

number of litigants are able to complete forms on-line, it appears that there are often errors in the forms that require litigants to start from scratch if they are not reviewed first by self-help center staff who can identify missing information and errors.

G. Justification

\$19.1 million of this request is to maintain current funding. In 2018, \$19.1 million annually was provided for three years to help address that \$62 million of annual need. In the first year of funding, 96% of the funds were spent or encumbered in expansion of self-help services. 45 of the courts were able to add staff, 33 extended the number or type of workshops, 32 extended service hours, 38 added new locations or increased accessibility through technology, 36 added new case types, 28 added remote assistance so that litigants did not have to come to the court for help, 39 offered self-serve online functions, and 29 expanded services in languages other than English. As a result of this increased funding, courts were able to provide assistance 931,606 times in the first year of the expansion.

Courts have expanded their settlement services to help litigants complete their cases conducting 6,557 settlement conferences in 2018-19. They expanded their services to self-represented litigants in the courtroom, providing assistance 36,642 times in 2018-19 to litigants by explaining court processes or preparing orders after hearing documenting the court's decision to enable them to enforce the order. 42 courts have expanded their use of technology tools including online document assembly programs to increase efficiency and serve even more litigants. It is critical that those funds be continued.⁹

It is also critical to provide additional funding to expand services to address critical needs of litigants in the civil courts. As documented by the National Center for State Courts, more than 76% of civil cases now involve at least one self-represented litigant.¹⁰ In the recent Justice Gap study prepared by the State Bar of California, the most common categories of civil legal issues affect Californians at all income levels: health, finance and employment.¹¹ These issues are most often addressed in the civil courts.

In order to support expanded self-help services in the courts, the Council has been working to develop extensive early education for litigants in civil cases. That effort has begun with

⁹ STARS Type of Service Report, February 6, 2020, Self-Help Quarterly reports

¹⁰ Report to the Chief Justice by the Commission on the Future of California's Court System (2017) p.29, citing Call to Action: Achieving Civil Justice for All, 4- 5 recommendations by the Civil Justice Improvements Committee to the Conference of Chief Justices, citing The Landscape of Civil Litigation in State Courts, National Center for State Courts, 2015

¹¹ The California Justice Gap: Measuring the Unmet Civil Legal Needs of Californians, the State Bar of California, November 2019.

consumer debt issues, a key civil case type with many self-represented litigants. Flow charts explaining the process, information on how to respond to cases and how to resolve them are all being added along with tools to help people fill out the required forms easily.

Using a combination of technology and increased staffing is the optimal method to increase the amount and effectiveness of services. In user-testing new resources for civil case types, we have become increasingly aware that many legal issues that come to the courts are too complex to be addressed effectively through remote services and we still have a large population of people who are not comfortable using technology-particularly when they are under stress and in difficult situations.

We further learned that helping people fill out forms to answer a civil complaint without providing a full set of resources and self-help services may put them in worse situation than receiving no help at all. For example, if we provide an easy way to answer a lawsuit to collect a credit card debt, the creditor is likely to send a large packet of papers with discovery requests with Interrogatories, Requests for Documents and Requests for Admissions. There are no standard forms to respond to these requests and if the response is not provided to the creditor in 30 days, the self-represented litigant will almost certainly lose the case and be liable for the creditor’s attorney fees.

We learned that most self-help centers simply do not have the resources even with the \$19.1 million expansion to help litigants respond to these discovery motions. The requests usually require litigants to find a wide variety of documents and organize a response that addresses the questions asked by the creditor, which are written legalese and often appear irrelevant to the case. Several courts that piloted providing services in civil cases as part of the expansion have determined that they will not be able to help in this area without additional staff resources.

We have learned that many of the common tasks that civil litigants need assistance with take far longer than courts have anticipated and take far longer than in family law. Self-help centers that have extensive experience in providing civil law must budget the following time for the most common issues for which self-represented litigants seek assistance.

Initiating Discovery	.75 hour
Responding to Discovery	1.5 hours
Opposition to Motion to Compel Discovery ¹²	3.0 hours
Explain Trial Process in Detail	3.0 hours
Draft Witness List & Exhibit List	1.0 hour
Draft Trial Brief	3.0 hours

¹² A motion to compel discovery is commonly filed if a self-represented litigant does not respond within 30 days to discovery requests propounded by attorneys. Litigants must file papers in opposition to the motion and explain why they shouldn’t pay the other side’s attorney fees as well as completing the discovery requested.

This is much more time than most self-help centers can allocate with existing resources.

Many litigants need multiple appointments at each stage of the process to fully complete their tasks. While the centers providing civil self-help, services refer to Lawyer Referral Services for full representation and assistance, all too often the litigant is unable to afford legal services. Most legal aid organizations are unable to take many civil legal cases due to limited resources and other priorities. Without the assistance of the self-help center, they would almost certainly lose their case without the ability to have the court make a ruling based on the facts and law rather than technical errors.

We also learned that asking self-help attorneys and their staff to have expertise in a growing number of areas is going to be very difficult without additional staffing. Self-help attorneys often have great expertise in family law, domestic violence, child support and guardianship. To fully address the needs of self-represented litigants, we also need legal expertise in housing, expungement, civil harassment, conservatorships of the person, simple probate, and the wide variety of civil issues including consumer debt and general civil procedure. It is extremely unlikely that any one person can know enough law and procedures in these areas to truly be helpful for self-represented litigants. And, we have learned that staff turnover makes on-going training and support in all these areas absolutely critical. Judicial Council staff have been able to provide significant training and support in issues of child support and domestic violence through focused funding streams. Many attorneys in self-help have strong backgrounds in family law since they also serve as the family law facilitator, which requires at least five years of experience in family law.

To address the number of unrepresented civil litigants, we need a multi-pronged approach, similar to that which has been used in family law.

First, we need to provide additional funding to the self-help centers to enable them to provide assistance in these critical civil case types.

Second, we need to continue to expand and maintain educational resources for self-represented litigants in these critical case types so that litigants can understand and accomplish as much as they can on their own. These materials need to be user-tested to ensure that they provide this information as effectively and clearly as possible.

Third, we need to provide education to the self-help center staff so that they can address the more complicated questions that are raised by self-represented litigants and develop effective triage and referral mechanisms for issues that are beyond the scope of self-help services.

Fourth, we need to increase sharing of resources and collaboration by increasing innovative methods of providing services – particularly for smaller counties where it is unlikely that we will ever have sufficient funding for multiple attorneys.

Fifth, we need to simplify forms and procedures for civil procedures that involve large numbers of self-represented litigants as possible to make it easier for litigants to understand and prepare court documents on their own, and to minimize the costs on all sides.

The first step will be addressed by providing an additional \$25 million to trial courts for expansion in civil and probate case types as well as to more fully meet the significant need in family law. Expanded resources will help courts meet the very real need of time to answer individual questions and help litigants with these processes.

We will encourage collaborations between courts and build on the success of two of the Court Innovation Projects¹³ through our grant methodology. One is the SHARP model coordinated by Butte County that provides video conferencing connectivity among 13 rural courts, enabling them to have an attorney in one court provide face-to-face information to a litigant in another court. A regional coordinator provides training on use of the technology, develops workshops for common use, shares information on resources, and encourages use of document assembly programs and other resources. The other is the Ventura on-line classes in which litigants can take workshops and get assistance with their cases at home or on their mobile phones. By supporting courts to provide more centralized resources with attorneys with expertise in these emerging case types, we expect to be able to provide a wider variety of services more efficiently.

We will also focus efforts on sharing of on-line resources developed by the courts – whether on-line classes, with LiveChat models, texting and message boards to provide information to litigants on the status of their cases. This information will help support the Judicial Council’s statewide innovations and help prevent duplication of effort amongst the courts.

The additional four steps will be addressed through an expansion of statewide services at the Judicial Council in order to maintain and expand educational resources and adapt local materials for statewide use. These staff members would be part of the Self-Help Outreach, Resources and Education Team that was developed at the JCC in response to recommendations of the Chief Justice’s Commission on the Future of California’s Court System.

2.0 attorneys are requested: one with significant expertise in civil procedure, consumer debt, housing and other issues; and the other with significant expertise in guardianships,

¹³ Court Innovation Grants were established by the Budget Act of 2016 which allocated a total of \$25 million to the grant program. Up to \$8 million was allocated for self-help family and juvenile courts. These funds were intended as seed money. Innovative practices developed by those programs are being disseminated and courts will be encouraged to incorporate these best practices as part of the grant methodology.

conservatorships, simple probate, elder abuse and other civil issues that are generally heard in probate court. These attorneys would be responsible for: 1) providing training and resources for self-help center staff in these areas; 2) providing technical assistance to the self-help centers in these areas; 3) maintaining, updating and expanding the content on the self-help website to ensure that it is accurate and addresses the common questions being posed; 4) providing subject matter expertise for on-line document assembly programs; 5) adapting resources developed at the local level for statewide use; 6) collaborating with the Judicial Council IT team on potential LiveChat or chatbot resources for common questions; and 7) working with Judicial Council Advisory Committees on simplified forms and procedures to address common issues faced by self-represented litigants in these civil case types. While the Judicial Council has contracted with subject matter experts to develop information for the self-help website, it has found that it is very difficult to find attorneys with subject matter expertise who can also write effectively for laypersons with limited education.

1.0 senior analyst is also requested. The senior analyst will have subject matter expertise to 1) provide technical assistance to the courts and work with the attorneys to develop on-line and other training for self-help center staff and attorneys; 2) work with the attorneys to develop systems to track local court rules, forms and processes so that information could 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; 3) develop systems to track and categorize information provided by the attorneys so that this can be shared broadly; 4) support increased communication and collaboration between trial courts; 5) 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.

1.0 administrative coordinator is requested to: 1) provide the support for the trainings, including webinars and in-person trainings as requested by the courts; 2) manage the databases developed by the attorneys and senior analyst; 3) manage the data collection tools in which the courts report the services that they provide, to compile the results and provide technical support to the courts in using those tools; 4) support the application, contracting and invoicing process for the new funds; 5) provide administrative support for the development of rules and forms proposals for Judicial Council Advisory Committees.

These staff would be supervised by the supervising attorney hired in January 2019 to support the self-help expansion and would work closely with the senior analyst who manages the funding and evaluation of the programs in support of the trial courts. They would also work closely with other SHORE team members working on Justicecorps, family and domestic violence legal issues, research and technology solutions.

Additional Information Services staff will be required for this project:

1.0 Senior Application Development Specialist and 1.0 Senior Business Systems Analyst will be responsible for developing the software needed to incorporate the informational databases developed by the attorneys and senior analyst to incorporate that information into the Self-Help Portal, LiveChat, court enterprise data applications and other applications so that this information is available statewide.

The positions will also develop an updated data collection system to make it easier for both court staff and those being served. Enhancing this system will enhance accountability and enable courts and Judicial Council to obtain the information that they need to better address the needs of their court customers.

Updating the data collection system will require development of a relational database and purchase of 500 tablets for use by the courts in recording information in self-help centers and courtrooms. The database will be constructed to allow:

- Entry of customer information by customers on tablets at the self-help center
- Entry of intake information by the clerk when the customer reaches the counter
- Entry of service information by the self-help attorney as the service is provided
- Ability for self help center staff to look up the record and edit it
- Continue to create a statewide file of all customer encounter data for the Judicial Council self help program
- Ability to populate the court’s case management system with the customer encounter data
- Ability to populate the Judicial Council’s enterprise data platform

These tablets will cost \$165,000 on a one-time basis.

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.

H. Funding Methodology and Future Impact

Given that courts spent or encumbered 96% of the additional \$19.1 million in funds in the first year of expansion, and continue to be on target to expand all self-help funds in 2019-20, it is clear that it is crucial to maintain on-going funds.

In a 2017 survey, courts indicated that they needed an additional \$6,994,739 in on-going staffing costs to handle Guardianships, Conservatorships and Simple Probate matters. We recommend funding at \$6 million for those services.

	Attorneys	Paralegals	Total
Guardianship	\$ 1,490,315.50	\$ 1,630,052.34	\$ 3,120,367.84

Conservatorship	\$ 1,169,449.69	\$ 815,475.31	\$ 1,984,925.01
Simple Probate	\$ 1,025,677.87	\$ 863,768.09	\$ 1,889,445.96
Total Probate	\$ 3,685,443.07	\$ 3,309,295.75	\$ 6,994,738.81

In the same survey, courts reported that they needed an additional \$14,900,910 in on-going staffing costs to provide assistance with Civil, Small Claims and Civil Harassment cases.

Civil	\$ 4,170,185.88	\$ 4,501,777.85	\$ 8,671,963.73
Small Claims	\$ 1,152,240.10	\$ 1,664,965.55	\$ 2,817,205.65
Civil Harassment	\$ 1,483,486.44	\$ 1,928,254.37	\$ 3,411,740.81
Total Civil	\$ 6,805,912.42	\$ 8,094,997.77	\$ 14,900,910.19

We project that we would need to allocate \$14,000,000 to be able to address the recommendations of the Chief Justice’s Commission on the Future of the California Courts given these projections and what we have learned about the significant amount of time needed for these cases.

Based on the information from the National Center for State Courts, we know that approximately 75% of civil cases involve at least one self-represented party. If we only focus on limited civil (housing, debt collection and other issues under \$25,000 per filing), there are currently 602,473 filings per year. We anticipate that approximately 30% of the self-represented litigants in those cases will ask for help from the self-help center and are estimating a very low rate of 1.75 hours of help per litigant, which anticipates additional resources and support from the Judicial Council to streamline services. If we calculate the full 2,080 hours of work, that would require 114 positions at an average salary and benefit package of \$124,000, that we would need at least \$14,000,000.

Filings	602,473
X 75% Estimated # of SRLs	451,855
Encounters as a percent of estimated # of SRLS	30%
Hours per litigant (6)	1.75
Total hours needed	237,224
Total positions needed	114
Average salary and benefits	\$ 124,000
Funding required	\$14,142,185

We also know from the courts that family law remains a major source of need and needs additional funding. Courts reported an on-going need of \$27,730,039 for general family law and domestic violence. We know that many courts prioritized family law as part of their expansion for the \$19.1 million based on the great need in that area. So, we have projected an additional need of \$5 million for family law self-help services.

Family Law	\$ 10,383,671.19	\$ 9,224,830.34	\$ 19,608,501.53
Domestic Violence	\$ 2,704,642.81	\$ 5,416,895.02	\$ 8,121,537.82
Total Family Law	\$ 13,088,314.00	\$ 14,641,725.35	\$ 27,730,039.35

Although none of these projections fully meets the need, we anticipate that with the additional support from the Judicial Council staff attorneys and analyst that we will be able to increase efficiencies and allow for much more comprehensive services.

We anticipate that the Cost Benefit Analysis, which will be presented to the Legislature in November 2020 will provide more guidance on the most effective distribution of the funds. The methodology for funding will be referred to the Trial Court Budget Advisory Committee.

We expect that having additional staff in the trial courts, supported by strong on-line resources and knowledgeable staff at the Judicial Council, all actively working to develop effective ways of educating self-represented litigants and simplifying forms will not only increase access to the courts, but allow the courts to effectively serve the growing number of litigants coming to court in these cases.

I. Outcomes and Accountability

Courts will continue to provide quarterly reports on the use of these funds and expansion of services. These reports will be designed to measure the impact of the increased funding, including the use of innovative services.

Courts will use the existing database for collecting information on self-help services which has been updated and streamlined to better identify the numbers of litigants served, and to capture all service types as well as expanded services in assisting litigants with settlement, using electronic resources and other services designed to assist litigants achieve outcomes that better address their needs

Google Analytics and other web tools will be used to document the usage of the websites and online tools.

User-testing of on-line resources and proposed forms will be utilized to ensure that they are as effective as possible in providing and obtaining information for these court cases.

Customer satisfaction surveys will be used for persons using self-help centers and on-line resources. Courts will also be asked to complete evaluations of trainings provided by the Judicial Council and provide feedback on the effectiveness of the technical assistance and resources provided by Council staff.

J. Analysis of All Feasible Alternatives

<p>1</p>	<p>Support the current proposal by maintaining the current allocation of \$19.1 million in funding for the trial courts and increase that amount by \$25 million to allow programs to expand into additional areas of assistance. Provide \$165,000 one-time funding and \$1.343 million in JCC staff support to provide training and support for that expansion and to develop materials in these expanded case types for statewide use.</p> <p>Pros:</p> <ul style="list-style-type: none"> • This will provide a tremendous amount of service for a relatively low investment and will help address other funding shortfalls that the courts face, including clerk staff and judicial officers, because self-help centers can help resolve many issues that would otherwise have to be decided by judges. • The alternative is in line with the recommendations by the Chief Justice’s Commission on the Future of California’ Court System that the branch 'Increase and Improve Assistance for Self-Represented Litigants.' • Provides more on-line resources for self-represented litigants to handle as much of their court business on their own as possible. <p>Cons:</p> <p>Continues a level of unmet need by the Trial Courts which have identified a need for an additional \$42.9 million</p> <p>Requires additional General Fund resources.</p>
<p>2</p>	<p>Fully fund the court need of \$62 million by maintaining the current allocation of \$19.1 million funding for the trial courts and increase that amount by \$42.9 in additional funding, which represents 100 percent of the total identified funding need. Provide \$1.343 million in JCC staff support to provide training and support for this expansion and to develop materials in these expanded case types for statewide use.</p> <p>Pros:</p> <ul style="list-style-type: none"> • This will provide a tremendous amount of service for a relatively low investment and will help address other funding shortfalls that the courts face, including clerk staff and judicial officers, because self-help centers can help resolve many issues that would otherwise have to be decided by judges. • The alternative is in line with the recommendations by the Chief Justice’s Commission on the Future of California’ Court System that the branch 'Increase and Improve Assistance for Self-Represented Litigants.'

	<p>Cons:</p> <p>Requires additional General Fund resources.</p> <p>Does not encourage collaborations between courts</p>
3	<p>Maintain current allocation of \$19.1 million in funding for the trial courts. This will allow them to maintain current levels of funding but is less than one-third of the identified funding need.</p> <p>Pros:</p> <ul style="list-style-type: none"> • This enables all courts in the state to provide self-help centers • Maintains same level of General Fund resources devoted to self help services <p>Cons:</p> <ul style="list-style-type: none"> • Continues to result in many court users without any kind of legal assistance with their court matters, as it does not fully fund the need. • Does not allow for better coordination of resources and support of self-help services. • Does not allow most courts to provide services in civil case types and probate matters which have been identified as a high need by the Justice Gap Survey. • Does not provide support for courts to develop and use data for planning service • Does not address the recommendations made by the Chief Justice’s Commission on the Future of California’ Court System to expand assistance in civil case types.

K. Timeline for Implementation

<p>\$19.1 million of this request is on-going and the courts have already hired the attorneys and qualified paralegal staff to maintain this work.</p> <p>The \$25 million in additional on-going funding will be allocated based upon recommendations made by the Judicial Council’s Advisory Committee on Providing Access and Fairness in the courts in collaboration with the Trial Court Budget Advisory Committee. These committees will make recommendations to the Judicial Council based upon the information developed through the analysis for the Cost Benefit Analysis that will be presented to the Legislature in November of 2020. The analysis will also incorporate results from the Innovations Projects in Self-Help that were funded by the Legislature.</p> <p>Courts will be asked to submit a proposal for expansion based upon the recommendations approved by the Council. The application and review process will require courts to implement cost-effective solutions to provide self-help services. JCC staff will provide on-going support and education for courts on best practices to maximize the effectiveness of the new resources.</p> <p>Quarter 1: July 2021- September 2021</p> <ul style="list-style-type: none"> • Update proposed allocation methodology and have it approved by the JCC.

- Hold webinars and a statewide conference on best practices to ensure the most effective use of funding,
- Distribute applications for funding.
- Collect baseline information for evaluation
- Hire Judicial Council staff to support the project

Quarter 2: October 2021- December 2021

- Review applications and approve distributions
- Continue educational efforts on sharing best practices for expansion.
- Implement reporting and accountability systems.
- Provide technical assistance to the courts.

Quarter 3: January 2022- March 2022

- Review first reports from the courts.
- Continue to provide technical assistance to the courts.
- Develop networks for self-help centers to share resources between courts.

Quarter 4: April 2022 - June 2022

- Review second reports from courts.
- Continue to provide technical assistance to the courts.
- Prepare report for Judicial Council regarding any proposed changes to allocation formula or other issues involved in implementation.

Requesting Entity	Trial Court Facility Modification Advisory Committee
Tracking Number	21-10

A. Proposal Title

Alignment of Energy Efficiency Efforts with California Emissions Reductions Policy timelines

B. Summary

The Judicial Council of California (JCC) requests \$3 million General Fund in 2021-22 and ongoing to align energy efficiency efforts with State of California Greenhouse Gas (GHG) Emissions Reductions Policy (EO B-18-12) and statutory timelines SB 100 (2018), SB32 (2006), and SB 350 (2015). These California Legislative statutes reflect aggressive timelines that require immediate action on energy efficiency efforts in order to achieve goals of the next ten years. Ongoing General Funds will allow for targeted energy efficiency projects that will reduce GHG emissions, increase renewable energy sources, improve resiliency and align efforts with rest of the state.

C. Relevance to the Judicial Branch and State Budget

Providing fair and equal access to justice for all Californians is the primary mission of the JCC. Court facilities are highly specialized and heavily used and are not comparable to regular office buildings due to the programmatic activities of these buildings. These specialized activities require extra measures to ensure the safety and security of the public, in-custody defendants, law enforcement, court employees, and judicial officers. Failures of court facilities systems negatively impact access to justice, a strategic goal of the judicial branch.

This request aligns with the Chief Justice’s Access 3D Initiative for a fully functioning judiciary—including the adequate funding needs of JCC facilities and supporting Goals II and VI, as follows:

- Goal II - Independence and Accountability states, “The branch will maintain the highest standards of accountability for its use of public resources...” including,
 - The judicial branch must develop meaningful system performance standards, measure performance against the standards, analyze data on those measures, report the results to constituents on a regular basis, and support changes to increase efficiency and effectiveness
- Goal VI – Branch wide Infrastructure for Service Excellence states, “Infrastructure improvements needed to better serve the public” include,
 - Acquisition, construction, renovation, and maintenance of adequate facilities
 - Greater technological access and integration
 - Systems for measuring court performance and accounting for the use of resources

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D. Required Review/Approvals

The Trial Court Facility Modification Advisory Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001			\$3,000,000	\$3,000,000	\$3,000,000	\$3,000,000
Total				3,000,000	3,000,000	3,000,000
Ongoing				<i>3,000,000</i>	<i>3,000,000</i>	<i>3,000,000</i>
One-Time						

F. Background/History

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California’s trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe and secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio of 457 facilities. The portfolio includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

Recent California Legislative statutes require actions in the next several years to achieve the overall goal of reducing GHG emissions. State agencies, including the Department of General Services, the California University system, and the California State College system are implementing measures to meet these goals. Some notable statutes with targeted measures by 2030 are:

- SB 100 60% renewables for energy
- SB 32 Economywide GHG emissions 40% below 1990 levels
- SB 350 Double Energy Efficiency

G. Justification

JCC Facilities Services does not have an identified source of funds allocated for meeting California GHG Emissions Reduction goals. California statutes reflect aggressive timelines that require immediate action on energy efficiency efforts in order to achieve goals of the next ten years.

Facilities Services' funding for energy efficiency efforts comes from very limited Facility Modification resources and primarily result from replacing failed systems with more energy efficient options. Building system facility modifications are funded at a run-to-failure mode due to inadequate funding for system renewals. The limited funding for Facility Modifications is further restricted by the \$2.4 billion backlog of deferred maintenance in the JCC portfolio. Facility Modification projects are scored, ranked and prioritized based on the most urgent and critical needs.

Proactive measures to become compliant with recently enacted state laws and policies have been superseded by emergency repair needs. JCC Facilities Services seeks to comply with California statute timelines (including, SB 100, SB 32, and SB 350) starting with assessing energy usage in the JCC portfolio. GHG Emissions are minimized with clean energy sources and energy efficient systems. One commonly accepted approach to compliance with these new laws has been to reduce the energy usage of facilities. The energy usage is measured with a standardized approach called the Energy Use Intensity (EUI).

EUI is a calculation of how efficiently a building uses energy based on (1) the square footage of the building, and (2) the energy use. This method provides a standard measurement regardless of building size and energy source. Lower numbers equate to more efficient energy usage. Current Title 24 compliance requires new buildings be designed with an EUI measurement between 26 and 38. EUI standards for existing buildings are slightly higher. The Department of General Services (DGS) has an EUI target of 45 for renovations of large offices. The JCC Facilities Services has an EUI goal of less than 50 for existing buildings in the portfolio that are owned and managed by the JCC. A dedicated funding source will allow for the planning and implementation of projects that will strategically address inefficient energy uses in our portfolio and replace those building systems with efficient and/or renewable energy systems, such as solar.

Energy efficiency projects funded with these ongoing resources will be prioritized to address facilities with the highest EUI. Energy efficiency can be achieved through the installation of more efficient building systems or the implementation of clean, renewable energy sources, such as solar. Installation of solar as a renewable energy source makes sense for court facility sites that will recognize the highest benefit from solar. Solar is prioritized based on available parking or rooftop space, climate zone, and power resiliency opportunities. Facilities will be assessed for the energy efficiency approach that provides the greatest return on investment taking into consideration: project cost, percentage reduction to EUI, longevity of the system, and impact to achieving one or more of the California GHG Emission Reduction statute timelines.

