



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

**TRIAL COURT BUDGET ADVISORY COMMITTEE**

**MATERIALS FOR JANUARY 12, 2021  
VIRTUAL MEETING**

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# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

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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

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**Date:** January 12, 2021  
**Time:** 10:00 a.m. to 12:00 p.m.  
**Public Call-in Number:** [jcc.granicus.com/player/event/1160](http://jcc.granicus.com/player/event/1160)

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

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](mailto:tcbac@jud.ca.gov).

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

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

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the November 19, 2020 Trial Court Budget Advisory Committee virtual meeting.

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

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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](mailto:tcbac@jud.ca.gov). Only written comments received by 10:00 a.m. on January 11, 2021 will be provided to advisory body members prior to the start of the meeting.

**III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEMS 1-2)**

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**Item 1**

**Reallocation of Model Self-Help Pilot Funds (Action Required)**

Consideration of a new recommendation regarding a reallocation of \$191,400 in Model Self-Help Pilot Grant funds for 2020-21 from the Model Self-Help Technology project due to the withdrawal of a current project.

Presenter(s)/Facilitator(s): Ms. Bonnie Hough, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts

**Item 2**

**Trial Court Budget Change Proposals for 2022-23 (Action Required)**

Development and adoption of trial court funding priorities for 2022-23 budget change proposal consideration.

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

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

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**Info 1**

**Governor's Budget Proposal for 2021-22**

Update on the Governor's Budget proposal for 2021-22.

Presenter(s)/Facilitator(s): Ms. Fran Mueller, Deputy Director, Judicial Council Budget Services

**Info 2**

**Adjustment Request Proposal (ARP) Update**

Update on the joint ARP submitted by Contra Costa and San Francisco Superior Courts as reviewed by the Workload Assessment Advisory Committee.

Presenter(s)/Facilitator(s): Mr. Nicholas Armstrong, Senior Research Analyst, Judicial Council Business Management Services

**Info 3**

**2021 Trial Court Budget Advisory Committee Annual Agenda**

Update on the agenda approved by the Judicial Branch Budget Committee for 2021.

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

**Info 4**

**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 – Nothing to report for second quarter 2020-21.

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

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**V. ADJOURNMENT**

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**Adjourn**



JUDICIAL COUNCIL  
OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

[www.courts.ca.gov/tcbac.htm](http://www.courts.ca.gov/tcbac.htm)

[tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)

TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

November 19, 2020  
12:00 p.m. – 1:30 p.m.

<http://jcc.granicus.com/player/event/1097?>

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**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), 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. Michael D. Planet, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, Ms. Kim Turner, and Mr. David Yamasaki.

**Advisory Body Members Absent:** Ms. Kim Bartleson and Mr. Shawn Landry.

**Others Present:** Mr. John Wordlaw, Ms. Fran Mueller, Mr. Zlatko Theodorovic, Ms. Brandy Olivera, Ms. Bonnie Hough, and Ms. Oksana Tuk.

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OPEN MEETING

**Call to Order and Roll Call**

The chair welcomed the members, called the meeting to order at 12:01 p.m., and took roll call.

**Approval of Minutes**

The advisory body reviewed and approved minutes of the October 15, 2020 Trial Court Budget Advisory Committee (TCBAC) video conference meeting.

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DISCUSSION AND ACTION ITEMS (ITEMS 1 - 2)

**Item 1 - Reallocation of Model Self-Help Pilot Funds (Action Required)**

Consideration of a recommendation regarding a reallocation of \$191,400 in Model Self-Help Pilot Grant funds for 2020-21 from the Model Self-Help Technology project due to the withdrawal of a current project.

Presenter(s)/Facilitator(s): Ms. Bonnie Hough, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts

**Action:** TCBAC unanimously voted for the following recommendation, as modified, to be presented to the Judicial Council for consideration at its business meeting on January 21-22, 2021:

*Allow all courts to apply to be a Technology Model Self-Help Program and allow existing programs to apply for a reallocation of funds. Applications must be submitted by December 31, 2020, to be reviewed by a subcommittee established with representatives from the Trial Court Budget Advisory Committee, the Committee on Providing Access and Fairness in the Courts, and the Information Technology Advisory Committee. In addition, delegate authority to the subcommittee to determine funding awards to existing and/or new applicants for allocation by February 2021.*

**Item 2 - 2019-20 Final One-Time Reduction for Fund Balances Above the 3% Cap (Action Required)**

Review of final submissions of one-time reductions for 2019-20 fund balances.