The JCC cannot achieve energy efficiency goals without ongoing, dedicated funding. A steady source of funding allows for planned efforts that can be quantified and forecasted for effectiveness in achieving goals. The JCC is charged with accounting for the effective use of its resources, including electricity, gas, and water. Specifically identified funding enables the JCC to pursue strategies for the benefit of California and its resources, while being accountable for the success of those strategies. Ongoing General Funds will allow for targeted energy efficiency projects that will reduce GHG emissions, increase renewable energy sources, and align efforts with rest of the state.

H. Funding Methodology and Future Impact

A specific allocation of funding for energy efficiency projects enables the JCC to proceed with identified energy projects. The JCC selected a sample data set of 30 court facilities to assess Energy Use Intensity (EUI). Of the sample set, the JCC identified 24 court facilities with unacceptable EUI measurements in excess of the threshold score of 50 EUI. The most egregious offenders in this data set scored over 100 in efficiency. Of these 24 buildings, 22 buildings have Facility Condition Index (FCI) scores indicating a building assessment of fair or poor. These facilities contain energy-consuming building systems (lighting, HVAC, BAS) that are due for renewal. Our goal is to utilize the \$3 million in ongoing funding to target these building systems. We estimate that we can bring those 24 buildings into compliance after four years of funding. We request ongoing resources to address the other buildings in the portfolio for which we do not currently have EUI data. Projected results from the first four years of funding show a significant improvement in the EUI measurement.

Focused Data Set 24 buildings, over 50 EUI*	FY 2021-22	FY 2022-23	FY 2023-24	FY 2024-25	FY 2025-26
Total EUI	1798	1461	1357	1283	1235
Average EUI (Projected)	75	61	57	53	51

*Assumes \$3 million/year starting in FY 2021-22 to address energy efficiency

Ongoing funds dedicated to energy efficiency will enable strategic and methodical efforts against our most inefficient facilities. Supplementing with renewable energy sources, such as solar, will be assessed for financial feasibility and long-term power resiliency – helpful in the face of recent Public Safety Power Shutoffs (PSPS). Projects will be prioritized by those that reap the most benefits in producing EUI scores that are in alignment with new building standards, increase our renewable energy usage, and make the most financial sense. This methodical approach to energy efficiency allows for the JCC to accurately predict GHG reduction within its portfolio and lays the foundation required for aligning efforts with the rest of the state.

I. Outcomes and Accountability

The Trial Court Facility Modification Advisory Committee (TCFMAC) provides ongoing oversight of the JCC Facilities Program and is regularly informed of facilities-related costs, inclusive of building operations and maintenance, utilities, and energy efficiency facility modifications. To ensure accountability, JCC Facilities Services is obligated by the Rules of Court to provide regular reporting of facilities operations and maintenance to the advisory committee.

Reporting to TCFMAC will be provided on a routine and annual basis. Routine reporting of funds allocated to energy efficiency will include current program efforts, the costs of efforts, the forecasted return-on-investment in cost savings and energy reductions based on benchmarks, and timing of efforts. Annual reporting of funds allocated to energy efficiency will include data-driven analysis of program measurements such as EUI reduction, and trending of the alignment of energy efficiency efforts to meet California GHG Emissions Reduction goals.

J. Analysis of All Feasible Alternatives

1	<p>Approve \$3 million General Fund in 2021-22 and ongoing to align energy efficiency efforts with State of California Greenhouse Gas (GHG) Emissions Reductions Policy and timelines.</p> <p>Pros: Allows for implementation of a strategic approach to reducing GHG emissions Cons: Results in commitment of additional General Fund resources</p>
2	<p>Approve \$2 million General Fund in 2021-22 and ongoing to align energy efficiency efforts with State of California Greenhouse Gas (GHG) Emissions Reductions Policy timelines.</p> <p>Pros: Allows for partial efforts to proceed with meeting goals Cons: Restricts energy efficiency efforts based on available funding, reduces any momentum provided by sufficient funding, and risks achieving goals.</p>
3	<p>Approve \$1.5 million General Fund in 2021-22 and ongoing to align energy efficiency efforts with State of California Greenhouse Gas (GHG) Emissions Reductions Policy timelines.</p> <p>Pros: Allows for only a minimum effort to proceed with meeting goals. Cons: Restricts energy efficiency efforts to minimum effort and diminishes any momentum that would be achieved through efforts.</p>

K. Timeline for Implementation

Upon receipt of funding, the JCC will be able to proceed immediately with plans to execute energy efficiency projects for reduced GHG emissions. Proactive replacement of these systems will produce immediate payback on energy efficiency. In addition, funding allows for the JCC to proceed with renewable energy efforts, such as solar installations, in those locations throughout the state that will benefit the most.

Requesting Entity	Trial Court Facility Modification Advisory Committee
Tracking Number	21-11

A. Proposal Title

Insolvency Resolution for State Court Facilities Construction Fund

B. Summary

The Judicial Council of California (JCC) requests \$90 million General Fund in 2021-22 and ongoing to resolve the forecasted insolvency of the State Court Facilities Construction Fund (SCFCF).

Since 2014-15, the SCFCF has experienced a year-over-year decline in revenues which support the fund. A carefully monitored fund balance allowed for the SCFCF to cover expenses over the last few fiscal years. The SCFCF residual fund balance will be exhausted in 2021-22 and there will not be enough revenue to cover forecasted expenses that have historically included facility modifications, staff and operational budgets, and, more recently, debt service obligations. The SCFCF requires an ongoing transfer of funds from the general fund to support the expenses of the program and to avoid insolvency of the fund.

C. Relevance to the Judicial Branch and State Budget

Providing fair and equal access to justice for all Californians is the primary mission of the JCC. Court facilities are highly specialized and heavily used and are not comparable to regular office buildings due to the programmatic activities of these buildings. These specialized activities require extra measures to ensure the safety and security of the public, in-custody defendants, law enforcement, court employees, and judicial officers. Failures of court facilities systems negatively impact access to justice, a strategic goal of the judicial branch.

This request aligns with the Chief Justice’s Access 3D Initiative for a fully functioning judiciary—including the adequate funding needs of JCC facilities and supporting Goals II and VII as follows:

- Goal II - Independence and Accountability states, “...the judicial branch must also exercise its constitutional and statutory authority and responsibility to plan for, direct, monitor, and support the business of the branch and to account to the public for the branch's performance.” This goal secures sufficient resources to ensure accessible, safe, and efficient facilities for the public.
- Goal VII – Adequate, Stable and Predictable Funding for a Fully Functioning Branch states, “Accomplishing these fundamental responsibilities of government requires a reliable funding base that will sustain branch operations on a continual, uninterrupted basis.

D. Required Review/Approvals

Trial Court Facility Modification Advisory Committee (TCFMAC) has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001				90,000,000	90,000,000	90,000,000
Total				90,000,000	90,000,000	90,000,000
<i>Ongoing</i>				<i>90,000,000</i>		
<i>One-Time</i>						

F. Background/History

In 2002, the Trial Court Facilities Act of 2002 (Chapter 1082, Statutes of 2002, (SB 1732) was enacted. This legislation established the State Court Facilities Construction Fund. The SCFCF is funded by various revenues, most notably: penalty assessments on criminal fines; surcharges on parking offenses; and civil filing fees. The fund was established for planning, design, construction, rehabilitation, renovation, replacement, leasing or acquisition of court facilities, as defined by Section 70371 of the statute. It includes the rehabilitation of one or more existing court facilities in conjunction with the construction, acquisition, or financing of one or more new court facilities.

The Judicial Council reports the fund status of the SCFCF annually to the Department of Finance. The annual fund revenue statements reflect insufficient revenues since 2014-15. In addition, the fund experienced a sharp increase in expenses due to debt service obligations resulting from bond-funded capital outlay projects. The expenses of the SCFCF leave no room for reduction due to the nature of the expenses.

G. Justification

The SCFCF is expected to have a fund balance that is insufficient to cover anticipated obligations in 2021-22. Expenses of the fund are projected at \$170.5 million for 2020-21 and the next two budget years. Expenses are expected to remain static over this time frame due to the nature of the expenses. Expenses related to debt service are the first priority of the SCFCF and cannot be reduced or deferred. Expenses related to operational costs, salaries and wages, and program-required replacements of court facilities building systems cannot be reduced without undermining the needs of the court facilities program.

The Facility Modification Program supports the repair, replacement, and renovation of court facilities throughout the state. Budgeted funds from the SCFCF for the Facility Modification Program has remained steady at \$40 million annually since 2014. The Facility Modification Program is supplemented by \$25 million annually from the Immediate and Critical Needs Account (ICNA), a subaccount of SCFCF, to address the most critical repairs and replacements of courthouse building systems. It is worth noting that the ICNA is also forecasted in 2026-27 to have a negative fund balance due to similarly reduced fines and fees. The Judicial Council uses every dollar of the funds allocated to the Facility Modification Program and the allocation is still insufficient to support the needed construction, rehabilitation and renovation of the courthouses in the Judicial Council portfolio. As a result, the Judicial Council recognizes a \$2.4 billion backlog of deferred maintenance in court facilities throughout the state.

The most recognizable contributing factors to the declining fund balance of the SCFCF are decreased revenues to the fund, and increased debt service obligations. The decline of revenues is documented in annual reporting to the Department of Finance. The revenues in the SCFCF hit a high point in 2010-11 and have since declined annually at an average rate of 7%. Most notably, criminal fees reflect a steady decline in revenue from \$52.1 million in 2016-17 to an estimated \$38.1 million in 2020-21. Parking penalties and civil filing fee revenues are anticipated to decrease further as a corollary of the "Ability to Pay" initiative being piloted by counties and supported by the Chief Justice. It is expected that the sources of revenue in the SCFCF will continue to decrease, and in the very near future will not be able to support the debt service obligations.

Debt service payment obligations increased from \$57.0 million in 2016-17 to an estimated \$82.1 million in 2020-21. Debt service payments will continue through 2039-40 for nine capital outlay projects. A carefully-monitored fund balance supported the obligations of the SCFCF for the last several years, as the expenses trended well above available revenues. Starting in 2021-22, the financial obligations of the SCFCF will exceed the fund balance. This lack of funding will prevent the JCC from paying its debt obligations, including bond-funded debt service.

H. Funding Methodology and Future Impact

Failure to address the funding shortfall of the SCFCF would make it impossible for the JCC to service its debt obligations. In the last few fiscal years, annual revenues of the SCFCF have trended around \$92.0 million. While annual revenues have somewhat stabilized recently, it is expected that the sources of revenues (penalty assessments on criminal fines; surcharges on parking offenses; and civil filing fees) will continue to decrease in the future due to planned initiatives like “Ability to Pay.” Projected annual programmatic expenses for SCFCF are \$170.5 million and include bond-funded debt service, program operational costs, salaries and wages, and earmarked funding for facility modifications. These expense obligations will remain relatively flat in the coming fiscal years. An ongoing general fund augmentation of \$90 million to the SCFCF will allow the JCC to continue to pay debt obligations and program operational expenses, and allow for a modest reduction in revenues without significant impact to the program.

I. Outcomes and Accountability

An ongoing General Fund augmentation of \$90 million to the SCFCF allows the JCC to meet its debt obligations for the foreseeable future. The JCC will continue to provide fund condition reports to the DOF to monitor the ongoing condition of the SCFCF and identify trends in revenues and expenses. In addition, the JCC is legislatively mandated to provide annual reporting to the Legislature on the expenses paid from the fund, ensuring appropriate allocation of funds by county. Funding in the amount of \$90 million will resolve the imminent insolvency of the SCFCF, ensuring access to justice and adequate, stable and predictable funding for the branch.

J. Analysis of All Feasible Alternatives

1	<p>Provide \$90 million General Fund in 2021-22 and ongoing to resolve the imminent insolvency of the SCFCF, ensuring access to justice and adequate, stable and predictable funding for the branch.</p> <p>Pros: Allows for JCC to meet its obligations in next few fiscal years while SCFCF revenues are monitored for long term decreases.</p> <p>Cons: Requires General Fund resources</p>
2	<p>Provide \$82.1 million General Fund in 2021-22 and ongoing to address only debt service payments spanning the next twenty years.</p> <p>Pros: Allows the JCC to meet bond-funded debt service obligations</p> <p>Cons: Does not allow for further decreases in revenues to the program. Program resources and money for facility modifications are limited to revenues.</p>

- | | |
|----------|--|
| 3 | Provide \$78.5 million one-time General Fund to provide a one-year stop gap of insolvency.
Pros: Allows the JCC to meet SCFCF obligations for one year
Cons: Does not provide long-term solution to funds insolvency |
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K. Timeline for Implementation

The JCC will implement the General Fund augmentation to close the revenue gap of the SCFCF immediately upon receipt of funding, and annually on an ongoing basis. The JCC will be able to service its long term debt obligations. There will be no delay in implementation since the expenses of the fund are already established.

Requesting Entity	Trial Court Facility Modification Advisory Committee
Tracking Number	21-12

A. Proposal Title

Trial Court and Court of Appeal Facility Operations and Maintenance, Leased Space, and Deferred Maintenance

B. Summary

The Judicial Council of California (JCC) requests 13.0 positions and \$164.785 million General Fund in 2021-22 and \$156.085 million annually thereafter to support facilities services costs for trial courts and Courts of Appeal. Ongoing funding of \$156.09 million includes \$153.0 million for trial court facilities program costs that provide for operations and maintenance at an industry standard level, unfunded leased trial court space, deferred maintenance projects, and additional staff to oversee the program. The ongoing funding request also includes \$2.13 million for Court of Appeal facilities program costs to fund operations and maintenance at an industry standard level and provide a source of funding for small repair projects. One-time funding of \$8.7 million supports Court of Appeal facilities to address their most urgent deferred maintenance projects.

C. Relevance to the Judicial Branch and State Budget

This same funding request was submitted for consideration as a 2020-21 BCP. As of this date, there is no decision regarding the 2020-21 submittal. The 2021-22 request is contingent on the decision regarding the 2020-21 BCP.

Providing fair and equal access to justice for all Californians is the primary mission of the JCC. Court facilities are highly specialized and heavily used and are not comparable to regular office buildings due to the programmatic activities of these buildings. These specialized activities require extra measures to ensure the safety and security of the public, in-custody defendants, law enforcement, court employees, and judicial officers. Failures of court facilities systems negatively impact access to justice, a strategic goal of the judicial branch.

This request aligns with the Chief Justice’s Access 3D Initiative for a fully functioning judiciary—including the adequate funding needs of JCC facilities and supporting Goals, I, II, and VI, as follows:

- Goal I - Access, Fairness, and Diversity states, “All persons will have equal access to the courts and court proceedings and programs.” This goal supports adequate funding to ensure court users have access to the court facilities.
- Goal II - Independence and Accountability states, “...the judicial branch must also exercise its constitutional and statutory authority and responsibility to plan for, direct,

monitor, and support the business of the branch and to account to the public for the branch's performance.” This goal secures sufficient resources to ensure accessible, safe, and efficient facilities for the public.

- Goal VI – Branch wide Infrastructure for Service Excellence states, “Infrastructure improvements needed to better serve the public include (1) acquisition, construction, renovation, and maintenance of adequate facilities.” This goal seeks to provide fully functional facilities that are safe and secure for conducting court operations for all court users.

D. Required Review/Approvals

The Trial Court Facility Modification Advisory Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	13.0	\$1,861,000	\$468,000	\$2,329,000	\$2,329,000	\$2,329,000
0001				\$153,756,000	\$153,756,000	\$153,756,000
0001				\$8,700,000	-	-
Total				\$164,785,000	\$156,085,000	\$156,085,000
<i>Ongoing</i>				<i>\$156,085,000</i>		
<i>One-Time</i>				<i>\$8,700,000</i>		

F. Background/History

The JCC Facilities Services program oversees the overall care and management of the judicial branch building assets, ensuring access to justice in California’s trial courts, Courts of Appeal, and the Supreme Court. The facilities program executes emergency, routine and preventive maintenance on building systems, portfolio and lease management, building system renovations, and many other functions required to produce a safe, secure building for the public, court staff, and judiciaries. Facilities Services administers a portfolio of 460 facilities. Roughly 45 percent of these facilities (209) are fully managed by the JCC; 29 percent (133) are managed by the county; 19 percent (88) are leased; and seven percent (30) are delegated by the JCC to either the county or the court. The portfolio includes a variety of building types: courthouses, jails, offices, parking structures and parking lots.

G. Justification

Facility management is foundational to the work of the judicial branch. The branch’s mission is to ensure that every courthouse be uniformly well-constructed and maintained. Without a fully functional court facility, there is no equal access to justice. This funding request will safeguard compliance with the originating legislative directives to ensure that courthouses are accessible and functional throughout the state.

These requests are needed to address an underfunded facilities program that is both noncompliant with current law and which operates at a level below industry standards. JCC Facilities Services systematically assessed the costs of an adequately funded facilities program using industry standard cost benchmarking measures. The resulting analysis produced multiple areas in facilities management that lack adequate funding for both trial courts and Courts of Appeal in the areas of O&M and deferred maintenance. This request represents the identified funding gaps and ongoing needs. The funding for deferred maintenance is requested to be ongoing in order to enable continuous efforts to address the backlog of \$2.4 billion in deferred maintenance. These projects require staff oversight and uncertainties over funding of deferred maintenance and the corresponding staffing up and down make it inefficient and ineffective manage such a program. Being able to rely on a regular level of funding to tackle deferred maintenance is a much more stable approach.

H. Funding Methodology and Future Impact

The itemized funding requests for each of the facilities management program components are outlined below. The funding gap is the existing shortfall in the program needed to address each of these areas of identified needs. From a program management standpoint, it is important to convey that insufficiencies in one area of the program negatively impact other areas. For example, deferring regular maintenance increases emergency repairs and decreases asset life. Adequately funding operations and maintenance will help to prevent the growth in deferred maintenance and the deferred maintenance funding will help to address critical deferred maintenance projects that currently create risks. The combined ongoing and one-time funding requests will improve the reliability, safety and longevity of judicial branch facilities.

Ongoing Program Request	Funding Gap
Trial Court Maintenance - JCC Responsible	\$24,390,000
Trial Court Utilities - JCC Responsible	\$18,670,000
Maintenance Oversight (10 FTE @ \$174,400/year avg)	\$1,744,000
Trial Court Leases	\$7,613,000
Trial Court Deferred Maintenance	\$100,000,000
Project Oversight (3 FTE @ \$195,000/year avg)	\$585,000

Court of Appeal Maintenance - JCC Responsible	\$591,000
Court of Appeal Utilities - JCC Responsible	\$479,000
Court of Appeal - Minor Repairs	\$1,062,000
Indirect Administrative Cost	\$951,000
Ongoing Program Need	\$156,085,000
<hr/>	
One-Time Program Request	Funding Gap
Court of Appeal Deferred Maintenance	\$8,700,000
One-Time to address urgent Need	\$8,700,000

I. Outcomes and Accountability

The Trial Court Facility Modification Advisory Committee (TCFMAC) provides ongoing oversight of the JCC Facilities Program and is regularly informed of facilities-related costs, inclusive of operations and maintenance, facility modifications, leases, and portfolio management. To ensure accountability, Facilities Services is obligated by the Rules of Court to provide regular reporting of facilities operations, maintenance, and leasing costs to the advisory committee.

An appropriately funded facilities program provides for longevity of the state’s assets, extending the useful life of building systems and replacing aged systems in a timely manner in order to reduce system failure rates. Premature failure of building systems results in an emergency event, creating higher building maintenance and repair costs, and diminishing access to justice due to court closures and impacted court operations. Approval of this request allows for the appropriate funding level to be applied to each component of the facilities program (preventive maintenance, utilities, leases, system replacements), resulting in improved access to justice and enabling the courts to apply general operating budgets to court staff and resources to support court services.

J. Analysis of All Feasible Alternatives

1	Alternative 1: Approve 13.0 positions and \$164.785 million General Fund (including \$8.7 million in one-time funding in 2021-22 and \$156.085 million in on-going annual funding) to support facilities services costs for trial courts and Courts of Appeal and to address trial courts and Courts of Appeal deferred maintenance backlog. Pros:
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	<ul style="list-style-type: none"> • Allows for industry standard level funding for operations and maintenance and a preventive maintenance program aligned with manufacturer’s recommended system maintenance for trial courts and Courts of Appeal; • Allows proper portfolio management of the trial courts by funding trial court leases; and • Addresses the most pressing needs in the trial court and Court of Appeal deferred maintenance backlog. <p>Cons:</p> <ul style="list-style-type: none"> • Results in commitment of additional General Fund resources.
2	<p>Alternative 2: Approve 13.0 positions and \$95.13 million ongoing General Fund for trial courts and Courts of Appeal facilities support (including \$40 million ongoing to systematically and steadily address the trial court deferred maintenance backlog).</p> <p>Pros:</p> <ul style="list-style-type: none"> • Allows for industry standard level funding for operations and maintenance and a preventive maintenance program aligned with manufacturer’s recommended system maintenance for trial courts and Courts of Appeal; • Allows proper portfolio management of the trial courts by funding trial court leases; and • Addresses the most pressing needs in the trial court deferred maintenance backlog and allows for long term, cost-effective planning. The logistics of spending a lot of money in one year are more disruptive than setting up a regular plan for ongoing system rejuvenation. <p>Cons:</p> <ul style="list-style-type: none"> • Does not provide a source of funding for Court of Appeal court deferred maintenance; and • Results, in the short-term, in a reduced impact to the deferred maintenance backlog, thereby increasing the risk of high-dollar emergency events
3	<p>Alternative 3: Approve \$53.39 million ongoing General Fund for trial courts and Courts of Appeal facilities support and \$50 million one-time General Fund for the trial courts deferred maintenance backlog.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Allows for industry standard level funding for operations and maintenance and a preventive maintenance program aligned with manufacturer’s recommended system maintenance for trial courts and Courts of Appeal; • Allows proper portfolio management of the trial courts by funding trial court leases; and • Provides partial funding to reduce the deferred maintenance backlog <p>Cons:</p> <ul style="list-style-type: none"> • Does not provide a source of funding for Court of Appeal court deferred maintenance; and • By not aggressively addressing the significant and extensive backlog of deferred maintenance, this leaves JCC trial court facilities less reliable and more vulnerable to likely system failures.

	<ul style="list-style-type: none">• Does not include the positions required to adequately maintain a portfolio the size
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K. Timeline for Implementation

Upon receipt of funding, the JCC will be able to appropriately allocate funding to the underfunded components of the Facilities Services program (O&M, Deferred Maintenance, Leases) and provide the needed staff oversight for both trial courts and Courts of Appeal within the portfolio. Facilities Services is prepared to authorize options within existing service provider contracts to perform currently unsupported O&M work associated with maintaining the JCC’s portfolio of court facilities. A supplemented preventive maintenance program will be implemented to extend the useful life and maintain the buildings: fire, life and safety systems; heating, ventilation, and air conditioning equipment; elevators and escalators; and other essential building system components.

Requesting Entity	Trial Court Budget Advisory Committee
Tracking Number	21-13

A. Proposal Title

Inflationary Adjustment for Trial Courts

B. Summary

The Judicial Council of California requests an estimated General Fund between \$50 million and \$70 million (depending on the methodology and factors included) to provide an adjustment to trial court budgets to reflect general inflationary cost increases as reflected in changes in the Consumer Price Index.

C. Relevance to the Judicial Branch and State Budget

Judicial Council Strategic Plan Provides Spotlight on State Level Considerations

The Strategic Plan for the California Judicial Branch enumerates a number of goals that cannot be achieved without adequate, stable and predictable funding. While these are judicial branch goals, they are similar to the goals of most state government agencies and the Governor.

- Goal I – Access, Fairness and Diversity acknowledges the fundamental requirement of the judicial branch to “serve an increasingly diverse population” and the mandate “to remove all barriers to access and fairness by being responsive to the state’s cultural, ethnic, socioeconomic, linguistic, physical, gender and age diversities and to all people.” This goal cannot be realized until the trial courts are able to serve each court user without regard to the litigant’s income, English language proficiency and other individual accommodations that ensure procedural fairness and full engagement in court proceedings. Long lines, English-only signage, physical constraints in court facilities, and under-resourced self-help and language services will continue until courts are able to address the impediments to justice that exist today.
- Goal III – Modernization and Management of Administration envisions “recruiting, developing, and retaining a high-quality staff at all levels...” using modern management practices that implement and sustain innovative ideas and effective practices.” The judicial branch has been inspiring judicial officers and court leaders with countless public service and technology initiatives that have the potential to revolutionize how the public interacts with the courts. However, the pervasive lack of adequate resources makes it challenging to develop, implement and maintain these innovations. Indeed, many courts are only able to focus on mandated services, which belie this goal of innovation.

- Goal IV – Quality of Justice and Service to the Public contemplates the judicial branch working with branch constituencies to better ascertain court user needs and priorities with a broader purpose of effecting programs and strategies to ensure that court procedures and processes are fair and understandable. Given the spectrum of legal expertise of court users, from civil litigators to self-represented parties, and the diversity of court users, with language and cultural barriers, physical disabilities, learning differences and other socio-economic challenges, the courts need resources to be responsive to each litigant and to interact with these court users in a manner that demystifies judicial processes.
- Goal VII – Adequate, Stable, and Predictable Funding for a Fully-Functioning Branch captures and summarizes the main argument for this budget change proposal. Added to the Strategic Plan in 2014, this goal strives for greater financial independence and flexibility for funding the court system at a level of sufficiency. Moreover, it seeks to “A. Improve physical access to the courts by keeping courts open, B. Expand access by increasing the ability of court users to conduct branch business online, and C. Maintain critical staff, programs, and services to avoid reducing or eliminating services.” These are the branch’s aspirations to ensure that the promise of “fair and equal access to justice” is realized in California.

Adverse Impacts of Inadequate Trial Court Funding on State Departments and the Business Community

The trial courts are essential justice partners with both local county departments (e.g. district attorney, probation, law enforcement, etc.) and with state departments (e.g. Department of Motor Vehicles, Department of Justice, Department of Corrections and Rehabilitation, etc.). The current lack of adequate, stable and predictable funding continues to impair the trial courts’ ability to adjudicate cases timely and to comply with essential and critical data reporting and collaborating with state departments to update criminal rap sheets and driving records. Incomplete and incorrect information in these statewide databases place public safety in jeopardy and make first responders less prepared in the field.

The uncertainty and inadequacy of trial court funding continues to negatively impact the business community. Although the impact has not been quantified, delayed access to the civil justice system is hurting California’s economy and harming businesses that cannot get their civil disputes addressed in a timely manner. The California business community is critical to ensuring a strong economy and reliable tax base. Any deficiencies or delays in resolving business disputes are deleterious to the overall business climate in California.

D. Required Review/Approvals

The Trial Court Budget Advisory Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001			\$50,000,000 – \$70,000,000	\$50,000,000 – \$70,000,000	\$50,000,000 – \$70,000,000	\$50,000,000 – \$70,000,000
			Total	\$50,000,000 – \$70,000,000	\$50,000,000 – \$70,000,000	\$50,000,000 – \$70,000,000
			Ongoing	\$50,000,000 – \$70,000,000	\$50,000,000 – \$70,000,000	\$50,000,000 – \$70,000,000
			One-Time			

F. Background/History

In 1998, the Lockyer-Eisenberg Trial Court Funding Act [AB 233 (Stats. 1997, Ch. 850)] (Trial Court Funding) was enacted by the Legislature. It created a new paradigm in which the 58 county-funded limited and general jurisdiction courts became state-funded. The Legislature’s intent of this omnibus bill was to address the great disparity in funding levels found in the county court systems to ensure that all Californians would have access to justice and similar experiences across jurisdictions in resolving their legal disputes in the trial courts. The enactment of Trial Court Funding followed more than a decade of failed or deficient funding attempts by the Legislature to provide more equity to funding the trial courts. Previous initiatives in the 1980s and 1990s included block grants and realignment of funds, but these solutions were critically under-appropriated and only made modest gains in addressing existing funding disparities. In the 1990s, when funding inequities were most dire, former Chief Justice Ronald M. George often stated that access to justice should be no different for litigants in Alpine County than for those in Los Angeles County. This sentiment became the aspirational spark for Trial Court Funding.

Using State Appropriations Limit to Fund the Trial Courts

In 2005-06, the Legislature codified a funding approach for the trial courts in Government Code section 77202, in order to ensure that state appropriations for the trial courts are not eroded and that sufficient funding is provided to trial courts to sustain services levels and accommodate operational cost changes without degrading the quality of court services to the public.

In addition to State General Fund appropriations to the JCC to support the trial courts, Government Code section 77202 authorized that:

“... a cost-of-living and growth adjustment computed by multiplying the year-to-year percentage change in the state appropriation limit as described in Section 3 of Article XIII B of the California Constitution...”

Economic growth factors used to calculate the state appropriations limit included inflation; workload, equity and pay parity; and workforce. Generally, these factors were used to calculate a percentage that was applied to the overall trial court base budget amount to provide predictable, objective and defensible increases to cover the costs associated with trial court operations. This funding approach was in place for three fiscal years before it was abandoned during the Great Recession, beginning in 2009 and was never reinstated.

The positive benefits to the trial courts and court users statewide utilizing the funding model authorized by Government Code section 77202, cannot be overstated. At the time the Trial Court Funding Act was passed in 1997, many courts were unable to meet even the most essential mandates of access to justice, including establishment of regular business hours, timely adjudication of civil disputes and traffic cases, provision of language access services and availability of court records for litigants and other members of the public. Even after the passage of the Trial Court Funding Act, many courts remained severely under-resourced, as the myriad funding issues contemplated in the Act were complex and could not be mitigated in a few budget cycles. Once Government Code section 77202 established a predictable funding model, courts were finally able to begin addressing critical public service mandates and perform strategic planning to develop programs designed to enhance access to justice. Of the many service improvements that were implemented during this time, some of the most impactful and noteworthy were as follows: expanded self-help services, longer public hours at branch courthouses, improved website functionality, automation and imaging of court records, enhanced interpreter and translation services, ADA improvements in courthouses, perimeter security screening at courthouses, jury systems improvements, new technologies (case management systems, file tracking using RFID and bar codes, line queuing, interactive web and voice response for telephone and web payments, etc.). These helped streamline court services for the public and court staff. These improvements were only made possible once courts were able to engage in multi-year program development and had confidence that funding would be available in the out years.

Providing the trial courts an inflationary based adjustment will allow courts the ability to provide access to justice through thoughtful and predicable funding changes.

G. Justification

CPI Percentage-Based Funding

1. Consumer Price Index is a Well-Established Benchmark for Measuring Inflationary Conditions

For more than 75 years, CPI has been used to describe inflationary conditions. It is often relied on in collective bargaining to benchmark cost-of-living-adjustments (COLAs). In the most recent State/SEIU collective bargaining agreements, CPI is identified in the PEPPA provision on “Pensionable Compensation” as the accepted method to raise that threshold of such compensation each year. Many public entities, including courts, rely on CPI percentage changes, at a minimum, to inform salary negotiations at the bargaining table; in many instances executed collective bargaining agreements include language that directly ties COLAs to CPI percentage changes.

While CPI is a useful indicator of cost changes in salary negotiations, the U.S. Bureau of Labor Statistics defines CPI as “a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services.” This market basket includes such items as food, shelter, medical costs, apparel, energy (fuel and electricity) and other incidentals and commodities. These cost increases are passed along to the trial courts, either directly (lease cost increases, office supplies) or indirectly (increased costs for contracted services such as janitorial, experts, court reporters, insurance, etc.).

2. No Budgetary Mechanism Exists in the Trial Courts to Adjust for Inflationary Economic Conditions

The Workload Formula does not address funding to maintain service levels and sustain ongoing operations of the trial courts. The public relies on the courts to support their infrastructure and baseline business costs to maintain access to the justice system. Under this budget request, costs related to three broadly defined areas would be subject to an annual CPI adjustment. These three broad areas are: 1) employee salaries and salary-driven benefits; 2) goods and services provided by vendors (e.g., janitors, legal publications, per diem court reporters, office supplies, postage, technology equipment and services, etc.), and; 3) other professional contractors (e.g., trial experts, forensic services, mediators, court appointed counsel, etc.)

The trial courts must support their infrastructure and baseline business costs to maintain access to the justice system for all Californians. The public also relies on the courts to provide professionals and experts to assist them in investigating, mediating and advocating on their behalf in the disputes they bring to the courts. These are the costs for which there is currently no inflationary factor to account for the regular periodic cost increases experienced by trial courts when procuring these services. For many years, courts have been compelled to reduce service levels or eliminate services altogether to close the gap between available funds and escalating costs.

3. Service Reductions Disproportionately Impact Marginalized Populations

Regrettably, when funding does not keep pace with inflation, service reductions typically occur first in non-mandated services. The diminishment or elimination of these services often disproportionately impacts the most marginalized Californians, such as children, the mentally ill, homeless populations, non-English speakers, victims of domestic violence, and low-income/fixed-income adults. Services that assist marginalized populations come directly from trial court budgets, such as minor’s counsel in family law disputes, probate investigators, family mediators, self-help staff and outreach, collaborative justice courts (e.g. drug courts, veterans courts, etc.) and translation of forms and public information into multiple languages. These are among the most precariously funded services offered by courts, and are also often the most expendable, as there are fewer public safety and individual liberty issues associated with these services and fewer statutory mandates than those that exist in criminal cases. Typically, courts must prioritize criminal case processing over case types that impact other vulnerable court users or that leverage county partnerships to address underlying social ills, such as homelessness and mental illness.

4. Innovative Public Programs and Technologies Require Financial Investment and Sustainability

Innovations that help the general public to more efficiently and effectively access court services and information are also vulnerable when funding does not keep pace with inflation. Technology innovations (e.g. cell phone reminders, mobile payments, video appearances, video remote interpreting, e-filing, self-help, outreach to remote areas of California, etc.) are expensive to develop and maintain but are vital to ensuring that all who need court services are able to access them. Moreover, court case management systems require constant upgrades to remain current with changes in the law, to facilitate governmental abstracting and data reporting and to ensure that the public is able to access court records. These upgrades are complex and expensive.

Remote facilities and branch courts, who serve populations that are in desperate need of services, are also costly to maintain. Many remote court facilities closed in the last decade simply because funding was insufficient to keep their doors open. Among today’s challenges, some recently reopened facilities, are having insufficient baseline funding to meet increased lease, operating, and employee costs. In some California counties, it can take up to four hours to drive to the nearest courthouse and public transportation is limited. Given extreme weather conditions in recent years, some parts of California cannot be traversed safely in winter months, making access to justice practically impossible for some residents. Branch courthouses and electronic record filing and retrieval are the best options for these conditions but are costly to implement and maintain.

Without adopting a funding approach that recognizes inflationary cost increases, courts will be unable to sustain the level of services they provide today. Recent gains in public access may not be maintained.

This proposal intends that the CPI percentage change would be applied to each trial court's base budget, regardless of whether the court is above the median equity threshold, recognizing that this adjustment is used exclusively to ensure that actual service levels are not diminished for employee and other operating costs and that they reflect the increased costs resulting from inflation.

H. Funding Methodology and Future Impact

This proposal intends that the CPI percentage change would be applied to each trial court's base budget, regardless of whether the court is above the median equity threshold, recognizing that this adjustment is used exclusively to ensure that actual service levels are not diminished for employee and other operating costs and that they reflect the increased costs resulting from inflation.

In the 2020-21 Governor's Budget, the Department of Finance applied a 3% increase to the workload allocation for each trial court. Given this was the methodology utilized by the Department of Finance, this may be the appropriate approach for this proposal.

I. Outcomes and Accountability

The provision of an annual percentage adjustment based upon CPI will assist the courts in maintaining services to the public and would prevent service reductions which includes:

- Ensuring that contract services for mediators and probate investigators can be maintained for the protection of children and dependent adults;
- Alleviating shortages in court experts, such as medical and psychiatric evaluators, forensic experts and special masters, to ensure timely processing of criminal cases;
- Stabilizing contracts for necessary services such as janitors, legal publications, equipment maintenance agreements; court case collectors, other county-provided services, armored car, perimeter screening and court attendants, etc.
- Attracting and retaining contract interpreters and court reporters to perform necessary services in court proceedings;
- Providing reasonable cost of living adjustments to court staff and to cover increases in salary driven benefits.

J. Analysis of All Feasible Alternatives

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K. Timeline for Implementation

Provide funding to the trial courts effective July 1, 2021.

Requesting Entity	Trial Court Budget Advisory Committee
Tracking Number	21-14

A. Proposal Title

Funding for the remaining 23 unfunded Judgeships Authorized by AB 159

B. Summary

The Judicial Council of California (JCC) requests \$40.06 million General Fund in 2021-22 and ongoing to support 23 of the 50 trial court judgeships authorized by Assembly Bill (AB) 159 (Ch. 722, Stats. 2007), accompanying support staff, and facilities-related costs (which are unknown at this time) as applicable.

C. Relevance to the Judicial Branch and State Budget

Securing adequate judicial resources is a long-standing priority for the judicial branch. There remains a critical judicial shortage in the trial courts with the greatest need. Without new judgeships, court users have to wait longer to get a case assigned to a judge, to receive a judgment, or to have their matter resolved.

D. Required Review/Approvals

The Trial Court Budget Advisory Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	23.0	\$40,060,000		\$40,060,000	\$40,060,000	\$40,060,000
			Total	\$40,060,000	\$40,060,000	\$40,060,000
			Ongoing	\$40,060,000	\$40,060,000	\$40,060,000
			One-Time			

F. Background/History

Despite the ongoing need for new judgeships, only 27 of the 50 judgeships authorized under AB 159 have been funded. 2018 Budget Act allocated 2 new judgeships to Riverside in the. 2019 Budget Act provided funding for 25 new trial court judgeships to twelve courts with the most need. While that allocation made significant inroads on the branch’s judicial need, the latest Judicial Needs Assessment (2019) shows that the branch stills need 148 judgeships in 19 courts based on workload.

G. Justification

There remains a critical judicial shortage in the trial courts with the greatest need. Without new judgeships, court users have to wait longer to get a case assigned to a judge, to receive a judgment, or to have their matter resolved. Allocations of new judgeships are based on the methodology outlined in Government Code section 69614 (b), which states that judges shall be allocated, in accordance with the uniform standards for factually determining additional judicial need in each county, as updated and approved by the Judicial Council, pursuant to the Update of Judicial Needs Study, based on the following criteria: (1) Court filings data averaged over a period of three years; (2) Workload standards that represent the average amount of time of bench and non-bench work required to resolve each case type; (3) A ranking methodology that provides consideration for courts that have the greatest need relative to their current complement of judicial officers. The council’s methodology will direct new judicial resources to the courts that are in greatest need of judgeships and therefore will help equalize access to justice more expeditiously.

H. Funding Methodology and Future Impact

Estimated cost of \$40.06 million General Fund is for 23 trial court judgeships and a complement of court staff needed as identified in the RAS/WAFM model which includes a court interpreter complement, and facilities-related costs as applicable. The range of the cost estimate comes from using a court staff complement of 9.07 positions (the full staff complement using the RAS model estimate of staff need as a ratio to judicial need). Facilities-related costs are unknown at this time and will be dependent on the specific needs in the jurisdiction for which the judgeships are provided.

	2019-20	2020-21	2021-22
Judge Salary/Benefits (excludes retirement)	230,414	239,400	248,737
Judge OE&E	24,633	24,632	25,396
Staff Salary/Benefits & Workload Formula OE&E (9.07 FTE)	1,298,435	1,343,544	1,390,239
Interpreter (.55 FTE)	68,211	72,986	77,365
Total Cost per Judgeship	1,621,693	1,680,562	1,741,736
Total 23 Judgeship			40,059,927

I. Outcomes and Accountability

New judgeships should be directed at the courts with the greatest resource need; outcomes of funding this proposal would be to assess each court’s judicial need compared to authorized positions before and after new judgeships are allocated and determining the range of judicial need. With additional judicial resources, the range should shorten and fewer courts should have judicial needs in excess of 40 to 50%.

J. Analysis of All Feasible Alternatives

	<p>Fund 23 judgeships authorized by AB 159 and accompanying support staff of 9.07 FTE per judgeship at an estimated cost of \$40.06 million in 2021-22 and ongoing.</p> <p>Pros:</p> <ul style="list-style-type: none"> • All of the remaining authorized judgeships under AB 159 would be funded. • An investment of 23 new judgeships would make a sizeable impact on judicial need in courts with the greatest deficit. <p>Cons:</p> <ul style="list-style-type: none"> • This proposal has the greatest fiscal impact to the state.
2	<p>Fund the ten most needed judgeships authorized by AB 159 and accompanying support staff of 9.07 FTE per judgeship at an estimated cost of \$17.417 million in 2021-22 and ongoing.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Requires a lesser commitment of General Fund than proposed request. • Would provide some relief to the courts with the greatest need for judgeships. <p>Cons:</p> <ul style="list-style-type: none"> • This would result in fewer courts receiving new judgeships. Some courts whose need is just as critical as others would have to wait an indefinite amount of time for judgeships. In turn, the benefits of having new judgeships- such as reducing wait times for hearings—would be realized more slowly and would impact fewer courts.
3	<p>Fund the ten most needed judgeships authorized by AB 159 and accompanying support staff of 3 FTE per judgeship at an estimated cost of \$8.113 million in 2021-22 and ongoing.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Requires a lesser commitment of General Fund resources on an ongoing basis. • Would provide some relief to the courts with the greatest need for judgeships <p>Cons:</p> <ul style="list-style-type: none"> • This would result in fewer judge resources being allocated to courts and fewer courts receiving new judgeships. Some courts whose need is just as critical as

	<p>others would have to wait an indefinite amount of time for judgeships. In turn, the benefits of having new judgeships- such as reducing wait times for hearings— would be realized more slowly and would impact fewer courts.</p> <ul style="list-style-type: none"> • This level of staff complement will not provide the necessary staff support for judges to efficiently try cases.
4	<p>Fund 23 judgeships authorized by AB 159 and accompanying support staff of 3 FTE per judgeship at an estimated cost of \$18.661 million in 2021-22 and ongoing.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Requires a lesser commitment of General Fund resources on an ongoing basis. • This is a lower staff complement than what is fully needed to handle all of the accompanying workload associated with a new judgeship and will result in continued backlogs in case management. However, it is put forward in the interest of securing the most judgeships possible and having the widest effect to the most courts on case processing and workload <p>Cons:</p> <ul style="list-style-type: none"> • This level of staff complement will not provide the necessary staff support for judges to efficiently try cases.

K. Timeline for Implementation

This proposal would be implemented as soon as funded and as soon as the Governor appointed the new judges.

Requesting Entity	Trial Court Budget Advisory Committee
Tracking Number	21-15

A. Proposal Title

Civil Assessment Revenue Fund Shift

B. Summary

The Judicial Council of California (JCC) requests \$102.438 million General Fund in 2021-22 and ongoing to transition the deposit of civil assessment revenues into the General Fund in lieu of the Trial Court Trust Fund.

C. Relevance to the Judicial Branch and State Budget

Providing adequate, stable and predictable funding is part of the Judicial Council’s Mission Statement. This request will accomplish that mission by removing the fluctuation in civil assessment revenues. Unstable funding makes it impossible to provide fair, equitable and timely justice to all litigants.

Further, under the civil assessment statute, there could be a perceived conflict of interest between the imposition of the civil assessment by a court and the funding a court receives. This proposal would have civil assessments deposited into the General Fund and would appropriate a set amount from the General Fund to be transferred to the Trial Court Trust Fund (TCTF).

D. Required Review/Approvals

The Trial Court Budget Advisory Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001				102,438,000	102,438,000	102,438,000
Total				102,438,000	102,438,000	102,438,000
Ongoing				102,438,000	102,438,000	102,438,000
One-Time						

F. Background/History

With the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997, responsibility for trial court funding transitioned from the counties to the state, and specifically required counties to make a maintenance of effort (MOE) payment to support trial court operations. The initial amount required was changed over time with additional legislation, most of the reductions the counties had to pay were backfilled from the General Fund, except \$48.3 million, which resulted in an ongoing reduction in support for court operations.

To ensure that court operations would not be held harmless by this action, the Judicial Council enacted a policy to amend the distribution of civil assessment revenue to replace the \$48.3 million lost from the MOE payments. Previously, all collected civil assessment revenue was returned to each court on a dollar-for-dollar basis. To recover the \$48.3 million shortfall from MOE payments, the Judicial Council withholds \$48.3 million from civil assessments revenue collected by the courts before distributing the remainder back to the courts on a dollar-for-dollar basis. The \$48.3 million retained from civil assessments to make up the MOE shortfall is then allocated back to the trial courts based on the authorized allocation methodology to support court operations.

Civil assessment revenues are imposed pursuant to Penal Code (PC) 1214.1 which assess up to three hundred dollars (\$300) penalty against a defendant who fails to appear in court for a proceeding or fails to pay all or any portion of a fine ordered by the court. This assessment is deposited in the TCTF as provided in Section 68085.1 of the Government Code. The amount of civil assessment revenue collected in 2018-19 was \$102,438,000, including the \$48.3 million shifted to cover the MOE shortfall. However, the amount collected has been declining in recent years. As recently as 2014-15, the amount collected was \$160 million.

G. Justification

Advocacy groups, the Federal Department of Justice, the state's legislature and the Judicial Council have been highlighting how the imposition of increased fines and fees impact the people served by the judicial branch. In addition, the Legislative Analyst Office (LAO) has, in two separate reports, recommended that most criminal fine and fee revenues should be deposited into the General Fund for subsequent appropriation by the Legislature in the annual state budget.

Under the current civil assessment statute, there is a perceived conflict of interest between the imposition of the civil assessment by a court and the funding a court receives. The proposed funding shift helps remove that conflict of interest by breaking the direct link between the imposition of the assessment and the court's funding source. Removing this perceived conflict of interest will help the Judicial Council better pursue its policy goals of achieving a more equitable fines and fees system. Without the perception that courts are

imposing fines and fees that help support their court specifically, the overall need for access to justice for all Californian's can be the focus.

In addition, this request will help meet the Judicial Council's goals to provide more stability in revenues supporting the base court operations funded by the TCTF. Removing the fluctuations in civil assessment revenues will assist the courts in maintaining current services without the concern of declining future revenues.

H. Funding Methodology and Future Impact

This proposal requests \$102.438 million in ongoing General Fund support to the TCTF in exchange for all civil assessment revenue being deposited to the General Fund. This amount reflects the actual value of civil assessment revenues received in 2018-19.

We believe this exchange is beneficial and viable for both parties, as the Judicial Council would receive stable and reliable funding to help manage equality in administering justice, and the General Fund is better suited to sustain the variability of the unpredictable civil assessment revenue stream than the TCTF. All trial courts would be the beneficiary of these reliable resources and the trial court allocations would still be appropriated by the Judicial Council.

I. Outcomes and Accountability

If funding is provided, it will assist in the stabilization of trial court funding which will assist the courts in maintaining access to justice for all California citizens.

J. Analysis of All Feasible Alternatives

1	<p>Alternative #1: Use 2018-19 actual civil assessment revenue to calculate the amount transferred into the Trial Court Trust Fund. Deposit all civil assessment revenue into the General Fund instead of the Trial Court Trust Fund, in exchange for \$102.438 million ongoing General Fund to support trial courts.</p> <p>Pros:</p> <ul style="list-style-type: none">• Provide a stable source of funding to the trial courts to help maintain current services.• Addresses the conflict of interest between courts and the imposition of the civil assessment and the funding a court receives.• If civil assessment revenue is more than the \$102.4 million appropriation, the General Fund would keep the excess proceeds. <p>Cons: The General Fund could be negatively impacted if civil assessment revenues are less than the appropriation.</p>
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<p>2</p>	<p>Alternative #2: Phase in the fund shift of civil assessment revenue over a three-year period, ensuring that in any fiscal year the TCTF would not receive less than \$102.438 million.</p> <ul style="list-style-type: none"> • In year 1, provide \$35 million in General Fund and allow the Judicial Council to retain Civil Assessment revenue collections in amounts up to \$67.4 million so that a total of \$102.4 million is still available for base court operations. • In year 2, provide \$70 million in General Fund and allow the Judicial Council to retain Civil Assessment revenue collection in amounts up to \$32.4 million so that a total of \$102.4 million is still available for base court operations. • In year 3, provide \$102.438 million in General Fund and all Civil Assessment revenue would be deposited into the General Fund. <p>Pros:</p> <ul style="list-style-type: none"> • Impact to the General Fund would be phased in over three fiscal years. • The courts would receive a stable source of revenue now. • If civil assessment revenue is more than the appropriation, the General Fund would keep the excess proceeds. <p>Cons:</p> <ul style="list-style-type: none"> • The perceived conflict of interest between the imposition of civil assessment by the court and the funding received by a court would continue until the transition was complete. • The General Fund could be negatively impacted if civil assessment revenues are less than the appropriation.
<p>3</p>	<p>Alternative #3: Status Quo. Do not transition the deposits of civil assessment revenue to the General Fund in return for \$102.4 million in ongoing General Fund support to the trial courts.</p> <p>Pros: No impact to the General Fund.</p> <p>Cons:</p> <ul style="list-style-type: none"> • Courts would continue to operate without stabilized funding potentially impacting every Californian’s right to access to Justice. • The perceived conflict of interest between the imposition of civil assessment by the court and the funding received by a court would continue.

K. Timeline for Implementation

The timing of funding and implementation would be dependent on which Alternative was selected.

Requesting Entity	Judicial Council Technology Committee
Tracking Number	21-16

A. Proposal Title

Digital Navigator: Statewide Digital Customer Service Platform

B. Summary

The Judicial Council of California (JCC) requests 15.0 positions and \$7.925 million General Fund in 2021-22, and \$3.487 million annually thereafter to deliver and maintain an integrated judicial branch digital customer service initiative for the people of California. After detailed analysis on branch customer service needs and in alignment with the Governor’s proposed 2020-21 budget, this BCC focuses on three key services:

1. **Virtual Customer Service Center** (Live and Automated Chat)
2. **Trial Court Digital Services** (Trial Court websites and deployment of digital services)
3. **Automated Court Messaging to Court Customers** (Statewide e-mail notifications and text reminders)

C. Relevance to the Judicial Branch and State Budget

This request for funds to establish a new digital customer service initiative (Digital Navigator) will expand the depth and breadth of services delivered to Californians via the web, email, and text. This is an exciting evolution in the mission of the judicial branch to deliver effective and improved access to the court system for all Californians.