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

**Action:** TCBAC unanimously voted for the following recommendation to be presented to the Judicial Council for consideration at its business meeting on January 21-22, 2021:

*Approve the 3 percent fund balance cap reduction allocation of \$6.4 million to match the trial courts' final calculations of the amount above the 3 percent fund balance cap, which nets to \$1.5 million after the total FHOB reduction.*

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

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**Info 1 - Trial Court Trust Fund Funds Held on Behalf Quarterly Expenditure Reporting**

Trial Court Trust Fund Funds Held on Behalf Expenditure Reporting 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.

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

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There being no further business, the meeting was adjourned at 12:29 p.m.

Approved by the advisory body on enter date.



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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<b>Date</b> January 7, 2021	<b>Action Requested</b> Please review
<b>To</b> Trial Court Budget Advisory Committee	<b>Deadline</b> January 12, 2021
<b>From</b> Bonnie Hough Principal Managing Attorney, Center for Families, Children & the Courts	<b>Contact</b> Bonnie Hough Center for Families, Children & the Courts 415-865-7668 bonnie.hough@jud.ca.gov
<b>Subject</b> Model Self-Help Pilot Project	

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Judicial Council staff requests the Trial Court Budget Advisory Committee (TCBAC) to consider revising its recommendation to the Judicial Council regarding distribution of 2020-21 Model Self-Help Pilot Project funds for the Technology Model Project based on additional information.

#### **Revised Recommendation:**

The TCBAC recommends that the Judicial Council, effective March 12, 2021:

1. Allow all courts to apply for \$191,400 in 2020-21 Model Self-Help Pilot Grant funds as part of a larger Request for Proposals (RFP) that the Information Technology Advisory Committee (ITAC) will send to all courts in early January for a variety of technology projects, including projects focused on self-help technology. The consolidated funding and approval process would minimize the burden on courts to submit and track multiple applications and outcome reports.
2. For 2021-22 funds and beyond, develop an application to be submitted by interested courts to become a Model Self-Help Pilot Program focusing on providing services using technology. These applications will be reviewed by a panel from the TCBAC, the ITAC,

and the Committee on Providing Access and Fairness. This ad hoc subcommittee will make a recommendation to the Judicial Council regarding the new pilot project. The application for 2021-22 and ongoing funds would be due in late spring, allowing courts to develop more meaningful projects and plans prior to the start of the October 1 funding year.

3. Direct Judicial Council staff to submit an informational report on the outcome of award and allocation decisions to the TCBAC, the ITAC, and the Committee on Providing Access and Fairness later this fiscal year.

### **Background:**

The Budget Act of 2001 provided funding for the Judicial Council to establish five model self-help center pilot projects in response to a budget change proposal submitted by the agency. A special selection review committee reviewed the proposals submitted by interested courts and made recommendations about funding. Those recommendations were then reviewed by the Task Force on Self-Represented Litigants and approved by the Executive and Planning Committee of the Judicial Council on April 12, 2002 and reported at the Judicial Council meeting on April 19, 2002.

The approved programs were:

- Superior Court of Butte County – *Regional Model Court*;
- Superior Court of Contra Costa County – *Technology Model Court*;
- Superior Court of Fresno County – *Spanish-speaking Model Court*;
- Superior Court of Los Angeles County – *Urban Collaboration Model Court*; and
- Superior Court of San Francisco County – *Multilingual Model Court*.

An extensive evaluation of the project was submitted to the Legislature on March 1, 2005, demonstrating the benefits of these programs. Funding has been included as a General Fund line item for local assistance in the State Budget Act since that time and the grants were continued with each court receiving \$191,400 per year. The projects continue to model innovative practices and report to Judicial Council staff on their activities.

On September 16, 2019, the Contra Costa Superior Court informed the Judicial Council that it would no longer be able to participate in the Model Self-Help Project. The court was modeling technological methods to provide services to self-represented litigants including the Virtual Self-Help Center website.

After further discussion with the court and review of potential options, Judicial Council staff and TCBAC recommended, and the Judicial Council approved, that the \$191,400 in funding that the court would have received be reallocated to the remaining four pilot projects to use for



technology-related services to improve the experience for self-represented litigants. The reallocation would be based on a short application process to ensure the full use of this funding for its intended purpose which would serve more court users. Two of the existing programs applied for and received funding. The San Francisco Superior Court used the funding to retool its program to provide more remote services in response to the COVID-19 pandemic. The Los Angeles Superior Court used the funding to develop online courses, including an orientation to divorce, and purchased equipment capable of showing recorded workshops at court sites throughout the county.

At the time that staff reported on the use of these funds, the state budget was still uncertain, and staff recommended having future funding considered by the TCBAC. Funding for the project was maintained at the same level in the Budget Act of 2020.