The proposal specifically aligns with Judicial Council Strategic Goal I: to Promote the Digital Court and supports the focus for Access to Justice: “Establish standards and methods to provide remote public access solutions to offer essential court information and services in all courts.”

The proposal also aligns with the Chief Justice’s Futures Commission Recommendations. The Futures Commission was asked to think creatively about how court operations could be improved and streamlined. The final Futures Commission report was released in April 2017. On May 17, 2017, the Chief Justice directed the Judicial Council Information Technology Advisory Committee (ITAC) to report on the feasibility and resources necessary to pilot technology innovations. This request specifically supports Recommendation 5.1 “To expand the use of technology in the courts to improve efficiency and enhance access.”

Finally, this request represents a technological complement to the in-person *Court Navigator Program* that is currently proposed to be funded in the Governor’s 2020-21 Judicial Branch Budget. Together, the two “Navigator” programs will improve access to justice for millions of Californians and bring the court system one step closer to meeting today’s citizen expectations.

D. Required Review/Approvals

The Judicial Council Technology Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	15.0	3,170,000	4,755,000	7,925,000	3,487,000	3,487,000
Total				7,925,000	3,487,000	3,487,000
<i>Ongoing</i>				<i>3,455,000</i>	<i>3,487,000</i>	<i>3,487,000</i>
<i>One-Time</i>				<i>4,470,000</i>	<i>0</i>	<i>0</i>

F. Background/History

The California court system is the largest in the nation, with more than 19,000 court employees. It serves a population of approximately 39 million people – 12.5 percent of the nation.

Today, millions of Californians across the state still need to access court services through in-person visits to their local courthouses. To reach these courts, the public faces the need to arrange for time off from work, incur travel costs, and arrange for child care. In some counties, residents may need to travel long distances and several hours to reach the courthouses, all of which creates unnecessary financial burden and loss of personal time.

JCC is currently engaged in a wide-ranging modernization effort to achieve the 'digital court.' In addition to focusing on the modernization of court operations, JCC is actively engaged in improving overall customer service by leveraging technology to deliver court services to residents via computer, smartphones, and tablets.

The three cornerstone services proposed in the **Digital Navigator** program will make a significant impact on improving access to court services by leveraging digital technologies to augment and complement current and emerging in-person services.

In addition, the Digital Navigator request will leverage a new statewide technology platform in development that will comprise an aggregation of integrated systems and solutions that courts from across the state can utilize. Known as "*CourtStack*", this integrated approach to solution-delivery will help reduce redundancies among individual courts and accelerate delivery of technology innovations out to the public.

G. Justification

1. Virtual Customer Service Center (Live and Automated Chat)

Due to the complexity of most legal processes, many Californians struggle with understanding how to navigate the judicial system to solve their legal issues. To address this, the JCC is proposing a statewide **Live and Automated Chat** program that will deliver “just in time” procedural and process information via websites, smartphones, or other connected devices.

Live and Automated Chat provides a natural online extension of court services. This request proposes a multi-service platform, whereby chat services will be tiered, beginning with automated ChatBot, with an escalation to LiveChat (the ability to communicate electronically with a subject matter expert) if the automated ChatBot cannot resolve the issue. Information culled from LiveChat will then be fed back to the ChatBot system to grow and expand the automated knowledge base.

Today, many routine procedural questions still require a trip to the courthouse to resolve. Live and Automated Chat will alleviate the burden of travel costs and personal time lost for court users. Courts will also benefit from a decrease in unnecessary foot-traffic to the courts themselves, allowing them to better serve those with legitimate court or trial obligations.

In 2018-19, the Judicial Council’s Center for Families, Children & the Courts (CFCC) conducted a Live Chat digital service pilot project. The project ran for 21 weeks to test and determine the viability of live chat to assist the general public. The scope of the project focused on providing information and assistance in one case area: *legal name change*. Results from this pilot clearly demonstrated that LiveChat services can improve service-delivery to the public effectively and efficiently.

For the pilot, Live Chat Services:

- Supported by one (1) contracted subject-matter expert curating content and providing live chat support.
- Staffing was available for 21 weeks; 9 hours per week.
- Throughout the duration of the pilot, LiveChat served 1,352 Californians.

Customer feedback from participants included a 99% positive rating on the ZenDesk rating system

- Approached 100% satisfaction on customer satisfaction survey (22% response rate)
- Sample comments included:
 - o “I learned a lot and had all my questions about the name change process answered.”
 - o “This live chat is a very helpful site. I love it.”
 - o “The agent was very helpful, and I think I can finish the forms and get it right.”
 - o “You’ve been a tremendous help. I hope they continue to fund this program.”

- o “Very helpful service, professional and kind assistance received.”

The outcome of the pilot provides strong validation that a statewide implementation of Live Chat will exponentially increase customer service levels throughout the state and save Californians potentially millions of dollars in travel and personal time costs.

2. Trial Court Digital Services (Trial Court websites and deployment of digital services))

Public-facing trial court websites are the digital front-door to the courts. For most court users, the journey with the court system begins with access to the public website. Jurors, those with traffic infractions, and attorneys throughout the state, all rely on trial court public websites to access information, forms, and instructions on how to conduct business with the courts.

Throughout the past decade, trial courts have suffered chronic under-funding. Visitor traffic to court websites increased exponentially, but under-funding left many public-facing court websites lagging far behind citizen expectations. Recent JCC research shows that for every 1 person that visits a trial court self-help center, 140 people seek the same help and assistance from a trial court website.

There is therefore a critical need to ensure that all courts throughout the state can offer high-performing websites to help reduce unnecessary calls or visits to physical courthouses and better service today’s connected public. The California court system needs trial court websites to be mobile-friendly and better-positioned to integrate and leverage new statewide digital services.

This proposal will deliver new, user-centric, mobile-friendly website templates to the courts. The proposal will also ensure that the new websites can integrate seamlessly with new and emerging statewide services, including chat, identity management, and document assembly.

In partnership with trial courts throughout the state, the project will target improvements in service design, visual design, user experience, and mobile accessibility to ensure trial court websites deliver robust online services to the public via smartphone, tablet, laptop or desktop computers.

This request represents a Phase II approach to enhancing service delivery in the courts via the web, by building upon a 2019-20 BCP that was approved for the design and delivery of a statewide Self-Represented Litigant Portal. New trial court website templates will ensure smooth integration between local courts and the statewide Self-Represented Litigant Portal.

The Trial Court Digital Services initiative will result in new responsive website templates that courts can customize to their local needs. The envisioned new trial court website templates will also better support the integration of several emerging statewide e-services into trial court websites, including intelligent chat, intelligent forms, remote video, and identity management.

Funding will also support the content and site migration of up to 35 legacy stand-alone trial court/county websites onto a new branch-wide Web Content Management Platform that is being built as part of the 2019-20 Statewide SRL Portal BCP. This new requested augmentation will provide the technical resources needed to migrate legacy trial court websites onto the new platform and provide courts with secure website hosting, integration with statewide digital services, content migration services, and user-centered, user experience design services, focused on continuous improvement of usability and ease-of-use.

The solutions we propose in this request will offer speed, transparency, efficiency, affordability, and convenience to members of the public, as well as attorneys throughout California.

3. Automated Court Messaging to Customers (Statewide e-mail notification and text reminders)

JCC spends significant time and money mailing out reminders for court appearances. It has been shown over the last several years that courts that have moved to an electronic reminder solution have had higher success rates of people showing up for their court appearance.

While email functions are included in many existing court case management systems (CMS), most lack the ability to deliver text messages or electronic voice reminder calls. This request will enable courts to access a statewide on-line reminder system for court appearances regardless of their CMS or Jury solution. Numerous studies and pilots have shown that ‘Failure to Appear’ (FTA) rates decline and more cases proceed to their conclusion on time when participants receive important court date reminders or links to relevant procedural information. A pilot at Orange County Superior court demonstrated that those who received text messages moved their cases forward within 30 days of receiving a procedural text. That contrasts with a control group that did not receive any text messaging, whose cases more frequently went off track and took an average of 75 days to complete.

H. Funding Methodology and Future Impact

Non-Staff Costs			
Virtual Customer Service Center	One Time	BY	BY + 1
Content Collection and Development (18 Expert Areas)	\$1,970,000		\$197,000
On Going Costs (10 agent scenario)			
LiveChat subscription (\$199/agent/month) for branch support agents (10 JC licenses and 15 Court Licenses)		\$60,000	\$66,000
Virtual Customer Service Center Estimate Non-Staff Costs	\$1,970,000	\$60,000	\$263,000
Trial Court Digital Services			

Trial Court Site Migration to Cloud Platform Services	\$1,500,000.00		
Visual Design and User Experience Research	\$800,000		
Cloud-hosting		\$ 75,000	\$ 75,000
Trial Court Digital Services Estimate Non-Staff Costs	\$2,300,000.00	\$ 75,000	\$ 75,000
Automated Court Messaging			
CMS Integration	\$ 200,000		
Email, SMS, Voice notification		\$ 150,000	\$ 150,000
Automated Court Messaging Estimate Non-Staff Costs	\$ 200,000	\$ 150,000	\$ 150,000
	One-Time	On-Going	On-Going + 1
Total Non-Staff Costs	\$ 4,470,000	\$ 285,000	\$ 488,000
Staff Requirements			
Virtual Customer Service Center	# Positions	BY	BY + 1
Chat Agents Support - Subject Experts (Paralegal/Attorney SMEs)	10		
Program Administrator (Managing Attorney)	1		
Trial Court Digital Services			
Sr. Application Developer	2		
Sr. Business Analyst	1		
Graphic Production Specialist	1		
Total Positions per Fiscal Detail	15	\$3,170,000	\$2,999,000
	One-time	On-Going BY	On-Going + BY
Total Digital Navigator Costs	\$ 4,470,000	\$3,455,000	\$3,487,000

I. Outcomes and Accountability

1. Virtual Customer Service Center (Live & Automated Chat)						
Workload Measure	CY	BY	BY+1	BY+2	BY+3	BY+4
Estimate Support Level						
Number of Subject Matter Domains Supported	0	18	18	18	18	18
Number of Agents	0	5	5	5	5	5
Number of Supportable Session per hour for one agent	0	4	6	8	7	7
Total Supportable Sessions per Hour		20	30	40	35	35
Total Supportable Sessions per Day		160	240	320	280	280
Total Supportable Sessions per Week		800	1200	1600	1400	1400
Total Supportable Sessions per Year		41600	62400	83200	72800	72800

Project Demand						
Number of Subject Matter Domain	0	18	18	18	18	18
Est. Avg Inquires per domain		3	4	5	6	7
Est Percentage of Inquiries		30%	40%	50%	60%	70%
Est. Average number of inquiries per subject matter/hour	0	16	29	45	65	88
Estimated Average number of inquiries per subject matter/day	0	130	230	360	518	706
Estimated Average number of inquiries per subject matter/week		648	1,152	1,800	2,592	3,528
Estimated Average number of inquiries per subject matter/year		33,696	59,904	93,600	134,784	183,456

2. Trial Court Digital Services

Workload Measure	2021-22	2022-23	2023-24	2024-25
Mobile-Friendly Web Templates	Design, build and deliver set of new mobile/responsive website templates available to courts.	Conduct user satisfaction survey to benchmark effectiveness of mobile websites; share results with trial courts.	Provide ongoing statistical reports to trial courts regarding visitor traffic and user behavior.	Re-evaluate effectiveness of templates and make enhancements, as needed.
Site Content Migration Services	Complete migration of 5 trial court websites into new templates.	Migrate up to 10 additional trial court websites to the new templates.	Migrate up to 10 more trial court websites to the new templates.	Respond to any new requests from trial courts.
Cloud Hosting Services	Establish secure Cloud-hosting services for 5 trial courts using new templates.	Establish secure Cloud-hosting services for up to 10 additional trial courts.	Provide hosting services, as requested by trial courts.	Provide hosting services, as requested by trial courts.
Integration with Statewide Digital Services	Develop project plan and timeline to begin pilot integration of Intelligent Chat and Document Assembly.	Pilot Intelligent Chat across sites hosted on the Cloud platform.	Pilot Identity Management across sites hosted on the Cloud platform.	Establish full deployment of Intelligent Chat and Identity Management. Pilot Remote Video, as requested.

3. Automated Court Messaging to Customers (Statewide Email Notifications and Text Reminders)

Workload Measure	2021-22	2022-23	2023-24	2024-25
Integration with Courtstack Virtual CMS	Build integration for three standard CMS solutions.			
Deploy messaging with trial courts CMS		10 Courts	20 Courts	20 Courts
Integration with JC solutions like ATP	Integration with ATP	Deploy messaging for Courts on ATP		
Integration with Court Jury Solutions		Build Integration with Jury Solutions		

J. Analysis of All Feasible Alternatives

1	Approve \$7.925 million General Fund and 15.0 new full-time positions in 2021-22, and ongoing annual funding of \$3.487 million to deliver and maintain an integrated judicial branch digital customer service initiative for the people of California.
2	Approve a General Fund 2021-22 augmentation of \$2.38 million and ongoing annual funding of \$413,000 to implement the Virtual Customer Service Center and court notifications.
3	Status Quo

K. Timeline for Implementation

1. Virtual Customer Service Center

	2021-22 Implement Live Chat Services				2022-23 – 2024-25
	Phase 1	Phase 2	Phase 3	Phase 4	Maintenance and Support Phase
Live Chat Services	<p>Procure Live Chat Service Platform</p> <p>Contract development of content for first 5 domains</p> <p>Hire and train 5 live chat agents</p> <p>Assist Courts to enable Live Chat services</p>	<p>Contract development of content for next 5 domains</p> <p>Continue to enroll courts for live chat services</p>	<p>Contract development of content for next 5 domains</p> <p>Continue to enroll courts for live chat services</p>	<p>Contract development of content for remaining 3 domains</p> <p>Continue to enroll courts for live chat services</p>	<p>Update content for 18 subject matters</p> <p>Monitor Live Chat services for utilization and improvement</p>

2. Trial Court Digital Services

Workload Measure	2021-22	2022-23	2023-24	2024-25
Mobile-Friendly Web Templates	Design, build and deliver set of new mobile/responsive website templates available to courts.	Conduct user satisfaction survey to benchmark effectiveness of mobile websites; share results with trial courts.	Provide ongoing statistical reports to trial courts regarding visitor traffic and user behavior.	Re-evaluate effectiveness of templates and make enhancements, as needed.
Site Content Migration Services	Complete migration of 5 trial court websites into new templates.	Migrate up to 10 additional trial court websites to the new templates.	Migrate up to 10 more trial court websites to the new templates.	Respond to any new requests from trial courts.
Cloud Hosting Services	Establish secure Cloud-hosting services for 5 trial courts using new templates.	Establish secure Cloud-hosting services for up to 10 additional trial courts.	Provide hosting services, as requested by trial courts.	Provide hosting services, as requested by trial courts.

Integration with Statewide Digital Services	Develop project plan and timeline to begin pilot integration of Intelligent Chat and Document Assembly.	Pilot Intelligent Chat across sites hosted on the Cloud platform.	Pilot Identity Management across sites hosted on the Cloud platform.	Establish full deployment of Intelligent Chat and Identity Management. Pilot Remote Video, as requested.
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3. Automated Court Messaging to customers

Workload Measure	2021-22	2022-23	2023-24	2024-25
Integration with Courtstack Virtual CMS	Build integration for three standard CMS solutions.			
Deploy messaging with trail courts CMS		10 Courts	20 Courts	20 Courts
Integration with JC solutions like ATP Integration with Court Jury Solutions	Integration with ATP	Deploy messaging for Courts on ATP Build Integration with Jury Solutions		

Requesting Entity	Judicial Council Technology Committee
Tracking Number	21-17

A. Proposal Title

California Courts Protective Orders Registry (CCPOR) Mobile Access and Modernization

B. Summary

The Judicial Council of California (JCC) requests \$1.834 million General Fund augmentation and 3.0 staff positions in 2021-22, \$1.53 million in 2022-23, \$1.312 million in 2023-24, and \$1.259 million ongoing to provide mobile access to repository of restraining and protective orders (RPOs) for Law Enforcement Officers (LEOs) and for protected and restricted individuals, as well as to provide more secure access and to modernize the CCPOR application.

C. Relevance to the Judicial Branch and State Budget

The CCPOR program is a critical public safety system that enables courts and Law Enforcement Agencies to work together in providing safety to protected individuals and the public.

This initiative to modernize and expand access to CCPOR aligns with the Judicial Branch goals by improving and securing authorized access to RPOs and modernizing the structure, components, and interfaces of CCPOR so that it is more flexible and secure.

- Goal 1: Access, fairness and diversity
- Goal 2: Independence and accountability
- Goal 3: Modernization of management and administration
- Goal 4: Quality of justice and service to the public
- Goal 5: Branch-wide infrastructure for service excellence

The California Department of Justice (DOJ) is the registry of information on RPOs in the California Restraining and Protective Order System, (CARPOS) and CCPOR has worked with the Judicial Council Account Representative for the California Law Enforcement Telecommunication System (CLETS), which is used to access CARPOS, to ensure security and access requirements for privacy are met. Legislation will be needed to require the DOJ to collaborate with the Judicial Council on a new data exchange between CCPOR and CARPOS and build the next generation of security for CCPOR.

CCPOR will also collaborate with LEAs across the state to gather usability information in designing the mobile interface.



D. Required Review/Approvals

The Information Technology Advisory Committee has approved this request.
The Judicial Council Technology Committee has approved this request.
The Trial Court Budget Advisory Committee approval is required for this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	3.0	\$632,000	\$1,202,000	\$1,834,000	\$1,530,000	\$1,312,000
			Total	\$1,834,000	\$1,530,000	\$1,312,000
			Ongoing	\$1,169,000	\$1,254,000	\$1,257,000
			One-Time	\$665,000	\$276,000	\$55,000

F. Background/History

The CCPOR program resulted from a recommendation to the Judicial Council submitted by the Domestic Violence Practice and Procedure Task Force to create a state-wide restraining and protective order registry that includes the image of the order itself. The benefit of making the image available, is that judges may write additional notes and instructions on the order. In addition, this allows the court to transmit the order to the LEA electronically, rather than a slower paper-based process. This provides relevant information beyond the abbreviated data accepted by CARPOS.

CCPOR launched in June 2010 with support from the California Department of Justice and is now deployed in 46 counties.

CCPOR is a web-based application that stores order images and data and transmits the data for restraining and protective orders to CARPOS. The expansion of CCPOR to allow LEAs to access all statewide RPOs and information in the field will enable LEAs to more effectively protect people at risk. A BCP for \$200,000, primarily to fund an additional staff, to complete deployment of CCPOR to the seven largest trial courts (Superior Courts of Sacramento, Contra Costa, Alameda, San Mateo, San Diego, San Bernardino, and Los Angeles Counties).

was approved in FY 2018-19. The project to deploy to Orange Superior Court is on hold pending agreement on access to the information. The remaining projects are on hold as the program has lost both business systems analysts.

Critical issues that affect courts and LEAs across California:

1. Courts and LEAs are not able to access all statewide orders through CCPOR forcing them to use different systems to search for protective orders.
2. If updates to an order are made in CARPOS, these updates are not available to CCPOR resulting in missing or outdated data in CCPOR.
3. CARPOS User Interface: CARPOS data entry is difficult and error-prone, forcing the user to remember codes and abbreviations rather than using an intuitive user interface.
4. Access to CCPOR by officers in the field, where it is most needed, is limited by the need to use virtual private network (VPN) connections.
5. Access to CCPOR is only through laptops or workstations, and not available on mobile devices.
6. Protected individuals must go to court to receive a copy of the protective order.

These issues result in delays in enforcing protective orders and potentially endangering people at risk.

G. Justification

Currently CCPOR processes about 40% of protected orders in the state of California. It would greatly enhance public safety if work is undertaken to expand access to these services in the field by creating modern, state-wide access to all RPOs.

Modernization of CCPOR and expanding access to the system will benefit the courts, LEAs, and, most importantly, the public at risk:

1. Mobile access to the CCPOR system will enable LEA officers on the field to look up real time data and provide prompt service to the public.
 - a. Allow officers to retrieve the RPO, deliver and record proof of service.
 - b. Ensure data sharing across counties and case types with centralized access to all protective orders statewide
2. An RPO issued in any California county is enforceable in all California counties.
 - a. Make CCPOR more accessible for officers so they can find any protective orders that may be in place and understand the risk involved.
3. Enable electronic access of the order to the protected individual, which gives them access when it is needed.
4. Migrate the application to the modern cloud hosted environment will provide scalability, improved cost management, reduction in data center usage, and improved business continuity.

- 5. Integrate CCPOR with Branchwide Identity Management to secure access to protective order information and protect public privacy.

H. Funding Methodology and Future Impact

	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	Est. Total
Est. Total One time	\$665,600	\$276,000	\$55,200	-	-	\$996,800
Est. Total Ongoing	\$1,168,784	\$1,254,192	\$1,256,692	\$1,259,317	\$1,262,073	\$6,201,058
Est. Total	\$1,834,384	\$1,530,192	\$1,311,892	\$1,259,317	\$1,262,073	\$7,197,858

One-time costs for consulting services of \$496,000 will be used for expertise and resources to execute the project in the timeframe needed to migrate CCPOR from the legacy CCTC datacenter. One-time costs of \$500,000 will be used for Criminal Justice Information Exchange software to connect CCPOR and CARPOS.

Ongoing costs of \$1.3 million annually identified in the funding request will be used to support the new CCPOR cloud-based platform and services. Ongoing funds will also be used for 3.0 development and support FTE to continue and provide new public safety services in CCPOR. 1.0 Sr Business Systems Analyst and 2.0 Sr. Application Development Analysts will be used by Judicial Council Information Technology to execute this project and maintain CCPOR going forward.

The California Department of Justice (DOJ) owns information on RPOs and CCPOR has worked with them to ensure security and access requirements for privacy are met. Collaboration with the DOJ will be needed to modernize and build the next generation of CCPOR.

Input from courts and LEAs across the state will be solicited to gather usability information in designing the mobile interface.

I. Outcomes and Accountability

The initiative will be measured in the following methods:

- Number of Counties participating in solution deployment
- Number of court users and LEAs accessing services
- Services being leveraged for other technology solutions
- Validations that solution meets security requirements and guidelines
- Ability to rapidly deploy solutions and services to interested courts

Task	Outcome
Make CCPOR application mobile friendly	LEAs will be able to access and enter data in CCPOR on the field
Migrate CCPOR to standard cloud-based solution	CCPOR will be hosted in a secure, scalable, modern solution with improved business continuity
Ability to make real time inquiry to CARPOS through CCPOR	Judges, LEAs, court personnel will have access to data in the system of record to make better judgments
Integrate CCPOR with Branchwide Identity Management	More secure access to critical data in CCPOR

J. Analysis of All Feasible Alternatives

1	<p>Approve \$1.834 million General Fund augmentation and 3.0 staff positions in 2021-22, \$1.53 million in 2022-23, \$1.312 million in 2023-24, and \$1.259 million ongoing to provide mobile access to repository of restraining and protective orders (RPOs) for Law Enforcement Officers (LEOs) and for protected and restricted individuals, as well as to provide more secure access and to modernize the CCPOR application.</p> <p>Pros</p> <p>Access to justice will be advanced by:</p> <ul style="list-style-type: none"> • A mobile-friendly, secure user interface to CCPOR, using enterprise architecture and Branchwide Identity Management • A mobile-friendly user interfaces to provide proof of service and other updates to RPOs. • Mobile-friendly access for protected or restricted individuals to their restraining or protective order. • Improved security enabled by integration with Branchwide Identity Management and multi-factor authentication. • Migration to a standards-based and cloud-based architecture. <p>Cons</p> <ul style="list-style-type: none"> • Requires General Fund funding
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2	<p>No modernization work is done.</p> <p>Pros</p> <ul style="list-style-type: none"> • No General Fund funding required <p>Cons</p> <ul style="list-style-type: none"> • Over 500 LEAs in California will have to rely on slower and more error prone manual entry processes and enforcement, negatively affecting public safety. • Access to justice for protected and restricted individuals will be limited by the challenges in accessing their RPOs. • CCPOR cannot be modernized and moved out of the CCTC datacenter. Would likely result in higher hosting costs. • Limited integration with Branchwide Identity Management security.
3	<p>Approve \$500 thousand one-time and \$4.3 million and 4.0 positions for on-going infrastructure support and design and development of mobile-friendly CCPOR.</p> <p>Pros</p> <ul style="list-style-type: none"> • Requires lower General Fund funding <p>Cons</p> <ul style="list-style-type: none"> • One-time external expertise would not be used to identify best practices in the design and development of mobile-friendly interfaces, as well as integration with Branchwide Identity Management • CCPOR cannot be modernized and moved out of the CCTC datacenter by the end of the final contract with SAIC. Would likely result in higher hosting costs. • Limited integration with Branchwide Identity Management security.

K. Timeline for Implementation

The implementation approach for the CCPOR Mobile Application initiative is to develop and deploy the services in phases beginning with Phase One, focusing on modernizing and migrating CCPOR to a standard and cloud-based architecture and a mobile-friendly and secure user interface. Phase two will focus on enabling protected and restrained individuals to get an electronic copy of their order.

Phase One will commence with the procurement of development services for Phase One, leading to a production ready product which will be transitioned to Judicial Council IT staff for maintenance and support. Upon completion of Phase One the CCPOR mobile application will be deployed as a pilot, in select counties, for a limited period of time. Necessary application changes and updates will be addressed during and after the conclusion of the pilot. Phase One will conclude with deployment of the mobile-friendly CCPOR application.

Phase Two will follow a development and deployment approach similar to that of Phase One, using external resources to fine tune the development process, before transitioning to internal Judicial Council IT staff. An extensive requirements process will be undertaken, where data will be gathered, and analysis conducted to determine the

requirements to enable protected and restrained individuals to securely access their order electronically. CCPOR will work with selected LEAs and courts to test and deploy the electronic access. On successful implementation, electronic access will be deployed branchwide.

Implementation Milestones

- Develop, publish, evaluate an RFP, and award a contract or contracts to modernize CCPOR. Design and develop a secure, mobile-friendly user interface, review and revise architecture, components, and system interfaces, integrate CCPOR with Branchwide Identity Management, and develop a transition plan.
- Work with the Department of Justice to agree on an alternative to Virtual Private Network (VPN) to secure user access to CCPOR. Use of web-based access with the Branchwide Identity Management service and multi-factor authentication is the standard the judicial branch has adopted.
- Work with the DOJ to develop an alternative to the CARPOS interface.
- Modernize CCPOR and migrate to new adaptive web-based access using Branchwide Identity Management.
- Solicit and select early-adopter LEAs and courts to pilot the mobile-friendly CCPOR.
- Deploy mobile-friendly CCPOR.
- Design and develop secure access for a protected or restricted individual to their restraining or protective order.
- Solicit and select early-adopter LEAs and courts to pilot secure access for a protected or restricted individual to their restraining or protective order.
- Transfer knowledge from integrated development consultants to permanent staff.
- Schedule and deploy to additional LEAs and courts.

Requesting Entity	Trial Court Technology Committee
Tracking Number	21-18

A. Proposal Title

Judicial Branch Office of Information Security

B. Summary

The Judicial Council of California (JCC) requests 13.0 positions and \$8.81 million General Fund in 2021-22, and \$7.029 million annually thereafter to establish and maintain an Office of Information Security to comply with best practices in management of information security, technical risks and risks to the data held across the Judicial Branch as called for in the 2021-22 Judicial Branch Strategic Plan for Technology.

C. Relevance to the Judicial Branch and State Budget

This BCC is in support of the following goal of the Judicial Branches’ Strategic Plan for Technology 2019 – 22, Goal 3: Advance IT Security and Infrastructure:

Invest in a secure, scalable, and reliable technology infrastructure as a foundation for providing digital services and public access, while maintaining a focus on privacy protections and security.

The Judicial Branch is addressing the increased expectations and reliance of court users on digital access to court information by transitioning to digitally driven processes and enabling automated electronic data and information sharing among the courts and with the public and state and local justice partners. A focus on advancing IT security and infrastructure is needed to establish a digital foundation that allows parties, the public, justice partners, and the courts to leverage existing and emerging technologies. This focus includes strengthening information security by verifying user identities when appropriate and ensuring that comprehensive audit trails/logs are provided. Finally, in order to ensure reliability and resiliency, there is a need for strengthening security measures for all business-critical systems, services, and data maintained by the Judicial Branch.

This goal relies on an effective, reliable, efficient, up-to-date, and secure technology infrastructure monitored by highly trained staff.

Goal 3-Advance IT Security and Infrastructure Objectives (Prioritized)

- Objective 3.1 Ensure secure, reliable, and sufficient data network connectivity throughout the branch.

- Objective 3.2 Provide a consistent level of technology infrastructure across the branch to empower innovation and growth, accommodate fluctuating demands, and mitigate the risk of data loss or service interruption.
- Objective 3.3 Ensure that critical systems, infrastructure hardware, and data can be recovered in a timely manner after a disaster.
- Objective 3.4 Allow for appropriate and validated access to court information through improved identity management protocols.
- Objective 3.5 Evaluate infrastructure needs to support next-generation technologies, including video remote appearances, voice-to-text technology, video remote interpreting,
- online chat, artificial intelligence, location-based services, and digital evidence presentation and preservation.

Objective 3.6 Enhance cyber security through ongoing system improvements and ongoing training and awareness.

D. Required Review/Approvals

The Judicial Council Technology Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	13.0	2,754,000	6,056,000	8,810,000	7,029,000	7,029,000

Total **8,810,000** **7,029,000** **7,029,000**
Ongoing 7,029,000
One-Time 1,781,000

F. Background/History

The Judicial Council's Information Technology (IT) Department is responsible for ensuring the confidentiality, integrity, and availability of branch-oriented systems and application as well as promoting and protecting privacy as part of the development and operation of branch systems. The establishment of an Office of Information Security (OIS) to assist Information Security and Cybersecurity programs for all Judicial Branch Entities (JBE), will create a department whose sole purpose is to raise the maturity levels across the branch utilizing specialized personnel and tools.

Currently the Judicial Council's IT Department has the responsibility of securing the Judicial Council's network and system's infrastructure which supports the Judicial Council, Supreme Court and Six District Appellate Courts, it also manages and facilitates programs for all Judicial Branch Entities including 58 Trial Courts in the areas of Governance and Managed Security Services.

In 2016-17 the Information Systems Controls Enhancements BCP was submitted by the Judicial Council requested requesting resources for:

- Audit and Accountability – the implementation of user access auditing tools within the courts;
- Risk Assessment – the establishment of annual information systems risk assessments;
- Contingency Planning – the implementation of information technology disaster recovery infrastructure and capabilities within the Judicial Council;
- Security Program Management – the implementation of a formalized information security program within the Judicial Council; and
- Media Protection – the preparation for the implementation of a data classification program within the Judicial Council.

The FTEs described in the "Contingency Planning" and "Security Program Management" items above, have allowed us to establish a supervisor position and two analyst positions to build and support programs around information security risk, governance, disaster recovery and compliance related tasks within the Judicial Council. This team, along with the other previous requested items, all point to the need for an Office of Information Security.

This new office will be modeled after the California Department of Technology, Office of Information Security structure of management. We will establish or expand:

- A branch wide Security Operations Center to assist all JBEs in securing their external and internal networks and end point security. The SOC will also integrate with state and other third-party monitoring services to assist with incident response;
- An Information Security Department who will support or be responsible for Governance, Risk, Disaster Recovery, Compliance and user training programs across the Branch.

- A Judicial Council Cybersecurity team that will expand our abilities to support Appellate and Supreme Court systems directly attached the Judicial Council network, Judicial Council Cloud based systems and Branch facing application teams.

In the past, the Judicial Branch has implemented programs that helped all JBEs with Firewalls, Virtual Private Networks (VPN), Intrusion Detection/Protection Systems and an Information Security Outreach Program targeting governance and planning efforts. What we've seen to date is that the majority of the Courts are unable to support these security efforts due to a lack of financial and specialized skilled resources.

The increase in the number of reported cybersecurity threats is well known from recent, publicized intrusions into large public and private sector organizations. However, the increasing complexity and volume of cybersecurity threats have continually exceeded a Court's ability to investigate, identify, and respond, placing branch entities that rely on information technology at increasingly higher operation and reputational risks. Reported incidents are not only growing in number, but subsequently are also becoming more complex; requiring significant analyses and follow-up to ensure critical alerts are disseminated timely, and that root causes are being addressed through appropriate corrective action plans to prevent reoccurrence in the future. More recent incidents have also necessitated the need for the Judicial Council Infrastructure Operations department to work with individual Courts to assist in incident efforts

Currently, the Judicial Council IT teams are having to respond to some of these requests for assistance. As the number of requests increases, we potentially see members of the network, email or server teams being pulled away from their internal operational positions, in order to provide critical support services to JBEs while lacking the appropriate tools and limited resources needed to be effective.

G. Justification

In aligning with the Chief Justice of California's mission to provide fair and secure access to justice, the Judicial Branch has embarked on an effort of modernizing technology, providing accessible data, and providing secure reliable methods of data sharing between justice partners. With this great responsibility of protecting the citizens of California's data, it is imperative that the branch matures its security posture. Currently the branch has made great efforts in this space by way of network security, intrusion detection, and local security assessments; but it is time to expand further towards our branch security goals. The branch seeks to build a new security division with the charge of protecting all California Courts and the public's data who uses the courts

The protection and privacy of Californian's Information within Judicial Branch Entity's systems is critical to the goals of the Judicial Council's Strategic Plan for Technology. Through our existing relationships with Federal, State, and Local agencies we are developing a broader

and deeper understanding of what is needed to help secure the information assets of the Judicial Council, Supreme Court, Appellate Courts and Trial Courts. The establishment of an Office of Information Security is a direct result of this understanding and previous Judicial Branch programs to increase the branches security posture.

In 2019, we saw many different public agencies appearing in the news because of compromised systems from across the US including several Courts like Philadelphia, Georgia and LA Superior Court in California. There were less severe incidents that were responded to but were not national news, which support the need for this BCP. In those instances, the local Court and the JC, while working on our own or in coordination with Cal-OES and CDT Security, were able to resolve the issue for the Court.

Following the “Information Systems Control Enhancements” BCP mentioned above, a risk assessment program for all Trial Courts and the Judicial Council was created, it is referred to as the Information Security Outreach program. The pilot program was completed in the 2017-18 and a full RFP contract was awarded to Ernst & Young (EY) to begin in July of 2018-19 . To date, January 2020, the program has engaged 18 Courts within the Branch at various stages of work: scheduled assessment site visits, finalized assessments, and follow on work to assist Courts in maturing their security posture. The early data we are seeing reflects the improvements expected when a court engages with branch programs and it shines a light on areas that need improvement. The security domains can be summed up into a few high-level areas:

- Risk Management
- Governance and Planning
- Network and Host Resilience
- Data Protection
- Security Awareness
- Monitoring and Incident Response
- Identity and Access Management

Position Descriptions

Principal/CISO (1.0 PY)

Plans and updates strategic plan and roadmap. Sets overall direction of the information security program. Develops and maintains strategic goals for the program. Ensures that JCC HR policies are followed by all management and staff. Regularly briefs senior JCIT management on projects, ongoing services, enterprise/mission/IT risk management. Produces reports and regularly briefs the Information Security Advisory Committee and ITAC. Identifies staff/management skills gaps and creates plan to address them. Mentors and coaches’ managers. Sets program area metrics. Has superior written and oral skills and extensive program management experience. Develops budget, produces forecasts, and manages budget for OIS.

SOC Manager (1.0 PY)

Supervises staff in their respective program areas. Implements skill gap plan. Coaches and mentors' supervisors. Manages projects. Hires, trains, and manages staff in their respective program areas. Briefs CISO on project and program activities. Provides periodic metrics reports to CISO. Monitors standards, guidelines, and procedures. Develops and manages staff training plans. Develops and reports on operational objectives to meet strategic goals.

SOC Sr. TSA (1.0 PY)

Oversees daily operations of Security Operations Center. Develops, maintains, and reports on SOC standards, guidelines, and procedures. Mentors and coaches SOC staff. Trains staff in SOC operations. Evaluates new technologies and continually improves SOC operations through automation, optimization, and orchestration.

SOC TSA (2.0 PYs)

Provides first level monitoring, analysis, and reporting. Core members of Incident Response team. Develops specialty in forensic analysis. Cybersecurity Analyst deploy, maintain, and operate network and security technologies.

SOC Sr. BSA/ Program Manager (1.0 PY)

SOC Program Manager runs special programs to deploy, maintain, and optimize deployed security technologies. Also sets evaluation criteria for proposed new technologies. Manages external service contracts.

SOC BSA (1.0 PY)

Follows SOC standards, guidelines, and procedures set by the supervising analysts and SOC Management. Works with the Program Manager for Court engagements. Develops plans specific to Court needs for implementation, migration and documentation in support of program engagements. Provides support to other SOC personnel in the areas of integration, testing, compliance and incident response when necessary.

Cybersecurity Sr. TSA (1.0 PY)

The Senior Technology Analyst (Senior Cybersecurity Analyst) operates, maintains, and updates network and systems security technologies. Works with IT teams in the areas of Disaster Recovery, Vulnerability Management, Incident Response and Change Management. Verifies that security technologies are properly deployed and configured. Reports on relevant security metrics on a periodic basis. Evaluate new technologies for potential implementation. Follows standards, guidelines, and procedures in daily operational tasks. Second level analytical support

Cybersecurity TSA (1.0 PY)

Provides first level monitoring, analysis, and reporting. Core members of Incident Response team. Develops specialty in forensic analysis. Cybersecurity Analyst deploy, maintain, and operate network and security technologies.

Information Security Architect (1.0 PY)

The role of the Security Architect provides security planning and documentation on all technology that impacts the branch and provides guidance and recommendations to help mitigate security risks. Responsible for reviewing, identifying and ensuring that all systems supported by the branch are secure and compliant with the branch’s security policies and practices. Stay informed of the latest security threats, work with risk management team to determine impact to develop mitigation plans. Work with security governance staff to identify and develop security policies, standards and guidelines. Work with JBE security education teams in development, implementation and metric gathering of local and branch training programs.

Application Developer (1.0 PY)

This Senior Application Developer Analyst will work and collaborate with a number of Judicial Branch subject matter experts and personnel (Judicial Enterprise Architect, other judicial branch developers, senior business systems analysts and a technical project manager) to help develop, enhance, maintain and troubleshoot the identity and access management platform and applications supporting the judicial branch entities and their justice partners.

ServiceDesk TSA (2.0 PYs)

The primary role is to provide subject matter expertise and escalation support for all JBE end users for Security and IT related requests. This position ensures customer satisfaction by timely resolution of technical issues and quick escalation to second tier support. Current positions interface with 800+ end users from the Judicial Council, Supreme Court and Courts of Appeal. These new positions are to augment existing personnel in support of expected call volume growth.

H. Funding Methodology and Future Impact

Estimate Funding Costs			
Security Solutions	One-time	BY	BY+1
End-Point Security	\$300,000	\$1,200,000	\$1,200,000
Vulnerability Management	\$600,000	\$1,300,000	\$1,300,000
End User Training	\$50,000	\$200,000	\$200,000
Microsoft IDM Licensing		\$625,000	\$625,000
Monitoring and Analysis	\$90,000	\$40,000	\$40,000
Afterhours Monitoring	\$150,000	\$1,100,000	\$1,100,000
Integration			
3rd Party Monitoring	\$50,000		
California Office of Emergency Services	\$50,000		
California Department of Technology	\$50,000		
Required Hardware	\$201,000	\$50,000	\$50,000

	\$1,541,000	\$4,515,000	\$4,515,000
Personnel Costs from Costing Detail	\$240,000	\$2,514,000	\$2,514,000
-	\$1,781,000	\$7,029,000	\$7,029,000

I. Outcomes and Accountability

When established, the OIS will:

- Create a team whose primary focus is to promote security across the entire branch
- Promote security throughout all Judicial Branch Entities
- Improve the overall cybersecurity posture of Judicial Branch Entities

The OIS will be comprised of 3 departments described by functional areas:

- Information Security – Administration, Governance, Risk, Planning and Compliance
- Security Operations Center – JBE support of security tools platforms; branch-wide monitoring, analysis, and reporting programs; incident response and application security
- Cybersecurity Operations – support for Judicial Council and Judicial Branch Tech Center infrastructure, applications and cloud-based systems security

Information Security

- Support and update a branch-wide information security and cybersecurity strategic plan and road map;
- Manage, maintain and promote security recommendations in the areas of Governance, Risk and Compliance
- Best practices and standards established by the Judicial Council’s Information Security team in conjunction with Court security leadership will be uniformly followed.
- Develop, maintain and promote an information security end user training program in collaboration with the Courts
- Collaborate with Courts and Facilities to promote and support disaster recover (DR), business continuity planning (BCP) and continuity of operations planning (COOP) across the Branch

Security Operations Center

- Consolidate response efforts for incident response within the Branch
- Work with Federal and State resources in monitoring, management and incident response for public facing web space
- Integrate with the existing monitoring service utilized by the Trial Courts
- Integrate with the California Department of Technology’s Security and SOC programs
- Integrate with the California Office of Emergency Services’ SOC

- Manage, build out and support tools for vulnerability management, network security and network hardening across the branch
- Manage the end point security platform requested in this BCP
- Establish practices for branch-wide monitoring of both external and internal vulnerabilities

Cybersecurity Operations

- Manage and support both cloud and internal security systems and programs, securing the Judicial Council and Tech Center.
- Establish and support network and system hardening, network access control and role-based access control
- Work with application teams to ensure security is considered through the software development life cycle (SDLC)
- Develop and promulgate security best practices within all Judicial Council business units
- Assist Judicial Council business units in support of programs for classification and categorization of data, data privacy and data loss prevention
- Manage, build out and support a vulnerability management program within the Judicial Council
- Support the continued operations of asset management and change management programs.

J. Analysis of All Feasible Alternatives

1	<p>Approve 13.0 positions and \$8.81 million General Fund in 2021-22, and \$7.029 million annually thereafter to establish and maintain an Office of Information Security to comply with best practices in management of information security, technical risks and risks to the data held across the Judicial Branch as called for in the 2021-22 Judicial Branch Strategic Plan for Technology.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Will result in quicker and consistent response times to critical and non-critical incidents identified across the branch • Will promote a standardized build for security platforms across the branch • Will provide highly trained security subject matter resources for those courts without that personnel. • Will develop and implement a security awareness program for all branch employees and increasing the maturity level of the Judicial Branch’s security posture. • Will provide leadership to assist all JBEs with Governance, Risk and Compliance programs
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	<ul style="list-style-type: none"> • Will provide a Principal Manager/Director as acting Chief Information Security Officer to direct branch wide teams on strategic objectives and directions. <p>Cons:</p> <ul style="list-style-type: none"> • General funds will not be accessible to other programs
2	<p>Fund the Security Operations Center positions and end point security platform including updates and renewal costs.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Will result in quicker and consistent response times to critical and non-critical incidents identified across the branch • Will promote a standardized build for security platforms across the branch • Will provide security subject matter resources for those courts without that personnel. <p>Cons:</p> <ul style="list-style-type: none"> • Courts will have to individually pursue security awareness training for their end users instead of being part of a robust branch program. • Courts will have to individually pursue Governance, Risk and Compliance programs • Courts will be individually responsible for developing and updating security strategies in an ever-changing security environment. • General funds will not be accessible to other programs
3	<p>Do not fund this BCP to establish the platforms and positions listed to support a Judicial Council Security Operations Center.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Judicial Branch entities will be independent and self-reliant in their security efforts. • No impact to the general fund <p>Cons:</p> <ul style="list-style-type: none"> • JBEs will continue to struggle to meet the security resource needs in today's connected world. • JBEs will have to plan, develop and research end user training individually. • Small and medium sized Courts may not fully understand and utilize security platforms necessary to secure their networks and data. • JBEs will continue to use personnel that specialize in day to day or project work for ad hoc forensic and security research efforts, causing inefficiencies in security, operations and innovation. • All courts, but especially small and medium sized courts will not have access to a branch wide SOC to assist with security incidents. • Failing to implement a SOC is not in compliance with established industry best practices. • In the event of a cyberattack, subsequent actions to restore compromised systems will be delayed which will result in additional expenditures and will severely impact a courts ability to apply timely justice for all Californians.

K. Timeline for Implementation

2021-22

- Post position openings.
- Research end user training and end point protection platforms including the option to leverage the CDTs vendor agreement for both solutions;
- Design use case and implementation plans for end point protection platform and begin onboarding JBEs;
- Work with the current outsourced SOC to integrate data from their existing platform into the Judicial Council's SOC;
- Work with CDT SOC on agreements for information sharing, communication plans and incident response procedures;
- No or limited anomaly detection and investigation capability;
- Hiring of 40% of management and support staff.

2022-23

- 30% JBE onboarding for SOC programs
- Fully establish procedures and agency relationships with other State and Federal agencies
- 80% of management and support staff hired

2023-24

- 60% JBE onboarding for SOC programs
- 100% of staff hired

2024-25

- 100% JBE onboarding for SOC programs

Requesting Entity	Collaborative Justice Courts Advisory Committee
Tracking Number	21-19

A. Proposal Title

Maintaining a Sufficient Pool of Competency to Stand Trial Court Evaluators

B. Summary

The Judicial Council of California (JCC) requests 1.0 position and \$4.157 million General Fund in 2021-22 and on-going to support trial courts in addressing the increased number of Penal Code (PC) § 1368 competency to stand trial evaluations required throughout the state. If approved, this proposal would also provide for the development of a statewide inventory of qualified evaluators that courts can access when appointing a court ordered competency to stand trial evaluation and a system for ongoing recruitment for evaluators throughout the state.

C. Relevance to the Judicial Branch and State Budget

This proposal supports numerous priorities of the Judicial, Executive and Legislative Branches, including multiple goals of the Judicial Branch Strategic Plan, recently enacted legislation, and goals outlined under the Governor’s State Budget priorities.

Judicial Council Strategic Plan

Goal I: Access, Fairness and Diversity
This proposal will assist the courts in increasing the number of qualified psychiatrists and psychologist to serve as competency evaluators to better facilitate access to competency restoration services and court-connected diversion programs.

Goal II: Independence and Accountability.
This proposal will assist the judicial branch in securing sufficient resources to recruit and maintain a pool of qualified competency evaluators that will better allow the court to ensure efficient and effective services to the public.

Goal III: Modernization and Management of Administration.
Maintaining a pool of qualified competency evaluators will help courts ensure that justice is administered in an efficient, effective, and in a timely manner.

Goal IV: Quality of Justice and Service to the Public.
Recruiting and maintaining a pool of qualified competency evaluators will support courts in promoting the use of effective problem-solving programs and support the timely administration of justice.

Recent Judicial Council Action

The Judicial Council's Criminal Law Advisory Committee amended rule 4.130(d)(2) to specify required content of competency evaluations performed by court-appointed experts. These rule amendments went into effect January 1, 2018.

Recent Legislative Action

Through authority granted under AB 1962, the Department of State Hospitals developed regulations on training and education standards for psychiatrists or psychologists appointed by the court to conduct competency to stand trial evaluations. The Senate Appropriations analysis of AB 1962 stated the potential cost increase for courts for more experienced evaluators resulting from the imposition of the education and training standards "could increase overall costs in the hundreds of thousands of dollars annually."

Mental Health Diversion (AB 1810) established pretrial diversion for people whose mental disorder played a significant role in the commission of their charged misdemeanor or felony offense, including diversion for people facing felony and misdemeanor charges who are declared incompetent to stand trial (IST). AB 1810 is anticipated to increase declarations of doubt of defendants potentially eligible for pretrial mental health diversion programs.

State Budget Priorities

The Governor's 2020-21 State Budget proposes \$24.6 million General Fund to establish the Community Care Collaborative Pilot Program, a six-year pilot program in three counties to provide restoration services in the community to reduce incompetent to stand trial referrals and commitment to the Department of State Hospitals.

The Governor's 2020-21 State Budget also proposes \$8.9 million General Fund to contract for up to 63 additional jail-based competency restoration treatment beds by expanding jail treatment programs.

Medi-Cal Healthier California for All is a multi-year initiative by the Department of Health Care Services to advance key priorities of the Administration to leverage Medicaid funding to address the complex health and behavioral health needs of Californians. Medi-Cal Healthier California for All includes proposed targeted services for people involved in the criminal justice system, particularly services aligning with the Department of State Hospital programs for people found incompetent to stand trial or other forensic state-responsible populations.

D. Required Review/Approvals

Trial Court Budget Advisory Committee has approved this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	1.0	\$157,000	\$4,000,000	\$4,157,000	\$4,157,000	\$4,157,000
Total				\$4,157,000	\$4,157,000	\$4,157,000
Ongoing				\$4,157,000		
One-Time						

F. Background/History

Many individuals in the criminal justice system struggle with mental illness. An estimated 56% of state prisoners, and 64% of jail inmates have a mental health issue. Foundational to due process, U.S. and California courts have long determined that a person who is mentally incompetent cannot be tried or adjudicated of their pending criminal charges. (*Pate v. Robinson* (1966) 383 U.S. 375; *People v. Samuel* (1981) 29 Cal.3d 489).

When doubt about a defendant's mental competency is raised, court proceedings must be suspended until the defendant is evaluated to determine whether they are competent to continue through the court proceedings or whether they are incompetent to stand trial. The trial court must appoint and pay for a psychiatrist or licensed psychologist to evaluate the defendant. (Pen. Code, § 1369(a)(1).) The evaluator must assess the defendant's alleged mental disorder and the ability to understand the proceedings and assist counsel in their defense. If the evaluator is a psychiatrist, they can address whether psychiatric medication is necessary. (Pen. Code, § 1369(a)(2).)

During the competency hearing ordered by the court, if the defendant is found to be mentally competent, the criminal process will resume. (Pen. Code, § 1370(a)(1)(A).) If the defendant is found mentally incompetent, the trial shall be suspended until the person becomes competent. (Pen. Code, § 1370(a)(1)(B).) Typically, defendants charged with felonies are sent to state hospitals for competency restoration and treatment, whereas misdemeanor defendants are referred to treatment and restoration services in the community.