On November 19, 2020, TCBAC recommended that the program continue a technology model in the Model Self-Help Pilot project and that all courts be eligible to apply for this funding. The committee voted to delegate authority for determination of the project to an ad hoc subcommittee comprised of members of the TCBAC, the ITAC, and the Committee on Providing Access and Fairness. The TCBAC voted to issue applications as quickly as possible with a goal of having them due on December 31, 2020, so that determinations could be made promptly by the ad hoc subcommittee, allowing a midyear start for the new program.

The grant year for these programs started on October 1, 2020, and given that a new program might not be able to spend the entire allocated amount in this first year, the TCBAC further voted that if funds appeared to be available for 2020–21, the remaining four pilot projects would again be invited to apply for this one-time funding.

After apprising the ITAC of this motion and asking for participants to serve on the subcommittee, staff learned that the ITAC was implementing a consolidated funding application process for the courts for one-time technology funding to be issued in January 2021. This consolidated process was designed to minimize court time to prepare applications and comply with requirements. It was recommended that this process be used for the available 2020-21 Model Self-Help Pilot funds to allow broader distribution based on the needs of courts responding to COVID-19.

The process recommended by the TCBAC would then be implemented for 2021-22 and thereafter, allowing courts more time to develop thoughtful proposals to become an on-going Model Self-Help Pilot Program. Given the extraordinary challenges that courts are facing, particularly in light of the surge in the pandemic, and since the ITAC would be issuing similar grant applications within a matter of weeks, the initial recommendation to have a separate application process seemed to pose an undue burden on courts and minimize the option for a well-considered model program.

The recommended alternative allows all courts to apply for funds to expand their services using technology in 2020-21 given the new challenges posed by COVID-19. Furthermore, it allows for the thoughtful development of a new ongoing Model Self-Help Pilot program, which enables these funds to be used for immediate technology needs to assist self-represented litigants while also allowing for a truly model program.

After discussion with the TCBAC chair, this matter is being brought back to the committee for consideration of the revised approach to reallocate \$191,400 in Model Self-Help Pilot grant funds in 2020-21 as part of a broader IT funding application process.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

(Action Item)

**Title:** Prioritization of Trial Court Budget Change Proposals for 2022-23  
**Date:** 1/4/2021  
**Contact:** Brandy Olivera, Manager, Budget Services  
415-865-7195 | [brandy.olivera@jud.ca.gov](mailto:brandy.olivera@jud.ca.gov)

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**Issue**

Identification of the 2022-23 statewide budget change proposal (BCP) priorities for the trial courts is needed for conceptual consideration and approval by the Judicial Branch Budget Committee (Budget Committee).

To generate a discussion of potential 2022-23 statewide BCPs, and to ensure full trial court participation as it relates to identifying priorities, each Trial Court Budget Advisory Committee (TCBAC) member was assigned one to two courts to contact for ascertaining their priorities for reporting back to the committee along with members' own court priorities at the January 12, 2021 virtual TCBAC meeting.

**Background**

**Judicial Branch Budget Committee**

The Budget Committee, established in July 2016, reviews and prioritizes BCPs prior to submission to the Judicial Council for final prioritization and approval. At its December 2016 meeting, the council approved a new process for BCP preparation, approval, and submission to the Department of Finance (DOF) to include the Budget Committee<sup>1</sup>.

At its July 28, 2017 meeting, authority was delegated to the Judicial Council Administrative Director to make technical changes to BCPs as necessary<sup>2</sup>.

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<sup>1</sup> Judicial Council meeting report (December 16, 2016),  
<https://jcc.legistar.com/View.ashx?M=F&ID=4817140&GUID=6165243B-1678-4074-B1D7-AB5A1467CA6F>;  
Judicial Council meeting minutes (December 16, 2016),

<https://jcc.legistar.com/View.ashx?M=M&ID=463484&GUID=8E4B8E76-2D88-480D-843A-6576CC996914>

<sup>2</sup> Judicial Council meeting report (July 28, 2017),  
<https://jcc.legistar.com/View.ashx?M=F&ID=5324681&GUID=0A450F2C-30A0-46F7-975B-B7B0B5ABEC79>;  
Judicial Council meeting minutes (July 28, 2017),  
<https://jcc.legistar.com/View.ashx?M=M&ID=512292&GUID=8C379D3F-1774-4555-AE4D-5B8728283100>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**Trial Court Budget Advisory Committee**

In addition to prioritizing concepts identified by the TCBAC, the members also review BCP concept submissions developed by other committees in which the TCBAC was identified as having purview and the opportunity to provide input for submission to the Budget Committee.

**2021-22 Budget Change Proposals**

TCBAC met on January 23, 2020<sup>3</sup> and developed the following prioritized list of BCP concepts for recommendation to the 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; and
5. Additional judgeships.