Beginning in 2020, new standards are in place that heighten the quality of competency evaluations received by the court. Rule of Court § 4.130(d)(2) was amended effective January 1, 2018 and further amended effective January 1, 2020 to reflect the need of the court to receive more comprehensive evaluations to make better informed determinations and commitment decisions and to report on elements aligned with new, legislatively created treatment options. Effective April 1, 2020, evaluators appointed by the court must also comply with Department of State Hospitals standards that require specified education and training reflecting best practices for an expert to evaluate a defendant and to reliably advise

the court on mental competency to stand trial and on whom to commit to the Department for restoration services.

G. Justification

Felony IST referrals to state hospitals in California have increased 60% from 2013-14 to 2017-18, according to the Department of State Hospitals' 2018 Annual Report. This increase is also reflected in the number of filings for declaring doubt about the defendant's competency and suspension of proceedings (Pen. Code, § 1368). From 2010-11 to 2014-15 Penal Code section 1368 (including both felony and misdemeanor) filings increased 76%.

According to a survey conducted by staff to the Judicial Council's Collaborative Justice Courts Advisory Committee, courts are struggling with the increased number of IST evaluations needed in several ways as listed below. Addressing these challenges, including the support of timely case adjudication and facilitating access to competency evaluators are squarely aligned with the Judicial Council Strategic Plan goals.

- Increase costs for evaluations: Courts reported a 9% average annual increase in spending for competency evaluations over the past five years reflecting an increase in both the number of evaluations and the cost per evaluation.
- Maintaining sufficient numbers of evaluators, especially for courts in remote locations: 65% of the courts who responded to the survey reported having challenges maintaining enough psychiatrists and 49% faced challenges finding qualified psychologist. Although this was largely due to a lack of funding, courts also cited general challenges associated with recruiting and retaining qualified evaluators.
- Variation in payment amounts and evaluator availability throughout the state: Courts reported a range of average payments per evaluations across jurisdictions, from as low as \$300 to as high as approximately \$2,000 per evaluation. Courts in rural areas report the most difficulty in finding qualified evaluators.
- Criminal court delays in the time it takes to receive an evaluation after doubt is declared: Some courts indicated it can take at least a month to receive the report complicated cases can take significantly even longer. During this time, defendants typically remain unmedicated while in custody awaiting transfer to a state hospital or other competency restoration.
- Impacts beyond the criminal court: In addition to delays in criminal court case processing, courts report having to adjust budgets and staffing to accommodate the increased costs related to IST evaluations. One court shared that it carries numerous personnel vacancies to offset these costs.

The costs of competency evaluations will likely continue to increase and account for a larger proportion of the courts' budget. Factors contributing to this anticipated increase are

threefold, including increased costs to accommodate the anticipated increase in the number of competency evaluations required by the court each year, steeper fees for more experienced evaluators in adherence to the Department of State Hospital standards of education and training for competency evaluators, and costs associated to required competency evaluation content in compliance with Rule of Court 4.130(d)(2).

It is anticipated that the number of competency evaluations will also continue to increase following a similar annual growth rate as previously seen across the courts, particularly as counties move forward with implementing Mental Health Diversion under AB 1810. Based on trends in recent years, it is estimated that the annual number of competency evaluations will increase to over or 22,871 statewide between 2021-22 and 2026-27. Because the costs per evaluation vary widely throughout the state, the fiscal impact of this increase are not exact; however, JCC estimates that that the increase between 2020-21 and 2021-22 alone will be \$4,000,000.

Funding this proposal will assist courts in offsetting the cost of competency evaluations and support JCC costs related to the development and maintenance of an inventory of evaluators that courts can use when appointing qualified experts. One FTE analyst will be devoted to recruiting and maintaining a list of evaluators throughout the state, maintaining information related to evaluators' fee schedules, implementing a recruitment program that may include partnering with medical schools, and developing an on-line information clearinghouse for courts that would include information on requirements for evaluators.

With the exception of the 1.0 FTE analyst (estimated at \$157,000 including wages, benefits and overhead costs), the requested funding will be allocated directly to the courts to fund the costs of competency evaluations. The specific allocation methodology will be identified by the Trial Court Budget Advisory Committee in consultation with the Collaborative Justice Courts Advisory Committee and may utilize PC § 1368 filings data reported by courts in Judicial Branch Statistical Information System (JBSIS).

H. Funding Methodology and Future Impact

This proposal requests \$4 million for counties for on-going costs to support trial courts in paying costs associated with PC § 1368 competency evaluations throughout the state. It is anticipated that Judicial Council state administrative costs will require approximately \$157,000. This amount reflects the estimated cost increase for one year. Data collected on these filings will be monitored to assess whether additional resources are needed in subsequent years.

This will allow courts in rural areas that commonly pay higher fees for qualified evaluators than courts in suburban and urban areas, despite having smaller budgets, to better support the costs of court ordered competency evaluations while also supporting courts in larger jurisdictions to offset the costs of the increased number of evaluations.

Criminal Justice Services Staff will work with the Trial Court Budget Committee and the Collaborative Justice Courts Advisory Committee to determine the funding methodology, the precise data to be collected from counties, and anticipate leveraging data on PC § 1368 filings that is already collected and reported in JBSIS. The funds could be distributed based on a formula associated with the number of IST filings or in some other method to be determined by the advisory bodies.

There are known improvements that will be made to this reporting to improve the accuracy of data being reported under this proposal, and staff will work with the Office of Court Research to identify and correct all necessary improvements, including providing guidance to courts on disaggregating mental health data reported to more effectively report the number of IST filings.

I. Outcomes and Accountability

- Allocations and contracts for all counties that request it within the first year.
- Improved data reporting by all courts that include disaggregated mental health filing data
- Established and regularly updated inventory of qualified competency evaluators
- Improved data tracking on actual court expenditures on competency to stand trial evaluations

J. Analysis of All Feasible Alternatives

1	<p>Approve 1.0 position and \$4.157 million General Fund to be allocated to the courts and Judicial Council in 2021-22 and on-going to support trial courts in addressing the increased number of Penal Code (PC) § 1368 competency to stand trial evaluations required throughout the state.</p> <p>Pros:</p> <ul style="list-style-type: none"> • On-going support will assist the courts in addressing increased costs related to defendant who are incompetent to stand trial • Will allow the Judicial Council to develop resources for the courts that would include evaluator recruitment and the maintenance of a data base of qualified evaluator for trial courts to access. <p>Cons:</p> <ul style="list-style-type: none"> • Ongoing general fund impact
2	<p>Approve \$2.5 million General Fund in 2021-22 and ongoing to support increased costs only for courts most impacted by IST cost increases</p>

	<p>Pros:</p> <ul style="list-style-type: none"> • Will enable courts in rural regions and other jurisdictions that are highly impacted to attract qualified evaluators who meet the rigorous standards set by the Department of State Hospitals and the Rules of Court. • Less impact on the General Fund <p>Cons:</p> <ul style="list-style-type: none"> • Will require the development of an application process • Does not address the need to develop and maintain statewide information on qualified evaluators.
3	<p>Do not approve additional funding for the courts to address the increased needs associated with Incompetent to Stand Trial evaluations</p> <p>Pros:</p> <ul style="list-style-type: none"> • No General Fund Impact <p>Cons:</p> <ul style="list-style-type: none"> • The courts will have increasing costs and case delays that will may have impact throughout the court system.

K. Timeline for Implementation

<p>The timeline of milestones for the implementation of this proposal is as follows:</p> <p>July 2021 – June 2022</p> <ul style="list-style-type: none"> • Collaborative Justice Courts Advisory Committee collaborates with the Trial Court Budget Advisory Committee to develop an allocation distribution plan. • Judicial Council staff identify data collection elements needed for allocation, likely based on JBSIS filing information. • Judicial Council staff will compile a list of qualified evaluators and develop on-line IST resources. <p>Subsequent years are identical with a report to the Judicial Council regarding the program every 2 years.</p>
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Requesting Entity	Criminal Justice Services
Tracking Number	21-20

A. Proposal Title

Criminal Procedure: Sex Offender Registration Termination

B. Summary

The Judicial Council of California (JCC) requests \$29.15 million General Fund in 2021-22 with funds available for encumbrance or expenditure through June 30, 2023, to support the trial courts in addressing the significant workload impact of Senate Bill 384 (Chapter 541, Statutes of 2017). This request includes \$26.649 million for the projected increased number of court hearing and case processing and an additional \$2.5 million for Information Technology and case management system changes.

C. Relevance to the Judicial Branch and State Budget

The Judicial Council took an “approve if funded” position on this legislation when it was initially passed, acknowledging that the bill increased judicial discretion. The original judicial branch funding estimates were minimal (approximately \$1 million annually statewide) but were only based on prospective workload changes that would occur with new registrants. New estimates from DOJ and the courts indicate that there will be a large group of current registrants that will apply for termination. This funding request supports the courts in processing the petitions for the large number of existing registrants that petition for relief under SB 384 when it becomes effective on July 1, 2021.

D. Required Review/Approvals

The Criminal Justice Services Division is the requesting entity. The Trial Court Budget Advisory Committee approval is required for this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001				\$29,150,000		

Total \$29,150,000
Ongoing
One-Time \$29,150,000

F. Background/History

Senate Bill 384 (Chapter 541, Statutes of 2017), was signed by the governor on October 6, 2017 and will become effective January 1, 2021. The legislation creates a tier-based system which will allow eligible sex offender registrants to petition the court to terminate their registration requirement if they have been on the registry for the appropriate amount of time according to their tier. Currently all sex offender registrants are required to register for life regardless of the registrant's severity of their crime or their risk of re offending.

Under the new law, registrable offenses will be categorized into three tiers. Tier one requires a minimum of ten years registration and is, in general, for registrable offenses that are misdemeanors and low-level felonies. Tier two typically requires a minimum of twenty years registration and is for more serious types of felonies, including some offenses that qualify as "strikes." Tier three generally requires lifetime registration and applies to highest risk offenders, including persons found to be sexually violent predators, habitual sex offenders, or repeat violent offenders.

For all current registrants, the Department of Justice (DOJ) will designate a tier and will notify the registering law enforcement agency of the tier. Beginning July 1, 2021, registrants may petition the court in the county of registration to terminate the registration requirement if they have already met the mandatory timeline for registration, based on the new tiering system. All registrants – except for tier 3 lifetime registrants who have disqualifying convictions – are eligible to apply for termination of their registration requirement after the registration time requirements have been met.

Penal Code section 290.5(a) outlines the petition process. The registrant files a petition along with proof of current registration with the court in the county of registration. The registrant also must serve the law enforcement agency and the District Attorney in the county of registration. The law enforcement agency has 60 days to file a report with the court regarding the person's eligibility. This report will state whether the person has met the minimum time period for their tier. If the law enforcement agency identifies a conviction that DOJ did not assess for tiering purposes, it must refer the conviction to the DOJ for assessment.

The District Attorney in the county of registration has 60 days from receipt of a law enforcement agency report to request a contested hearing on the petition. The District Attorney may request a hearing if they believe the person does not meet the requirements or if community safety would be enhanced by the person's continued registration. At the contested hearing, the court must consider a number of factors in determining whether to order continued registration including, but not limited to, the nature and facts of the registerable offense; the age and number of victims; criminal and relevant noncriminal behavior before and after conviction for the registerable offense; and the person's current risk of sexual or violent re-offense.

Even if no contested hearing is requested, the court is required to determine whether the mandatory proof of registration and minimum registration period requirements have been satisfied. The court must also ascertain that the registrant has no pending charges which could extend the time to complete the registration requirements or which could change the person's tier status. Finally, the court must determine that the registrant is not on any type of supervised release, including parole, post community release supervision, and formal probation.

If the court denies the request to terminate the registration requirement, the court is required to set a time period after which the person may file another petition for termination, based on the facts set forth in the hearing. The time period for refile is a minimum of one year or three years (depending on the tier designation) from the date of denial but not to exceed five years. The court must state on the record the reasons for setting this time period.

After the hearing, the court must notify the DOJ when a petition is granted or denied, and the time period after which the person can file a new petition. This will require courts to enhance their case management system and set up new reporting procedures with the DOJ. The court must also notify the registrant whether the petition was granted or denied.

G. Justification

According to the DOJ, California has over 155,000 sex offender registrants. Over 78,000 registrants are in the community. The department estimates that 40,000 registrants may already meet the minimum time requirement of their tier as of July 1, 2021. Based on data collected on the number of registrants that applied to have their names removed from the Megan's Law registry, DOJ anticipates that the number of requests for changes will be 3 to 4 times the number of eligible registrants. They report that an estimate of 100,000 petitions to the courts for termination of their registration requirement is reasonably expected.

This will have a profound impact on the courts throughout California that must adhere to the mandates previously described. JCC estimates that each petition, regardless of eligibility for termination, will have to be reviewed, accepted, and entered into the case management system by clerks or administrative staff and will require judicial review of the petition and supporting documents. Post judicial officer determination, administrative staff must log the determination into the case management system and the court will have to notice the registrant and report the determination to the DOJ.

Because of public safety concerns and due to the inconsistency of some of the DOJ's disposition data (DOJ estimates that approximately 40% of their disposition data have some inconsistencies in record keeping), the JCC estimates that a significant number of the

registration termination cases will be contested by county District Attorneys, resulting in the need for additional court hearings.

The request for funds to accomplish the review process in a timely manner will create additional workload on clerks and judicial officers at the courts. To this end, the funding request is over the course of two fiscal years. The current law as written requires a petitioner to file a request for review with the court of jurisdiction. This begins the timeline for the court to act in a timely manner. The petitioner would then have 60 days from the time of the court petition to request documentation from law enforcement agencies to be produced to the court. The law enforcement agency would then present the documentation to the court as well as the District Attorney. The local District Attorney's office would then have another 60 days from the time of receipt of the petitioner's documentation from law enforcement to file a contest and possibly prepare for a hearing on the matter. In this situation, the court would be required to set a trial date within 1 to 5 years depending on the circumstances of the petition. With such a timeline, the courts would be overwhelmed by accomplishing this review process in one year's time. Therefore, the Judicial Council requests funding over a minimum two-year period. In some instances, detailed and high-profile cases could extend well beyond this timeframe.

H. Funding Methodology and Future Impact

Methodology for determining statewide need

JCC estimated the costs based on case processing time estimate for three types of cases: ineligible case in which the petitioner clearly does not meet the registry time requirements; eligible, uncontested cases in which the District Attorney believes that the registrants have adequately met time registration requirements; and, contested cases which result in a full hearing. Based on previously collected data on per minute court costs adjusted for 2020 dollars for court clerks (\$2.82), judges (\$4.78), and hearings (\$14.78), and time estimates provided by court subject matter experts, the JCC estimates a total need of \$26.649 million in court time to process these cases. An estimated \$2.5 million will also be needed for case management system adjustments related to new DOJ reporting requirements.

Ineligible cases

JCC estimates that each petition for registrants that are not eligible for terminations (approximately 60,000) will require 30 minutes of clerk time (15 minutes prior to judicial review and 15 minutes after review) and 15 minutes of judicial officer time.

$(30 \text{ min clerk time} \times \$2.82/\text{per min}) + (15 \text{ min judge time} \times \$4.78/\text{per min}) \times 60,000 \text{ cases} = 9,378,000$

Eligible, non-contested cases

Time estimates for eligible, non-contested cases are similar, but will require additional time (a total of 30 minutes) for the judicial officer to review documentation. It is estimated that 75% (30,000 cases) of the eligible cases will not be contested.

$((30 \text{ min clerk time} \times \$2.82/\text{per min}) + (30 \text{ min judge time} \times \$4.78/\text{per min})) \times 30,000 \text{ cases} = \$6,840,000$

Contested cases

It is anticipated that county District Attorneys will vary widely in their approaches to contesting registry terminations and it is difficult to estimate the number of cases that will be contested given the sensitive nature of these crimes and the prevalence of missing disposition information in the DOJ data systems. The JCC estimates that the District Attorney will contest approximately 25% (10,000 cases) of these cases statewide, either because of the perceived risk to public safety, or because the DOJ did not capture all the relevant criminal history needed in determining the registry tiers.

$((30 \text{ min clerk time} \times \$2.82/\text{per min}) + (15 \text{ min judge time} \times \$4.78/\text{per min}) + (60 \text{ minutes hearing time} \times \$14.78/\text{per min})) \times 10,000 \text{ cases} = \$10,431,000$

$\$9,378,000 + \$6,840,000 + \$10,431,000 = \$26,649,000$

Total

\$ 26,649,000 case processing costs

\$ 2,500,000 IT programing and changes to DOJ interfaces

\$29,149,500

Methodology for determining county allocations

The methodology for determining county allocations will be determined by the Trial Court Budget Advisory Committee (TCBAC), likely based on similar funding methodology decisions they made in the past. The TCBAC could request that the Judicial Council collect data on the number of petitions received or allocations could be based on county data estimate provided by the DOJ.

I. Outcomes and Accountability

The Judicial Council could work with California Department of Justice and the courts to track the number of petitions filed, reviewed, and adjudicated.

J. Analysis of All Feasible Alternatives

1	<p>Provide the requested \$29.15 million General Fund in 2021-22 with funds available for encumbrance or expenditure through June 30, 2023, to support the trial courts in addressing the significant workload impact of Senate Bill 384 (Chapter 541, Statutes of 2017).</p> <p>Pros: *Courts will receive the resources needed to process the anticipated 100,000 petitions for review of sexual offense registry cases</p> <p>Cons: *Impact to the general fund</p>
2	<p>Provide no additional support to the courts to process petitions and hold hearings and continue to operate at existing funding levels in accordance with 2020 Budget Act.</p> <p>Pros: *Does not impact the General Fund</p> <p>Cons: *Significant backup of requests for sex offender registration terminations that will impact many other aspects of court operations</p>
3	<p>Provide \$15 million General Fund in 2021-22 to process SB 384 cases for one year.</p> <p>Pros: *Less impact on General Fund *Some support will be provided to the courts.</p> <p>Cons: *The legislation allows for a lengthy process (60 days for law enforcement to prepare a report and 60 additional days for District Attorneys to act on the petition). This means that the number of petitions being address will likely be processed well into 2022-23.</p>

K. Timeline for Implementation

<p>July 2021</p> <p>Funding to be distributed based on DOJ per county estimates.</p>
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Requesting Entity	Collaborative Justice Courts Advisory Committee
Tracking Number	21-21

A. Proposal Title

Collaborative Justice Court Programs: Trial Court and Statewide Administrative Support

B. Summary

The Judicial Council of California (JCC) requests 5.0 positions and \$15 million General Fund in 2021-22, and \$30 million in 2022-23 and annually thereafter to support trial court operations associated with drug and other adult and juvenile collaborative justice courts (collaborative courts) that have proven to be effective in improving case outcomes and reducing recidivism. This funding is intended support administrative and program management aspects of collaborative courts including increased court staff time, case management, program administration, data collection and other operations costs. It will complement collaborative court treatment costs currently allocated to county behavioral health departments and ensure that all aspects of collaborative courts are adequately funded.

C. Relevance to the Judicial Branch and State Budget

This proposal addresses several priorities of the Judicial Branch. It supports many goals listed in the Judicial Branch Strategic Plan as well as legislation enacted in recent years to expand collaborative courts and pretrial diversion options for individuals with mental illness and substance use disorders. In addition, it would continue and expand the work initiated by two recent pilot programs supported by the state.

Judicial Branch Strategic Plan

Goal III: Modernization of Management and Administration

Developing a statewide repository for collaborative justice data with tools to conduct data analytics will enable the courts and branch to implement on-going self-assessment and quality improvement.

Goal IV: Quality of Justice and Service to the Public

This project promotes the use of innovative and effective problem-solving programs and practices that are consistent with and support the mission of the judicial branch, as stated in the branch strategic plans.

Goal VI: Branchwide Infrastructure for Service Excellence.

This project promotes and sustains innovation by supporting a system that will enable the sharing of appropriate information throughout the branch and with system partners. It will provide tools for the courts and the branch to measure court performance.

Goal VII: Adequate, Stable and Predictable Funding for a Fully Functioning Branch. Most superior courts must operate their collaborative court programs through the absorption of existing court resources, the use of limited term grant funding, or by obtaining already stretched county funding. Providing stable funding as proposed will allow the courts to fully institutionalize collaborative court programs.

Relevant Legislative Action

The courts often use collaborative courts as a venue to administer various alternative to incarceration programs enacted by the legislature, such as pre- and post-plea diversion programs. The legislature has shown interest in increasing options for counties to establish diversion efforts that connect people who have behavioral health needs to treatment in lieu of prosecution or in lieu of a jail sentence. Many counties implement these new diversion programs through collaborative courts model programs. Collaborative court teams are made up of the same stakeholders that typically need to be involved in implementing diversion programs including judges, prosecutors, defense attorneys, probation, and treatment or service providers. These teams are generally well versed in the behavioral health issues that diversion programs are often intended to address and they are experienced in interagency collaboration that is typically required in diversion programs.

Recent legislative diversion options include Veterans Diversion Program (SB 1227) established pretrial diversion for current and former members of the U.S. military charged with a misdemeanor offense and who is suffering from sexual trauma, traumatic brain injury, post-traumatic stress disorder, substance abuse or mental health issues as a result of their military service.

Pretrial Drug Diversion (AB 208) amended deferred entry of judgement programs to instead create pretrial diversion for eligible people charged with a non-violent drug offense.

Mental Health Diversion (AB 1810) established pretrial diversion for people whose mental disorder played a significant role in the commission of their charged misdemeanor or felony offense.

Primary Caregiver Diversion (SB 394) established pretrial diversion for people charged with a misdemeanor or a nonserious, nonviolent felony who are primary caregivers for a child under 18 years.

State Funded Programs

In addition to relying on the collaborative courts to develop effective pretrial diversion programs, the state has expressed support for collaborative courts through funding the Substance Abuse Focus Grant (SAFG), grant program and pilot programs over the years. The state provides approximately \$1.16 million dollars annually to collaborative courts through SAFG. Small mini-grants between \$12,000 - \$45,000 are awarded to all courts that apply. In addition, the state developed limited-term pilot programs that supported collaborative justice courts in recent years. This funding, although limited term, was allocated after state drug court funding was realigned in 2011, and it enabled courts to maintain, enhance or establish programs and incorporated program evaluation components:

The Innovations Grant is a \$25 million program of which \$10.1 million has been awarded to collaborative courts with the program running from June 1, 2017 to June 30, 2020. The Recidivism Reduction Fund is a total of \$16.3 million, of which \$9.9 million goes to collaborative courts and ended June 30, 2018.

Finally, the Governor’s 2020-21 budget includes funding to support active probation supervision of misdemeanants who have historically been placed on banked caseloads without supervision or access to services. Although this funding is not specific to collaborative courts, it takes away one of the key barriers to developing misdemeanor collaborative courts programs.

D. Required Review/Approvals

The Trial Court Budget Advisory Committee approval is required for this request.
 The Collaborative Justice Court Advisory Committee approval is required for this request.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment ¹	Total 2021-22	Total 2022-23	Total 2023-24
0001	5.0	\$764,000	\$14,236,000	\$15,000,000	\$30,000,000	\$30,000,000
			Total	\$15,000,000	\$30,000,000	\$30,000,000
			Ongoing	\$30,000,000		
			One-Time			

F. Background/History

¹ Operating Expenses and Equipment totals include local assistance funding to the courts. In FY 2021-22, the amount allocated to the courts for the program will be \$13,875,000. In FY 2022-23 and FY 2023-24, the amount allocated to the courts will be \$28,500,000.

Individuals with substance use disorders and mental illness are disproportionately represented in the court system. Well over half of the criminal justice population have at least one of these behavioral health issues. An estimated 56% of state prisoners, and 64% of jail inmates have a mental health issue; 65 % of the prison population have an active substance use disorder. The number of criminal cases of individuals requiring evaluations to determine their competency to stand trial increased from an average of 174 per court in 2013-14 to 230 in 2017-18. Other case types are also impacted. It is estimated that between 50-75% of juvenile delinquency cases involve behavioral health issues. Removal rates from parents with psychiatric disorders is estimated to be as high as 70-80%. Cases involving behavioral health issues often have complications that result in longer time to disposition and increased workload on the courts

Drug and other collaborative courts are successfully addressing cases involving individuals with behavioral health issues. These programs promote accountability by combining judicial supervision with rigorously monitored rehabilitation services and treatment in lieu of detention. Collaborative courts were created to address the individuals' underlying issues that led them to become involved in the court system. These programs rely on a problem-solving, team-based approach in which justice system partners, including judges, court staff, attorneys, treatment, social workers, probation, and others work together to improve participant outcomes. Collaborative courts are most effective when they target high risk, high need cases and use evidence-based principles to promote public safety or family reunification by reducing recidivism and relapse among people who can effectively be served through treatment and services in the community. California is home to over 450 collaborative courts, including adult and juvenile drug courts, dependency drug courts, mental health courts, veteran's treatment courts, homeless courts, and youth court, of these 350 are treatment court models that involve intensive judicial monitoring.

Drug courts are the longest running and most prolific type of collaborative court and have been heavily researched for more than two decades. The large body of research indicates that these programs are effective and result in reduced recidivism among participants.² Evidence suggests that drug courts are cost effective. A Judicial Council sponsored study of nine adult drug courts in California found an average net benefit of \$11,000 per participant³, other studies show similar results.⁴ Although the body of research is less extensive for

² U.S. Government Accountability Office. Adult drug courts: Studies show courts reduce recidivism, but DOJ could enhance future performance measure revision efforts. Washington, DC: GAO-12-53, Dec. 2011. At: <http://www.gao.gov/assets/590/586793.pdf>

³ (Shannon Carey, et al., *California Drug Courts: Outcomes, Costs, and Promising Practices: An Overview of Phase II in a Statewide Study* Dec. 2006 *Journal of Psychoactive Drug*, 351)

⁴ An article published in the *Criminal Justice Journal* found a reduction in recidivism rates among participants from 50% to 38% and a reduction in drug specific recidivism rates from 50% to 37%, highlighting these impacts lasted at least 3 years (Ojmarrh Mitchell, et al., *Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts* Jan-Feb 2012 *40(1) Journal of Criminal Justice* 69).

other collaborative courts, studies on Mental Health Courts⁵, DUI courts⁶, and Reentry Courts⁷ have shown these court models also to be effective. Although more research is needed on nascent programs such as Veteran's Treatment Courts, all these collaborative court programs adhere to the research-based practices tested in the drug court model.

In recognition of the effectiveness of drug courts, the legislature appropriated approximately \$20 million to support adult and juvenile drug courts through the 1999 Comprehensive Drug Court Initiative Act and the 1998 Drug Court Partnership Act. California was one of the first states in the nation to provide on-going funding to support a significant number of collaborative courts and was considered a leader in the field. Other states followed suit and in 2010, The Conference of Chief Justice and Conference of State Court Administrators (CCJ/COSCA) adopted a national agenda to support, advance and expand the use of problem-solving courts (called collaborative justice courts in California) and to expand the use of the principles and methods of problem-solving courts into other courts. (CCJ/COSCA Resolution 00-A-IV and CCJ/COSCA Resolution 04-A-22). Over 40 states have specific funds set aside to support their collaborative courts.

A recent survey of problem-solving court administrators in other states conducted by JCC staff indicates that state funding amounts vary significantly throughout the country in both the amount of allocation as well as the services supported. Some states provide funding only for court operations, others only for treatment, and a few for all the administrative and service costs needed to run a collaborative court. Funding amounts of the state survey respondents ranged on the low end from \$5 million to support 68 treatment courts in one state to a high of \$30 million to support 163 treatment courts in another. Most states limit their funding to traditional treatment court models such as adult and juvenile drug and mental health courts, veteran's treatment courts, reentry courts, DUI courts, and community courts. California has over 350 of these traditional treatment court models, more than any other state. Applying the lowest and highest per court amounts from other states to the number of treatment courts in California results in a funding range of approximately \$26 million - \$64.4 million.

Bucking the national trend of increasing state support and direct funding to collaborative court, in 2011, California drug court funds were realigned directly to counties and have

⁵ Yan, Yue and Matthew R. Capriotti, The impact of mental health court: A Sacramento case study. *Behavioral Sciences & the Law Volume 37, Issue 4, July/August 2019*; McNiel, Dale E. and Renée L. Binder, Effectiveness of a Mental Health Court in Reducing Criminal Recidivism and Violence, *Am J Psychiatry 2007; 164:1395–1403*; Steadman, Henry J. et al. Effect of Mental Health Courts on Arrests and Jail Days, A Multisite Study, *Archives of general psychiatry 68(2):167-72 September 2010 DOI: 10.1001/archgenpsychiatry.2010.134*

⁶ San Joaquin DUI Monitoring Court Process and Outcome Evaluation, Submitted to San Joaquin County Collaborative Courts and the California Office of Traffic Safety, September 2012. NPC Research. https://npcresearch.com/wp-content/uploads/San_Joaquin_DUI_Court_Evaluation_0912.pdf

⁷ Ayoub, Lama Hassoun and Tia Pooler. Coming Home to Harlem: A Randomized Controlled Trial of the Harlem Parole Reentry Court. October 2015 Center for Court Innovation <https://www.courtinnovation.org/sites/default/files/documents/Harlem%20Final%20Report%20-%20June.pdf>

subsequently been co-mingled and absorbed with other funding in many jurisdictions. Although this funding is provided to counties in their behavioral health accounts and provides much need support for the treatment components of drug courts, many courts no longer receive these funds and must absorb the court-related costs of the programs. The court costs are significant. Collaborative court participants are required to attend 20-30 court sessions during their 18- to 24-month program, whereas traditional justice practice only requires a person to attend 3-5 hearings before their case is settled. Therefore, one weekly collaborative court calendar with 40-60 participants appearing each week will generate 2,000 to 3,000 additional court appearances per year. Applying those figures to the 350 intensive judicial monitoring treatment courts in the state, that means an additional 14,000 to 21,000 hearings per year. As previously cited, research shows that this additional up-front workload pays off in reduced recidivism and decreases in system costs in the long run. However, funding is needed now to support the infrastructure necessary to have those additional hearings. Courts are struggling to reach appropriate staffing levels, including maintaining sufficient courtroom clerks, court reporters, interpreters, and analytical support, to address their evolving needs. Without this infrastructure, courts cannot ensure that clients are receiving the substance use disorder treatment, mental health treatment, and other interventions that they need in order to reduce future court involvement and be contributing members of society.

Despite the loss of funding and policy changes that have negatively impacted drug and other collaborative courts, the number of these programs in the state has remained stable, but the number of participants programs have been able to accommodate has fluctuated in order to accommodate the limited staffing levels. The trial courts took on the burden of supporting court-related administration of these programs by absorbing court costs or obtaining separate funding through local government or limited term grants. Federal Grants and state pilot programs, including the Recidivism Reduction Grant and the Court Innovations Grant, have assisted the courts in maintaining their programs, but the instability of the funding has led to reductions in caseload sizes in many counties at a time when there is increasing support throughout the state and country for alternatives to traditional case processing. Collaborative courts need stable resources to reach their full potential in addressing the enormous impact that behavioral health issues have on the court system. Over the past 25 years' collaborative courts have been called upon to address multiple systemic deficiencies.

Today, a typical collaborative court client may have a substance use disorder (drug addiction), mild-to-moderate mental illness, physical and emotional trauma, a lack of employment and education, and not have stable housing when they enter the program. Therefore the stability of the court-based programs is critical to addressing all of these issues in a problem-solving forum with case management, housing supports, treatment, and interventions to reduce recidivism, incarceration, foster care placements, and the risk of future court involvement when traditional case processing fails or falls short of the client's need.

G. Justification

Individuals with behavioral health needs are disproportionately represented in the court system and often present increased workload for the courts. Collaborative courts have been at the forefront of court programs focused on this population, but they have only been able to address a small proportion of the need. If approved, this proposal would restore trial court funding for collaborative justice model programs that was realigned to county behavioral health departments and is designed to address the underlying issues that lead to court involvement across case types, including mental illness and substance use disorders. It would allow effective court programs to expand caseload sizes, including misdemeanor cases, and address increased demands related to the expansion of court diversion programs, likely taking this model to scale throughout the court system and potentially improving outcomes such as reducing recidivism rates, strengthening families and decreasing foster care placements, and reducing court caseloads throughout the state. It would establish a training and technical assistance program focused on working with the numerous court users that struggle with substance use disorders and mental illness throughout the state. Finally, it would develop and maintain a statewide data repository by leveraging existing systems that would enable courts to evaluate program effectiveness and support continuous program monitoring and improvement. The main goals of this program are to increase the number of cases processed through collaborative courts and to increase collaborative courts use of evidence-based practices.

There is both a need and a window of opportunity to establish this program that has not been present in the past and may not be available in the future:

While courts have been able to temporarily weather and adapt to drug court funding realignment, as pilot program funding dissipates, it is unclear if they will be able to continue to operate.

Since the federal drug court grant program began many of the grants were allocated to new drug court programs. The current federal grant solicitation does not include this program implementation funding for new drug courts and focuses only on creating new Veterans Treatment court or expanding already existing drug courts.

Policy changes such as Proposition 47, that changed certain drug and theft related felonies to misdemeanors, and the numerous newly enacted diversion programs speak to a clear intent on behalf of the legislature and the public to address substance use and mental health issues outside of the traditional adjudication model.

The Governor's 2020-21 budget includes funding to support active probation supervision of misdemeanants who have historically been placed on banked caseloads without supervision or access to services. Although some counties have developed programs in which

misdemeanants in collaborative courts are supervised by probation, this is rare. Many courts cite the lack of supervision in misdemeanor courts as one of the reasons that they have not developed collaborative courts models for processing misdemeanor cases.

Innovations in data collection and sharing established through the Judicial Council's Pretrial Pilot Program can be leveraged to develop a statewide collaborative courts and diversion program data repository.

The recently developed drug court best practice standards and family treatment court standards can use used to guide the measurement of program outcomes.

Increasing the number of cases processed through collaborative courts

In the early years of drug and other collaborative court programs, these models were considered "boutique" courts that operated outside of traditional court processes. Now there are over 3000 collaborative courts in the country, 450 in California alone. Despite the growth in the number of collaborative courts in operation, they have only been available to a fraction of the population that could potentially benefit from their services. Although there are over 200,000 drug arrests annually in California, it is estimated that drug courts in the state serve less than 20,000 people annually. Lessons learned from the Substance Abuse and Crime Prevention Act of 2000 (SACPA) suggest that with adequate funding, these treatment courts can substantially increase their caseload sizes. At a time when drug courts had approximately 10,000 total participants their caseload, over 40,000 individuals annually received service referral through the adequately funded SACPA program.

Although the research on SACPA outcomes is mixed, jurisdictions that utilized collaborative court practices (e.g. dedicated calendars, judicial interaction, etc.) had more positive outcomes. These outcomes were so much more positive than the traditional processing of SACPA cases that in 2006-07 and 2007-08 the legislature created the Offender Treatment Program to fund SACPA programs that incorporate drug court practices.

Several Superior Courts in California have created high volume collaborative courts systems that triage participants based on risks and needs and incorporate pretrial diversion programs into the collaborative court system approach. This program would incentivize courts to create similar large caseload programs to apply proven collaborative courts methods and principles on a scale that could potentially have wide-ranging impacts throughout the state, including a reduction in statewide adult and juvenile recidivism. As an example, San Diego County serves 500-600 clients per year through its four adult Drug Courts. However, local research from the San Diego Association of Governments (SanDAG, *2018 Adult Arrestee Drug Use in the San Diego Region*, September 2019) on substance use at arrest suggests as many as 73% to 79% of the 60,000 arrestees being booked into county jail, annually by local law enforcement, are drug-abusing individuals. So, while the four

adult Drug Courts are serving as many as they can, the scope of the public health and justice issue may be as many as 45,000 persons in San Diego County alone.

The Superior Courts of Santa Clara and San Joaquin Counties also have large scale programs with more than 1000 participants. San Joaquin has 1,500 people on their collaborative court caseload and uses a triage method for their Driving Under the Influence court that involves assessing all DUI offenders and using assessment information to determine the appropriate level of supervisions and services. This allows them to most effectively focus resources where they are needed most. According to NPC Research, an independent research firm when compared to similar defendants who did not participate in the DUI program, this program resulted in statistically significant reductions in recidivism (9% arrest for DUI court participants vs 12% for the comparison group) and long-term savings. Despite the proven success of their collaborative court programs and support from court leadership, San Joaquin is largely reliant on outside, limited-term grants to sustain their programs and must use valuable staff resources to seek funding opportunities. Santa Clara has over 2,000 participants in their programs and must rely on additional federal or county dollars to keep up the program.

Drug courts have been able to operate at levels like what they were prior to drug court fund realignment only because county treatment continues to receive funding and because the Affordable Care Act allowed California to expand Medicaid treatment coverage to the criminal justice populations. These much needed treatment dollars have enabled drug and other collaborative courts to sustain small programs, but the lack of stable funding for the court specific administrative and program costs, such as extra court staff time, court coordinator and case management costs, have impeded the expansion and growth of collaborative courts in California at a time when other states have seen marked growth.

This funding is designed to incentivize collaborative courts to address a high number of cases and/or to implement more programs throughout the state. If the courts were provided on-going, stable funding, they would be able to significantly expand caseload sizes by hiring collaborative courts case managers and program managers, defraying overhead and administrative costs, increasing data collection, and utilizing technology to assist in case management. Additional funding will incentivize courts to leverage the treatment funding available and to create more high-volume programs that address the needs of hundreds and even thousands of litigants. Funding for this program will be tied into caseload sizes and training will be develop to institute triage model programs in which multiple participants are assessed and placed into the proper collaborative court treatment module. With this model in place, collaborative courts in all but the smallest counties can be expected to process hundreds, rather than dozens of cases, each year.

Using Innovations in Technology to ensure program compliance and efficacy

Although some jurisdictions still maintain small caseload sizes, the number of collaborative courts have grown significantly throughout the nation. This proliferation of problem-solving courts is likely related to the growing body of research that indicates that they are effective in reducing future court involvement and recidivism, increasing treatment utilization and compliance, while also reducing incarceration. This body of research has grown strong enough that the National Association of Drug Court Professionals created a comprehensive set of National Drug Court Standards in 2015 and introduced The Family Treatment Court Standards in 2019. CCJ/COSCA endorsed document provides specific, practical information on evidence supported practices and identifies specific practices such as case load sizes, drug test frequency, and court appearance frequency. Many states have instituted programs that provide on-going funding and link that funding to the Best Practices Standards to ensure that collaborative courts utilize proven methods to improve outcomes for their participants. If this proposal is funded, California will use the best practice standards as guidance to evaluate program performance. It is important to note that data collection efforts will focus on criminal justice related data elements, and treatment related data will not be collected in order to adhere to HIPPA requirements.

The majority of the requested funding will be allocated to the courts to develop their collaborative court programs. The specific allocation methodology will be identified by the Collaborative Justice Courts Advisory Committee (CJCAC). Because the program seeks to establish or enhance collaborative court program in every jurisdiction that is interested in doing so, these funds will likely be allocated through a non-competitive application process and allocations will be based on caseload sizes and county need. It is estimated that awards will range from approximately \$50,000 to \$2 million per county. Funding will be available to establish collaborative court and diversion programs in any appropriate case type where collaborative court principles are utilized.

The application process will be modeled after successful programs in other states and will ensure that each court receiving funds develops a collaborative plan with all relevant stakeholders, including county behavioral health departments, defense and prosecution attorneys, probation, child welfare agencies, or others. The annual application process will be used to ensure that courts employ evidence-based practices, demonstrate a clear need for the funding request, have the ability to submit required program data, and participate in program related training. Funding allocations will be tied into courts' demonstrated ability to adhere to program requirements including submitting timely data and using sound financial practices.

The application process will ensure that funded courts adhere to evidence-based practices proven to be effective through research. The National Adult Drug Court Standards and the Family Treatment Standards will provide guidance in the development of application criteria.

5.0 Judicial Council staff are needed to administer the program. Additional temporary staff will be needed in the first two years to implement the technology and data collection components. Staff will work with CJAC to establish an equitable application and allocation process, and identify the data elements necessary to ensure performance outcomes can be tracked. Program monitoring and compliance procedures will be developed in the first year.

H. Funding Methodology and Future Impact

This proposal requests \$15,000,000 in 2021-22 and \$30,000,000 in subsequent years to support collaborative court and pretrial diversion programs throughout the state. CJAC estimates that \$30,000,000 will be needed to support and expand upon on-going administration and court support of collaborative court and related diversion programs. The estimated need was derived from comparisons to other state court allocations, the previous statewide allocation of \$20,000,000 adjusted to include mental health and other non-drug collaborative courts, per court cost estimates, and judicial council administrative expenses.

Court Allocation:

Drug court professionals surveyed by JCC staff indicated that each court would need a minimum of \$50,000 to support costs associated with court coordinator and administrative staff. This would support a part-time court coordinator in the smallest courts. Large courts processing thousands of cases through these courts will need up to \$2 million for court staff as well as increased supervision costs, drug testing expenses, and other costs associated with significantly increasing drug court caseloads. This will enable the largest jurisdictions to maintain enough staff to expand caseload sizes. Given the population and the number of collaborative courts in the state, this figure is on the low end of other statewide allocations; however, the program will incentivize efficiencies in case processing by creating a funding methodology based on caseload size. It is anticipated that there will be economies of scale that promote processing of a large volume of cases. This will enable the largest jurisdictions to maintain enough staff to expand caseload sizes.

Given the population and the number of collaborative courts in the state, this figure is on the low end of other statewide allocations; however, the program will incentivize efficiencies in case processing by creating a funding methodology based on caseload size. It is anticipated that there will be economies of scale that promote processing of a large volume of cases.

Judicial Council Cost:

JCC state administrative costs will require approximately \$1,125,000 in FY 2021-22. Those costs cover 5 on-going Judicial Council positions needed to develop and implement the

program, conduct on-going training and technical assistance, develop data collection and reporting requirements, monitor contract compliance and ensure program model fidelity.

In addition to on-going staff, training and technical assistance costs, one-time funding is needed for temporary positions to develop the information technology and data collection component of the program. Program and Project Managers are needed to oversee the technical aspects of data exchange and interfacing with the JCC data repository and warehouse. The IT integration work will be spread out over two years as described in the Timeline for Implementation section of this document. This work primarily involves the implementation and execution of detailed IT data exchange plans between the Judicial Council and participating collaborative courts. The Judicial Council expects that \$125,000 in the first year will go towards temporary staffing, specifically, two (2) IT contractors for (anticipated hire date of April 2021) to manage and lead the technical aspects of the project and ensure that IT integration implementation begin.

The bulk of the IT integration and data exchange work will be conducted in FY 2021-22. It is estimated that approximately \$1,100,000 will be needed in the second year in addition to the first-year costs (for a total of \$2,225,000). This funding will be used to develop appropriate data mapping and data integration between the JCC and the courts. Costs would support licensing of software such as Power BI from IT vendors. This cost is achievable by leveraging the resources of other successful programs that are similar in scope. As described in the program implementation timeline, this project would build upon the successes of the pretrial program by implementing data exchanges between the pretrial pilot courts prior to other courts.

I. Outcomes and Accountability

A key component of this program is to incorporate the use of program data and to ensure that programs have the resources to utilize best practice standards. Additional JCC staff will be required to implement data collection and analysis, program monitoring and compliance, and training and technical assistance components of the program. In addition to the on-going staff, temporary staff will be required to assist in program implementation related to the technology.

The JCC is in the process of developing a comprehensive data repository for the Pretrial Pilot Program. Similar to collaborative courts and diversion programs, the pretrial program involves collaboration between multiple system partners and relies upon the use of data to inform policies and practices. The JCC will be able to measure criminal justice related program performance to determine best practices in connection related to collaborative court and diversion program and seeks to leverage the successes of the Pretrial Pilot Program with respect to these IT innovations for the Collaborative Justice Courts Program. As noted previously, data collected will be limited to criminal justice related outcomes at

this time because of restrictions related to sharing treatment and other data regulated under HIPPA.

Specific outcome measures related to program implementation include:

- Allocations/ contracts for all counties that request it with in the first year (estimated to be between 50-58 counties).
- Implementation of data exchange through data warehouse for all pretrial pilot program by June 30, 2022.
- Implementation of data exchange with all non- pretrial counties by June 30, 2023.
- Collaborative courts caseloads will increase by 30% within 2 years of funding.

J. Analysis of All Feasible Alternatives

1	<p>Provide \$15 million General Fund and 5.0 positions in 2021-22, and on-going funding of \$30 million beginning in 2022-23 to support trial court administrative and program costs associated with drug and other adult and juvenile collaborative justice courts. (collaborative courts) that have proven to be effective in improving case outcomes and reducing recidivism.</p> <p>Pros: *Allows branch to expand and institutionalize</p> <p>Con: *Impact to the state general fund</p>
2	<p>Alternative: Fund Judicial Council positions and IT add-ons only</p> <p>This alternative would cost approximately \$3 million in General Fund revenue over two years and provide for 5.0 FTE employers as well as IT enhancements for a statewide data repository and collection system.</p> <p>Pro: *Minimal impact to the General Fund</p> <p>Con: *No incentive for courts to provide data or comply with Judicial Council requirements * Increase of low-level offenders who would otherwise be eligible for diversion services, which would be affecting counties’ ability to manage jail population effectively</p>
3	<p>Provide no additional support for collaborative courts</p> <p>Continue to operate at existing funding levels in accordance with 2019 Budget Act</p> <p>Pros:</p>

<p>*Does not impact the General Fund</p> <p>Cons:</p> <ul style="list-style-type: none"> *Incarceration rates increase *Increase of low level offenders who would otherwise be eligible for diversion services, which would affecting counties' ability to manage jail population effectively *Does not leverage the existing work and infrastructure of state criminal justice reform

K. Timeline for Implementation

Although the majority of the funding will be allocated to the trial courts, the JCC estimates administrative start-up costs of \$1.125 million 2021-22 and \$2.25 million 2022-23 to develop and implement the system of allocation distribution, program monitoring and technical assistance, and data collection and reporting. In subsequent years, annual program administration costs of \$1.5 million is needed for on-going resource allocation, program monitoring and technical assistance, and data collection and reporting responsibilities. The following timeline represents milestones for program implementation on on-going program monitoring:

July 2021- December 2021

Hire staff and work with CJCAC to develop an equitable allocation plan, application process, on-going program monitoring and compliance procedures, reporting requirements, data collection processes, standard data definitions, and list of required data elements and performance measures.

Leveraging successful financial tracking used to the Pretrial Pilot Program, Collaborative Court Program staff will work Judicial Council Branch Accounting and Procurement to develop the proper codes with monitor court expenditure through Phoenix, the courts financial system, during this timeframe.

January 2022-June 2022

Allocate first year funding and work with the courts to set up data repositories and appropriate information exchange.

Courts will begin to submit data to a data warehouse that was implemented for the Pretrial Pilot Programs. The pretrial pilot courts will be the first to begin submitting data because the Application Programming Interfaces (APIs) already developed will lay a solid foundation for submission of collaborative court/diversion program data.

Staff will work with the courts to ensure that common data definitions are established, data are properly mapped and standardized and data security measures are in place. In addition

to quantitative and qualitative data requirements, staff will monitor court expenditure through Phoenix.

Staff will work with trial courts, the California Association of Collaborative Courts, National Association of Drug Court Professionals and other relevant organizations to assess training and technical assistance needs related to behavioral health issues and to develop responsive programming.

Staff will develop and execute plan for on-going program monitoring including review of fiscal budgeting and expenditure information, conducting site visits, and develop compliance reporting feedback to the courts

July 2022-December 2022

Allocate second year funding. Ensure that all courts are submitting program and administrative data.

Continue fiscal and program monitoring through Phoenix review, data analyses, and site visits. Identify corrective action, if needed.

Conduct mid-year reallocation assessment process, as needed. In order to ensure that funds are expended appropriately and in a timely manner, the collaborative court program will annually assess the determine if mid-year reallocations are needed.

January 2023- June 2023

Continue fiscal and program monitoring through Phoenix review, data analyses, and site visits. Identify corrective action, if needed.

Redistribute funding is indicated by the mid-year reallocation assessment process.

July 2023-December 2023

Allocate second year funding.

Continue fiscal and program monitoring through Phoenix review, data analyses, and site visits. Identify corrective action, if needed.

Conduct mid-year reallocation assessment process, as needed. In order to ensure that funds are expended appropriately and in a timely manner, the collaborative court program will annually assess the determine if mid-year reallocations are needed.

Submit report to the Judicial Council regarding implementation years processes, successes and challenges, including recommendations for program improvement.

Subsequent years are identical with a report to the Judicial Council regarding the program every 2 years.

Requesting Entity	Court Facilities Advisory Committee
Tracking Number	21-22

A. Proposal Title

Various Capital Outlay Projects

B. Summary

This placeholder requests \$849 million to fund the next group of Capital Outlay projects that are included in the Judicial Council Five – Year Capital Outlay plan.

C. Relevance to the Judicial Branch and State Budget

D. Required Review/Approvals

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001				849,000,000		

Total _____
Ongoing
One-Time

F. Background/History

G. Justification

H. Funding Methodology and Future Impact

I. Outcomes and Accountability

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J. Analysis of All Feasible Alternatives

1	
2	
3	

K. Timeline for Implementation

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Requesting Entity	Habeas Corpus Resource Center
Tracking Number	21-23

A. Proposal Title

HCRC Case Team Staffing and Establishment of Los Angeles Office

B. Summary

The Habeas Corpus Resource Center (HCRC) requests 30.0 positions and \$6.6 million General Fund (including \$900,000 in one-time funding and \$5.7 million in ongoing annual funding) beginning in 2021-22, 20.0 positions and \$2.9 million General Fund in ongoing annual funding beginning in 2022-23, and 20.0 positions and \$2.9 million General Fund in ongoing annual funding beginning in 2023-24 to establish total of 70.0 positions over the course of three years to support the increased workload in HCRC as a result of the enactment of Proposition 66.

Included in the \$6.6 million requested in 2021-22 is \$1.8 million (30,000 sq. ft X \$60 per sq. ft) to cover lease costs to establish a HCRC office in Los Angeles County, and \$900,000 in one-time move-in, set-up and furnishing costs.