In prior years, there were BCP concepts for which the TCBAC was identified as having purview and the opportunity to provide input. Last year, as a result of the COVID-19 pandemic, the TCBAC did not participate in this process and instead was informed of the 24 BCP concepts that moved forward to the Budget Committee for consideration<sup>4</sup>.

On July 24, 2020, the Budget Committee unanimously recommended and the Judicial Council approved the following six branch BCP concepts for submission to the DOF without prioritization (an additional two concepts related to information technology upgrades were deleted in response to \$25 million received in the 2020 Budget Act for technology upgrades)<sup>5</sup>:

- A. Proposition 66 Costs in the Courts of Appeal, Trial Courts, and Habeas Corpus Resource Center;
- B. Self-Help Centers in Trial Courts—Continuing Funding;
- C. Insolvency Resolution for State Court Facilities Construction Fund;

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<sup>3</sup> TCBAC meeting materials (January 23, 2020), <https://www.courts.ca.gov/documents/tcbac-20190123-materials.pdf>; <https://www.courts.ca.gov/documents/tcbac-20200123-additional-material.pdf>; <https://www.courts.ca.gov/documents/tcbac-20200123-additional-material2.pdf>; TCBAC meeting minutes (January 23, 2020), <https://www.courts.ca.gov/documents/tcbac-20200123-minutes.pdf>.

<sup>4</sup> TCBAC meeting materials (April 30, 2020), <https://www.courts.ca.gov/documents/tcbac-20200430-materials.pdf>; TCBAC meeting minutes (April 30, 2020), <https://www.courts.ca.gov/documents/tcbac-20200430-minutes.pdf>.

<sup>5</sup> Judicial Council meeting report (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8655378&GUID=C814545D-0383-4E0E-A690-C7DC8C6860D3>; Judicial Council meeting minutes (July 24, 2020) <https://jcc.legistar.com/View.ashx?M=M&ID=711582&GUID=90001AF2-7CEE-4F0F-906B-29A03ED9CB43>.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

- D. Trial Court and Court of Appeal Facility Operations and Maintenance, Leased Space, and Deferred Maintenance;*
- E. Inflationary Adjustment for Trial Courts; and*
- F. Various Capital Outlay Projects.*

## **2020 Budget Act**

The 2020 Budget Act, which addressed a projected structural deficit of \$54.3 billion resulting from the economic crisis caused by the pandemic, provided for the following:

- -\$167.8 million ongoing reduction in support for operation of trial courts;
- -\$1.3 million ongoing reduction in support for operation of trial courts' other programs;
- -\$7.8 million ongoing reduction in the General Fund transfer to the State Trial Court Improvement and Modernization Fund;
- \$273.8 million one-time General Fund to address anticipated revenue shortfalls in the Trial Court Trust Fund (TCTF);
- \$50 million one-time General Fund to assist courts in addressing the backlog of filings that have accumulated due to court closures in response to the COVID-19 pandemic;
- \$30 million ongoing for trial court employee health benefit and retirement costs with an additional \$30 million set-aside for current year adjustments;
- \$25 million General Fund limited-term funding in 2020-21 and 2021-22 for modernizing court operations and increasing access to online court services;
- \$23.1 million in federal funds for court-appointed dependency counsel;
- \$11.2 million ongoing TCTF for administration of the Shriver Civil Counsel program to support the costs of administering an increase in grantees funded by the program and a mandated study;
- \$9.9 million General Fund in 2020-21 and then \$9.6 million General Fund annually thereafter for increased court interpreter costs and to purchase equipment for the Video Remote Interpreting Program;
- Budget Bill Language to extend the availability of funding for the Court Innovation Grant Program into 2020-21;
- Budget Bill Language to allow unspent cannabis convictions resentencing funds from 2019-20 be carried over into 2020-21;
- \$13.2 million in new funding for one construction projection; and
- \$953.3 million for reappropriation of funding for five existing courthouse projects.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**2021-22 Governor's Budget**

The 2021-22 Governor's Budget proposal includes:

**2020-21**

- \$11.7 million one-time General Fund in 2020-21 for trial courts to process the anticipated increase in unlawful detainer and small claims filings resulting from AB 3088;

**2021-22**

- \$72.2 million ongoing General Fund, which is equivalent to a 3.7 percent increase in funding for general trial court operational costs statewide;
- \$118.3 million General Fund to address anticipated revenue shortfalls in the TCTF;
- \$19.1 million ongoing General Fund to provide self-help services to unrepresented litigants and to achieve court efficiencies;
- \$39.1 million General Fund for trial court employee health benefits and retirement costs;
- \$7.9 million General Fund in 2021-22 to backfill the estimated loss in revenue to support trial court operations due to penalty reductions resulting from the expansion of Ability to Pay, which increases to \$55.7 million by 2024-25;
- Budget bill language to allow unspent cannabis convictions resentencing funds from 2019-20 and 2020-21 to be carried over into 2021-22;
- \$50.7 million General Fund to support trial court facilities maintenance, utility, and lease costs;
- \$28.5 million one-time General Fund to support maintenance projects for trial courts;
- \$18.9 million in 2021-22 and \$48.8 million in 2022-23 to make facility modifications in two trial courts; and
- \$8.3 million General Fund and \$66.5 million Public Buildings Construction Fund in 2021-22 for four projects, which is part of \$2.1 billion included in the Governor's Budget over the next five years for construction projects.

**Recommendation**

It is recommended that the 2022-23 BCP concept proposals and prioritization by the membership include consideration of the 2021-22 Governor's Budget.

JUDICIAL COUNCIL OF CALIFORNIA  
BUSINESS MANAGEMENT SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Information Only)**

**Title:** Superior Courts of San Francisco and Contra Costa Resource Assessment Study (RAS) Adjustment Request

**Date:** 1/12/2021

**Contact:** Nicholas Armstrong, Senior Research Analyst  
415-865-7829 | [Nicholas.Armstrong@jud.ca.gov](mailto:Nicholas.Armstrong@jud.ca.gov)

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**Introduction**

On January 13, 2020, an Adjustment Request Proposal (ARP) was jointly submitted by the Superior Courts of San Francisco and Contra Costa. This ARP requested the modification of the workload models to address unaccounted for misdemeanor jury trial workload. The ARP was reviewed by the Workload Assessment Advisory Committee (WAAC) and its findings and resolution are shared here for the Trial Court Budget Advisory Committee’s information.

**Background**

Judicial Council of California (JCC) staff presented the ARP to the WAAC at its September 9, 2020 meeting, where the committee discussed the request. JCC staff highlighted the issues raised in the ARP and how they aligned with the guiding principles of the RAS model.

A guiding principle of particular importance reiterated in the discussion was the model’s statewide scope. The RAS model captures differences in workload by applying caseweights to over 20 different case categories, recognizing how case-mix impacts workload in the trial courts. However, the model is not designed to address distinct court practices. This could lead to a patchwork approach of adjustments and therefore run counter to the statewide perspective used in branch workload modeling.

Another guiding principle highlighted in the discussion was that the model is filings driven. Although the workload associated with jury trials is captured in the time studies and incorporated as part of the RAS caseweights, the model currently relies on weighted filings to assess workload, not disposition method.

On December 9, 2020, the WAAC voted via an *Action by Email Between Meetings* to deny the request and not make an adjustment to the workload models.

**Attachments**

Attachment A: Adjustment Request Proposal – Misdemeanor Trials  
Attachment B: WAAC San Francisco and Contra Costa ARP Action by Email Memo

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF CONTRA COSTA  
725 Court Street  
Martinez, CA 94553-1201



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
400 McAllister Street, Room 205  
San Francisco, CA 94102-4512

KATE BIEKER  
COURT EXECUTIVE OFFICER

T. MICHAEL YUEN  
COURT EXECUTIVE OFFICER

January 13, 2020

Mr. Martin Hoshino  
Administrative Director  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

*Re: Workload Formula Adjustment Request*

Dear Mr. Hoshino:

The Superior Courts of California, Counties of Contra Costa and San Francisco submit the attached workload formula adjustment request, which seeks to account for misdemeanor jury trial workload that is currently unaccounted for both the resources allocation study and the workload formula. The courts respectfully request the Judicial Council and the Trial Court Budget Advisory Committee give due consideration to this request.

Sincerely,

A handwritten signature in blue ink, appearing to be "Kate Bieker".

Kate Bieker  
Court Executive Officer  
Contra Costa Superior Court

A handwritten signature in blue ink, appearing to be "T. Michael Yuen".

T. Michael Yuen  
Court Executive Officer  
San Francisco Superior Court

cc: Trial Court Budget Advisory Committee



# Proposal to Adjust RAS/Workload Formula Methodology to Provide Adequate Funding for Misdemeanor Jury Trial Workload Unidentified by Either Model

Proposed Jointly by the Contra Costa Superior Court and the San Francisco Superior Court