This proposal would create up to 15 additional case teams to provide legal representation to inmates on California’s death row and requires an amendment to Government Code § 68661.

C. Relevance to the Judicial Branch and State Budget

This proposal is necessary to reduce the 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 25 years for appointment of an attorney. Such undue delays in appointment of counsel 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 relief from their death judgments. This proposal will reduce the long-term costs associated with California’s dysfunctional death penalty system.

D. Required Review/Approvals

None.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001	30.0	\$3,900,000	\$2,700,000	\$6,600,000	\$5,700,000	\$5,700,000
0001	20.0	\$2,900,000			\$2,900,000	\$2,900,000
0001	20.0	\$2,900,000				\$2,900,000
Total				\$6,600,000	\$8,600,000	\$11,500,000
Ongoing				\$5,700,000	\$8,600,000	\$11,500,000
One-Time				\$900,000		

F. Background/History

The HCRC was established in 1998 to accept appointments in state and federal post-conviction death penalty habeas corpus proceedings and serve as a resource for private attorneys appointed to these cases. See Gov. Code Section 68661.

By statute, the mission of the HCRC is (1) to provide timely, high-quality legal representation for indigent petitioners in death penalty habeas corpus proceedings before the Supreme Court of California and the federal courts; (2) to recruit and train attorneys to expand the pool of private counsel qualified to accept appointments in death penalty habeas corpus proceedings, and to serve as a resource to them; and thereby (3) to reduce the number of unrepresented indigent inmates on California’s death row.

Currently, the HCRC has authorized staffing of 88 positions, including the Executive Director, 34 attorneys, 19 investigators/litigation support assistants, 19 paralegals/litigation support assistants, 4 case assistants, 6 information technology/resource positions, and 6 administrative/support positions.

This proposal responds to the state's need to find representation for the growing number of indigent inmates on death row, nearly half of whom are waiting for the appointment of habeas corpus counsel, and nearly half of those have been waiting ten years or more. The failure to adequately fund post-conviction services has reached a crisis point that has contributed to the breakdown of the state’s capital punishment system. This crisis is dramatically *increasing* the cost of California’s death penalty system. This proposal, if granted, will result in long-term budget savings to the State of California.

G. Justification

This proposal is a necessary step to begin to address the change to the processing of capital appeals resulting from the enactment of Proposition 66 and to reduce the overall costs of the death penalty by decreasing the number of inmates on California's death row who lack counsel for state habeas corpus proceedings. As of January 2, 2019, approximately 365 inmates on death row are without counsel, and nearly half of those inmates have waited for counsel for more than 10 years.

Proposition 66 passed in 2016. Its principal mandate was to address the hundreds of inmates awaiting a post-conviction habeas lawyer. Proposition 66 set out to accomplish this by (1) expanding the pool of qualified private counsel willing and able to accept capital habeas corpus appointments; (2) transferring the appointing authority to the Superior Courts; and (3) reaffirming HCRC's role as the only state-wide entity tasked with accepting new state habeas corpus appointments.

However, since the passage of Proposition 66, there have been no new state-wide appointments. Only three private lawyers have been enrolled on the state-wide panel of qualified capital habeas corpus counsel, but there exists no funding mechanism and source by which the superior courts can make appointments. HCRC has been unable to accept new appointments because it is currently litigating [[number]] cases, including 16 cases in which the court has issued an order to show cause, requiring an evidentiary hearing.

HCRC remains the only existing state entity with the mission to accept post-conviction capital habeas corpus appointments.

This proposal seeks to address HCRC's statutory mission to decrease the unrepresented inmates on death row. The proposal does this by expanding HCRC's capacity to accept capital habeas corpus representation through measured growth in HCRC staff. The additional staffing will create additional case teams and will increase the number of cases for which the HCRC can provide capital habeas representation.

H. Funding Methodology and Future Impact

Approval of this BCC would add 70.0 positions to HCRC and would increase ongoing General Fund expenditure by \$11.5 million in three years.

I. Outcomes and Accountability

Successful implementation of this proposal will be manifested through prompt hiring and training of new staff members and quantified through the number of new cases appointed to the HCRC each year. The HCRC has a documented track record of promptly and effectively filling new and vacant positions and has mechanisms in place to ensure that complete training is provided so that new cases are developed according to proven protocols and best practices. New staff members receive intensive training and mentorship from senior and other experienced staff members to ensure that these practices are applied in all cases. With the requested increased staff, the HCRC will achieve the proposal's goal by accepting a growing number of cases each year and increasing assistance provided to private counsel, thereby decreasing the backlog in unrepresented death row inmates.

J. Analysis of All Feasible Alternatives

1	<p>Approve the request for 30.0 positions and \$6.6 million General Fund in 2021-22, 20.0 positions and \$2.9 million General Fund in ongoing annual funding beginning in 2022-23, and 20.0 positions and \$2.9 million General Fund in ongoing annual funding beginning in 2023-24 to establish total of 70.0 positions over the course of three years to support the increased workload in HCRC as a result of the enactment of Proposition 66.</p> <p>Pro:</p> <ul style="list-style-type: none">• This proposal assures maximum productivity, efficiency, and consistency.• Additional permanent staff builds a base of experience on which the HCRC will draw for training both internal staff and private counsel.• This proposal will increase the ability of the HCRC to accept additional appointments in capital cases and provide training and support to private counsel, thereby improving the quality of representation and reducing delays resulting from unexhausted claims and need to replace counsel who withdraw. <p>Con:</p> <ul style="list-style-type: none">• This proposal will require additional General Fund resources.
2	<p>No Change in Funding (Status Quo).</p> <p>Pro:</p> <ul style="list-style-type: none">• The status quo does not require the provision of additional staff resources; therefore, it does not affect the General Fund. <p>Con:</p> <ul style="list-style-type: none">• The HCRC will be able to accept appointment in fewer capital cases in 2020-2021 and beyond.

3	<p>Use Contract Attorneys, Paralegals, and Investigators to Address Increased Workload Issues.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Use of agency temporary help would not add to permanent staff levels. • The state would not pay benefits (e.g., health insurance, sick/vacation time, unemployment insurance) for agency temporary help. <p>Cons:</p> <ul style="list-style-type: none"> • Contract attorneys lack experience in capital litigation, requiring an investment in training, a steep learning curve, and substantial supervision by HCRC attorneys.
4	<p>Recruit Private Counsel to Accept Appointments in Habeas Corpus Cases.</p> <p>Pros:</p> <ul style="list-style-type: none"> • Use of private counsel would not add to permanent state staff levels. • Private counsel appointments are less expensive than permanent staff, on a single-case basis. <p>Cons:</p> <ul style="list-style-type: none"> • The combined efforts of the HCRC, California Appellate Project, and the California Supreme Court have failed to recruit private counsel willing to accept habeas appointments.

K. Timeline for Implementation

The proposal phases in teams of attorneys, paralegals, investigators, and case assistants who provide direct representation to inmates on death row. With optimum staffing, the HCRC can process post-conviction proceedings more quickly, thus facilitating the appointment to additional cases. New case teams are critical if the HCRC is to expand the number of capital habeas corpus appointments it can accept every year. In addition to attorneys, paralegals, investigators, and case assistants, this proposal includes four (4) supervisory positions, phased in over a three-year period. These supervisory positions will provide the structure to enable the HCRC to maintain its high quality of representation for a maximum number of cases by ensuring appropriate training, mentoring, and adherence to standards, and will provide the leadership necessary for future growth.

Requesting Entity	Court Appointed Special Advocate (CASA)
Tracking Number	21-24

A. Proposal Title

Court Appointed Special Advocates (CASA) Statewide Support

B. Summary

<p>The Judicial Council of California (JCC) requests \$8 million in General Fund in 2021-22, \$10 million in 2022-23, and \$12 million in 2023-24 and annually thereafter to support the Court Appointed Special Advocate (CASA) and enable them to rebuild capacity, stabilize and sustain the programs. For numerous factors due to the COVID-19 crisis, CASA Programs anticipate both a sharp increase in the number of foster children ordered by the court to be assigned to a CASA volunteer, and a 30 to 50 percent decline in sources of support for the local non-profit organizations who provide the CASA service to the courts. Funding will be allocated based on triage of need in the first two years, and on stabilization and fostering sustainability in subsequent years so more children can receive the benefits of advocacy from CASA volunteers.</p>

C. Relevance to the Judicial Branch and State Budget

<p>California’s Judicial Branch Strategic Plan names Access to Justice as the number one goal of the Branch. This request supports these strategic goals:</p> <p>Goal I: Access, Fairness and Diversity: <i>California’s Judicial Branch serves an increasingly diverse population, by providing modern technology platforms for use by all counties in California.</i></p> <p>Goal III: Modernization and Management of Administration: <i>The Judicial Branch is responsible for providing a court system that resolves disputes in a just and timely manner and operates efficiently and effectively, by providing on-line solutions to court users anywhere, anytime.</i></p> <p>Goal IV: Quality of Justice and Service to the Public: <i>California’s Judicial Branch is committed to providing quality justice to an increasingly diverse society, by providing multiple forums for court services and access to the constituents of California.</i></p> <p>Goal VI: Branch wide Infrastructure for Service Excellence: <i>Systems for measuring court performance and accounting for the use of resources; and systems for sharing information throughout the branch and with other partners.</i></p> <p>The CASA program has operated statewide in California since 1987. CASA programs are statutorily created, and CASAs are appointed by the Court: “Each CASA is an officer of the court” (WIC sec. 103(e)), and the CASA staff in each CASA program is “directly accountable to the presiding juvenile court judge Each CASA shall serve at the pleasure of the court</p>
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having jurisdiction over the proceedings in which a CASA has been appointed....” (WIC secs. 102 (a) and (c)).

D. Required Review/Approvals

Family and Juvenile Law Advisory Committee (FJLAC) and Trial Court Budget Advisory Committee (TCBAC) are recommended to review this request for possible input.

E. Funding Summary

Fund Source	Full-Time Equivalent	Personal Services	Operating Expenses & Equipment	Total 2021-22	Total 2022-23	Total 2023-24
0001				\$8,000,000	\$10,000,000	\$12,000,000
Total				\$8,000,000	\$10,000,000	\$12,000,000
Ongoing						\$12,000,000
One-Time						

F. Background/History

CASAs are an important part of the overall Child Welfare system in our state. California CASA provides leadership and support to 44 independent, private, nonprofit CASA programs operating in 51 counties throughout California (the areas where 99% of foster children live). As an umbrella organization, the California CASA Association ensures program professionalism and legal standards, and strengthen each program’s ability to grow and provide more CASA volunteers to the abused and neglected children in foster care.

The average annual cost statewide of recruiting, training and professionally supervising each CASA is \$2,500.00. The 44 CASA programs in California operate as private, nonprofit 501(c)(3) organizations with the exception of Alameda County CASA and must raise all of their own funds to provide CASA services. They depend to a great degree on private philanthropy, not government funding.

CASA programs provide important support and considerable added value to California’s Superior Court system and to the State Budget that funds many aspects of foster care. CASA volunteers are carefully recruited and trained; they report to judges regularly on the status of their assigned children through well-documented CASA reports that offer valuable information to judges making life-changing decisions for these children. While social workers

and attorneys have large caseloads, most CASAs work with only one child or youth or one sibling group and spend 10-15 hours a month either with their case child and/or advocating for him or her. As a result, CASAs usually know the child best and are often the most important source of information for the court about the best interests of the child. In addition, CASAs are communication hubs—often the only person in the child or youth’s life who communicates with everyone else who is involved with the child—caregivers, siblings, relatives, social workers, therapists, schools and doctors. They provide invaluable information to the court that is essential to the judge’s ability to make well-informed decisions, decisions that often will determine the course of the child’s life. CASAs also are helpful to social workers, attorneys, teachers, medical professionals, and resource families, and provide all of these services free of charge.

Of the 83,000 children who were in out-of-home placement in California in the past year, 14,000 of them had CASAs. There were approximately 9,000 volunteers in this role, trained and supervised by professionals in the 44 local CASA programs overseen by California CASA.

The Judicial Branch, through the Judicial Council, has long provided support to local CASA Programs and California CASA: currently, a total of \$2.713 million for the 44 programs operating in 51 counties, and \$50,000 to \$75,000 for California CASA. However, the operating budgets of California’s CASA programs, in aggregate, totaled \$41 million in 2019-20, and the California CASA operations are nearly \$2,000,000 annually.

The \$41.000 million in annual program revenues for the local CASA program network is derived from these sources:

- Government (19%)
- Philanthropy (26%)
- Individual contributions (19%)
- Events (30%)
- Other (6%)

The current COVID-19 pandemic is already wreaking havoc with the CASA programs’ private philanthropy funding streams. CASA programs report that private philanthropic and other support has decreased by up to 50 percent in the past two months. CASA programs anticipate reductions of 30 to 50 percent beginning now and continuing through the next four to five years, and potentially indefinitely. The largest reductions will be in Events, Individual giving, and government sector funding other than the Judicial Council allocation.

CASA programs also anticipate an increase in children in foster care, beginning immediately and continuing for several years. In times of economic or societal stress, child abuse increases. The network of 44 local CASA programs is going to be facing unprecedented financial hardship just when the need for their services will skyrocket. Children suffer when their birth families’ homes are plagued by substance abuse, violence, and crime. We know

this is already happening and will accelerate in the months ahead and, most probably, for years to come as the state falls into a recession, or worse.

We all recognize that California is facing a crisis of unprecedented scale and impact with the pandemic and the concomitant economic impact. As a result, abused and neglected children will be paying a big price as we see their already fragile health and well-being diminish even more; more foster youth aging out of the system will become homeless; and more youth will fall into the criminal justice system.

This request seeks to forestall some of these terrible societal outcomes by providing CASA programs with an increased general fund allocation which, while not replacing all lost revenues, will provide a base that will allow programs to continue operating.

While CASA programs are independent non-profit agencies, they are both assisted in management and monitored by the California Court Appointed Special Advocate Association (California CASA). The mission of California CASA is to ensure that children in California's foster care system have a voice in court and the community and the services they need to secure a stable future. California CASA advances this mission by strengthening the state's network of local CASA programs and advocating for child-welfare policy and practices that will improve the lives of children living in foster care.

California CASA provides training, legal, operational, and technical assistance to local programs and advocates in Sacramento and statewide for child-centered policies, practices, and funding to improve life for foster children. California CASA leads efforts throughout our state to increase the visibility of foster children and the power of the CASA model. In these ways, the CASA network can communicate our positive and lasting impact, recruit and train more CASA volunteers, generate new funding, and ultimately help more children during the most devastating time of their young lives.

Some of the major elements of California CASA's service to the CASA network:

- Offering technical assistance in many areas, from legal issues in dependency to CASA volunteer recruitment and marketing to fundraising and fiscal management. California CASA has developed program curricula spanning an array of topics, such as how CASAs can best serve transitional-age youth, or best practices in training case supervisors and peer coordinators as well as computer modules of the initial training that every CASA is required to take under Rule of Court 5.655.
- Offering one-on-one coaching/counseling for local CASA Executive Directors and staff, seminars (including day-long Executive Director Conferences and additional day-long "boot camp" training specifically for new Executive Directors, and other in-person and online webinar trainings for CASA volunteers, Board, and staff on a variety of topics to help better serve foster children.

- Hosting list-servs where local program staff members can easily network with each other, share information, and get questions answered quickly (for Executive Directors, trainers, program staff, and development/marketing staff).
- Hosting a web-based marketing resource center where CASA programs can share marketing materials.
- Creating monthly social media content and other branded messaging for broad network use statewide and granting funds to place such advertising.
- Hosting regional in-person meetings in the northern, central, and southern regions of California so California CASA can better help local programs (especially in more rural or distant regions) to professionalize, share resources, develop programmatic strategies, deepen relationships between program staff, train Board members, and ensure best practices in all aspects of CASA implementation.

G. Justification

1. Sustainability

Facing a 30 to 50 percent reduction in revenues and an anticipated increase in the number of children in foster care who will need CASA volunteers, local CASA programs are facing either implementing steep reductions in the service they can provide to the court or going out of business altogether. The Judicial Council's and California CASA's joint experience is that when a county loses a CASA program, it takes up to five years to fund, replace, and assist a new CASA program to be able to fully serve the court. Judicial officers in courts without CASA volunteers, or with greatly reduced numbers of volunteers, will face increased workload. CASA volunteer reports frequently provide the judicial officer the direct information they need on the child's circumstances and feelings about educational needs, visitation with family, psychotropic medication orders, and family reunification services. Without this information judicial officers are required to delay cases or make decisions without all the information they need. Losing these services for 50 percent or more of the children who are currently served by CASA, or actually losing the court's CASA program altogether, would create serious barriers to the functioning of the juvenile court.

The California CASA Association estimated that increasing the current general fund allocation for CASA to \$8.000 million in 2021-22, \$10.000 million in 2022-23, and \$12.000 million and on-going in 2023-24 will provide a stable base of revenue that will defray approximately 50 percent of their estimated lost revenues. While programs will need to make aggressive efforts to raise additional funding, a stable source of revenue will allow local program leadership to continue providing a stable pool of trained volunteers for judicial officers to assign to foster children, and give programs the ability to focus efforts on serving the courts through the anticipated increase of children in foster care. Stable funding at this level will

also allow local programs to avoid shutdowns or dropping service to particular counties or regions.

2. System Improvement

There is no question that a CASA brings tremendous value to a foster child's life—and to the Child Welfare system and the courts as well. As an integral part of the system, increased funding is needed to help the network and California CASA fulfill their mandates to advocate for foster children from birth to age 21. With a CASA, the outcomes are improved in so many ways:

- Children with a CASA volunteer are more likely to be adopted and find their forever family. Because the CASA volunteers are the eyes and ears for the judge, they are able to relay honest reports on the environments these children are living in.
- The children are half as likely to re-enter foster care if they have a CASA volunteer. Again, the CASA volunteer assists the judges with facts that will help him/her make the best decision for this child when it comes to their home.
- A child with a CASA volunteer is less likely to spend time in long-term foster care. Children without CASA involvement spend an average of over eight months longer in care than those who have a CASA volunteer present.
- With a CASA involved in an abused child's case, they are more likely to have a plan for permanency. When there is a plan, there is something to work towards. And with the CASA, the child has someone who is monitoring that the plan is followed and being worked by all parties. Again, this is in the best interest of the child.
- Children with CASA volunteers get more help while in the system. More services are ordered for the child because the CASA is observing the situation and sees what is needed for a positive outcome for the child. With their CASA volunteer being committed to at least 18 months on a case, the child will more likely have a consistent, responsible adult presence in their life.

The often-cited Adverse Childhood Experiences (ACEs) Study conducted in collaboration between the Kaiser Permanente Department of Preventative Medicine and the Centers for Disease Control and Prevention identifies three types of ACEs: abuse, neglect, and household dysfunction. Participants receiving physical exams completed the survey on childhood experiences, and that data was compared with current health status and behaviors. The study revealed that ACEs are common, with 51% of participants reporting one to three ACEs and 16% reporting three or more ACEs.

Sadly, many children who live in the foster care system possess high "scores" on the ACEs risk factors. They have experienced toxic stress, an intense level of stress that is prolonged, repeated, and unaddressed. This produces an extreme or extended activation of the body's stress response. Severe trauma in the past can lead to individuals continuing to organize

their lives as if the trauma is still occurring. All of this toxic stress has a lifelong impact on health and well-being.

For these reasons, simply removing children from a damaging or unsuitable household and placing them in foster care is not nearly enough to help them recover from the abuse and neglect they have survived. While we wish the devastation endured by children in foster care could be alleviated once they are removed from unsafe homes, unfortunately the foster care system itself can actually inflict further trauma. These children not only lose their families, school, teachers, friends, pets, and neighbors when they enter the system, they also must deal with frequent changes in social workers, attorneys, and housing placements, since good, safe foster homes are in short supply. The insufficient support systems and instability of foster care puts these children at risk for sustaining further damage, as the ACEs Study so clearly demonstrates. In fact, research shows that 25% of all foster children experience Post Traumatic Stress Disorder, a rate comparable to that of returning U.S. war veterans.

The trauma these boys and girls have experienced runs deep, and child abuse is a complex issue requiring long-term, comprehensive interventions. According to the ACEs study, caring adults can prevent or even reverse the damaging effects of toxic stress, which is why CASAs help to fill a critical gap in services to children living in the overburdened foster care system.

Superior Court judges, along with social workers, attorneys, and others in the child welfare system, do their best to decide these children's futures, including housing placements, education, and health care. However, the foster care system in California is a large, complex intersection of bureaucratic government, law, procedures, and private agencies that implement legal actions and services meant to protect abused and neglected children. In an underfunded and overworked system, judges each carry an average load of 500 cases. Attorneys carry over 150 cases each; and social workers, 16 to 25 entire families for whom they are responsible. Although foster care professionals are compassionate and work hard to help stabilize these children's lives after abuse and neglect, it is almost impossible for an individual child to get the attention and focus he or she needs and deserves.

Many foster children struggle in the area of education, because every time they change home placements, they usually must change schools too. This can be disastrous to their academic progress, setting them back by four to six months with every transfer. After all these children have endured, it is understandable how this additional disadvantage can destroy their confidence, motivation, participation, and ability to succeed. Sadly, we know that a lack of education and opportunities can lead to many negative outcomes later in life—unemployment, illness, poverty, homelessness, incarceration. Our prisons are full of men and women who at some point in their lives were in the foster care system—more than 20% of our state's incarcerated population spent time in foster care and an even larger percentage had some experience with the child welfare system.

Foster children need a tremendous amount of support to overcome the odds that are stacked against them. Outcomes for children growing up in long-term foster care are severe:

- 25% will shortly become homeless within 18 months of aging out;
- 50% will be unemployed by age 24;
- 50% will never graduate high school or earn their GED; and
- fewer than 3% will earn a college degree.

Although the outlook for foster children can be bleak, it doesn't have to be. CASA volunteers offer these young people real hope and demonstrated improvement in their outcomes related to permanency and length of stay in foster care. As "the voice" for foster children in court, the classroom, and the community, CASAs (working under the supervision of a professional CASA program) can help to mitigate the trauma of abuse and the unintended negative impacts of foster care.

H. Funding Methodology and Future Impact

The JCC in consultation with the California CASA Association will create and implement a funding methodology based on the objectives of this proposal: rebuilding capacity, stabilizing and sustaining the programs. Because of the expanded role required by this funding of California CASA, including assessing program needs, providing technical assistance in outcomes reporting, and monitoring program outcomes, California CASA will be included in the funding allocation.

Programs will be required to submit performance metrics to support their continued participation in the allocation methodology. Anticipated future impact is the ability of local CASA programs to continue serving the courts by providing trained volunteers appointed by the court to children in foster care and by providing information on the child's case to the juvenile court through court reports.

The additional funding and inclusion of California CASA in the allocation methodology will require some changes in the Welfare and Institutions code, which include funding caps and eligibility definitions for local CASA programs.

I. Outcomes and Accountability

Key outcomes include:

- Financial stability measures
- Sustaining number of children served and reports to the court
- Sustaining number of trained volunteers available to the juvenile court
- Reduction in number of months in care for children served by CASA

J. Analysis of All Feasible Alternatives

1	<p>Provide full funding of proposal: \$8 million in 2021-22, \$10 million in 2022-23, and \$12 million in 2023-24 and on-going.</p> <p>Pros:</p> <ul style="list-style-type: none">- Provides adequate funding to restore CASA program stability after COVID-19 crisis- Provides an adequate number of trained volunteers to juvenile courts statewide to serve all children in foster care who will most benefit from a CASA volunteer <p>Cons:</p> <ul style="list-style-type: none">- General Fund cost
2	<p>Provide 50 percent funding of proposal: \$4 million in 2021-22, \$5 million in 2022-23, and \$6 million in 2023-24 and on-going.</p> <p>Pros:</p> <ul style="list-style-type: none">- Reduced general fund cost- Provides an estimated one-half of need for CASA program overall funding reductions after COVID-19 crisis- Provides more trained volunteers to juvenile courts statewide to serve the most urgent cases among children in foster care who will most benefit from a CASA volunteer <p>Cons:</p> <ul style="list-style-type: none">- General Fund cost- Does not fully restore CASA program financial stability, potentially creating a situation where a CASA program is not available for the local juvenile court- Does not serve all children for whom the court may wish to assign CASA volunteers
3	<p>Do not provide new general fund allocation</p> <p>Pros:</p> <ul style="list-style-type: none">- No General Fund cost <p>Cons:</p> <ul style="list-style-type: none">- Takes no action to restore CASA program financial stability after COVID-19 crisis- Likelihood of numerous CASA programs failing and vast reductions in the number of CASA volunteers available statewide

K. Timeline for Implementation

2021-22 By September 2021: draft allocation methodology in conjunction with stakeholders

- By December 2021: present allocation methodology to Judicial Council for approval
- By March 2022: distribute funding for first year
- By July 2022: collect baseline financial, program and outcomes data

2022-23 By September 2022: Analyze outcomes data, apply methodology and present to Judicial Council for approval

- By December 2022: distribute funding for second year
- By July 2023: collect baseline financial, program and outcomes data

2023-24 By September 2023: Analyze outcomes data, apply methodology and present to Judicial Council for approval

- By December 2023: distribute funding for second year
- By July 2024: collect baseline financial, program and outcomes data