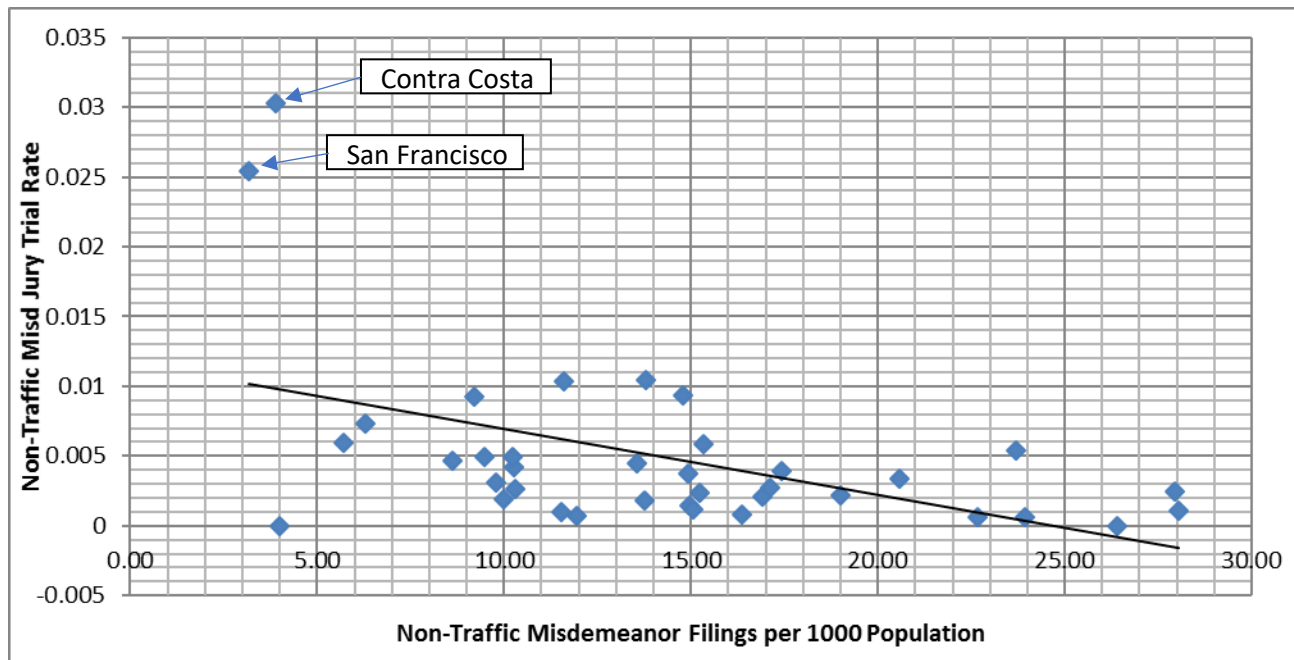
## 1. Description of How the Factor Is Not Currently Accounted for in the Workload Formula

RAS and the workload formula are based upon the premise that workload increases in direct proportion to the number and complexity of filings. However, this assumption fails to account for a unique dynamic in the criminal courts wherein an increase in workload actually correlates with a *decrease* in new case filings.

JBSIS data show that jury trials, which are not a variable in either RAS or the workload formula, adversely impact the filing rate of misdemeanors while contributing heavily to workload. Indeed, jury trials are among the heaviest of all workload events. Yet, as jury trial workload increases, the rate of misdemeanor case filings (and thus the workload formula need) is driven downward.

A comparison of misdemeanor jury trial-to-filing ratios<sup>1</sup> with misdemeanor filings per capita (i.e. filings per 1,000 county population) indicates a statistically strong inverse relationship between these variables. This is illustrated by the clustering of courts around the trend lines in the graphs below.

**CHART 1. County Non-Traffic Misdemeanor Jury Trial Rates by Population-Adjusted Non-Traffic Misdemeanor Case Filings: FY 2017-18**

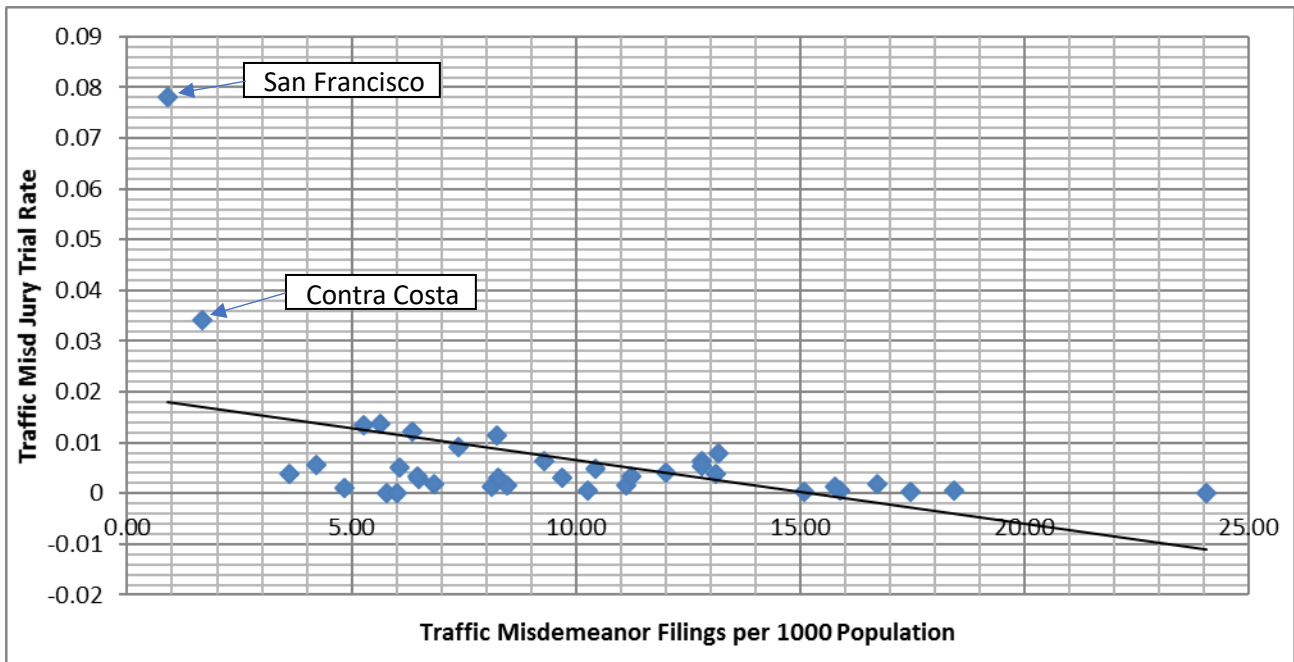


Notes: Jury trial rate calculated as ratio of non-traffic misdemeanor jury trial dispositions to non-traffic misdemeanor filings. Cluster 1 courts excluded from chart due to small sample sizes. Additionally, five courts (Napa, Orange, Placer, Sacramento, and San Bernardino) reported incomplete jury trial data for FY 2017-18 and are also excluded. (Pearson correlation =  $-.504$ , Sig. =  $.002$ )

Sources: FY 2017-18 JBSIS and U.S. Census data.

<sup>1</sup> Misdemeanor jury trial disposition rates (jury trial dispositions divided by total dispositions) also show a statistically significant inverse relationship to population-adjusted filings. However, total dispositions are not as consistently reported by the courts, introducing a level of uncertainty, so the jury trials-to-filings ratio is used in these analyses instead.

**CHART 2. County Traffic Misdemeanor Jury Trial Rates by Population-Adjusted Traffic Misdemeanor Case Filings: FY 2017-18**



Notes: Jury trial rate calculated as ratio of traffic misdemeanor jury trial dispositions to traffic misdemeanor filings. Cluster 1 courts excluded from chart due to small sample sizes. Additionally, five courts (Napa, Orange, Placer, Sacramento, and San Bernardino) reported incomplete jury trial data for FY 2017-18 and are also excluded. (Pearson correlation = -.459, Sig. = .005)

Sources: FY 2017-18 JBSIS and U.S. Census data.

Finite resources of justice partners necessitate limits on the total amount of case processing work they can perform. If jury trial workload increases the average minutes per case filing, DAs may be forced to limit the number of cases they can file. Consequently, the workload burden of an increase in jury trials goes uncaptured, doubly so because the workload burden actually **depresses** the driver by which the models assess need (i.e. filings). Moreover, less complex misdemeanors (i.e. those requiring fewer minutes per case to process) are more likely to be assigned a lower priority or diverted to community courts by DAs facing this situation, thus increasing the average case weight of the remaining misdemeanors in that jurisdiction even further. As a result, **the workload formula significantly underestimates the additional workload burden** created by higher misdemeanor jury trial rates.

**2. Identification and Description of the Basis for Which Adjustment Is Requested**

The right to a misdemeanor jury trial in California is guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution; Article 1, sections 16 and 24 of the California Constitution; and various California statutory provisions. The courts are obligated to provide a venue for these trials. The workload formula significantly underestimates the additional workload burden posed by a higher rate of misdemeanor trials because the additional workload strongly correlates with fewer filings, the driver of workload assessment and budget allocation under both RAS and the workload formula. Based upon its RAS III time study data, **San Francisco estimates that it spends more than \$5.5M annually** to address this short-fall. Adjustments to the models will ensure adequate funding to meet these constitutional mandates.

### 3. Analysis of Adjustment Necessity

No other funding is available for this statutorily-mandated work. The courts must provide jury trials to criminal defendants who request them. In order to meet the unfunded workload imposed by above-average jury trial rates, courts are presently forced to drain resources from other divisions and programs to meet the need. Contra Costa has two entire courthouses designated to handling misdemeanor matters. These two locations require 8-9 Judges to perform the trials and other related items. To provide the necessary staffing for these courtrooms, Contra Costa has only 9 staff members in the two clerk's offices and a courtroom clerk for each courtroom.

### 4. Unique or Broad Application

Any court experiencing above-average misdemeanor jury trial activity would be able to report this through JBSIS and receive RAS/Workload Formula credit for this workload. The methodologies set forth in this proposal can be applied to all courts cluster 2 and above that have supplied basic JBSIS data to the JCC.

### 5. Detailed Description of Staffing Needs and or Costs Required to Support the Unaccounted for Factor (\*Employee compensation must be based on workload formula compensation levels, not the requesting court's actual cost.)

Various methods of assessing the impact of the elevated misdemeanor jury trial rate in San Francisco indicate that it depresses the number of misdemeanor filings by the workload equivalent of **30-35 FTEs**.<sup>2</sup> In Contra Costa County, the impact is in the range of **32-45 FTEs** of workload uncaptured by the model because increased jury trial workload has driven down filings in this amount.

Two distinct methodologies for assessing this unfunded workload are explained below.

#### Method 1: Regression-Adjusted Filings

Because of the strong correlation between misdemeanor jury trial rates and population-adjusted misdemeanor case filings, it is possible to construct an equation through linear regression that describes the relationship between these values. This equation can be used to predict the number of misdemeanor filings a court would have received had its misdemeanor jury trial rate mirrored the state average. The difference between this prediction and filings at a court's actual jury trial rate allows for the calculation of unfunded workload need.

As arrest rates correlate strongly with filing rates, population-adjusted arrests were also entered into the regression equations to control for their effects. The resulting equations that describe the relationship between these variables produce a model that accounts for up to 56 percent of the variability in misdemeanor filing rates observed between the courts, a high degree of explanatory power for just two independent variables.<sup>3</sup>

#### **Non-Traffic Misdemeanor Equation:**

$$(\text{Predicted filings per 1000 population}) = 0.428 \times (\text{Arrests per 1000 pop}) - 270.006 \times (\text{Jury Trial Rate}) + 4.827$$

#### **Traffic Misdemeanor Equation:**

$$(\text{Predicted filings per 1000 population}) = 0.115 \times (\text{Arrests per 1000 pop}) - 142.141 \times (\text{Jury Trial Rate}) + 7.659$$

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<sup>2</sup> RAS III Time Study data from 2016 indicate that San Francisco expended nearly 25 FTEs more that year on misdemeanor case processing than the average court would have spent on an identical number of filings.

<sup>3</sup> The R-squared value for the non-traffic misdemeanor regression is .562; for traffic misdemeanors it is .252. All variables entered into the regressions were statistically significant. Durbin-Watson is 1.693 for nontraffic and 2.305 for traffic, indicating low autocorrelation.

The difference in predicted filings at the state average jury trial rate and a county's actual jury trial rate represents the unfunded workload impact of increased jury trial activity.

Assuming that the regression adjustment is only applied where a county has a below-average misdemeanor filing rate and an above-average misdemeanor jury trial rate<sup>4</sup> (so as not to penalize counties that have devised efficiencies enabling them to process more trials without impacting filings), the two most significant outliers on Charts 1 and 2 (Contra Costa and San Francisco), see their program 10 staffing needs increase by 45.94 FTEs and 35.42 FTEs, respectively. Other notable increases include Los Angeles (10.95), San Diego (7.24), Alameda (6.02), Stanislaus (5.33), Monterey (4.24), Ventura (4.09), and Solano (3.60).

#### Method 2: Jury Trial Weighting

Similar to the way in which weights are calculated for various case types under RAS, a separate "event" weight can easily be developed for misdemeanor jury trials. Because jury trials are part of the existing misdemeanor case weights, the development of a jury trial weight also necessitates backing out the jury trial minutes from the existing case weights for non-traffic and traffic misdemeanors.

Staff time consumed by jury trials extends beyond the court room, so it is necessary to identify the impact of jury trials on all staff. It is also necessary to determine an average trial length to place into the calculation.

Since jury trials occupy an entire department for the duration of the trial, a convenient measure for the number of staff impacted is the average staff per judge (calculated as the total number of RAS III program 10 FTEs divided by the Assessed Judicial Need). Statewide for the FY 2017-18 budget year, this value equals 7.26 FTEs.

Based upon an average trial time of three days per misdemeanor trial,<sup>5</sup> 450 minutes per day, and 7.26 FTEs per department, an event weight of 9,801 minutes is derived. Multiplying this value by each county's three-year average number of misdemeanor jury trials reported through JBSIS and backing the total out of the state's non-traffic and traffic misdemeanor case weights,<sup>6</sup> this methodology identifies unfunded workload of 16.94 program 10 FTEs for Contra Costa and 16.59 program 10 FTEs for San Francisco. Other notable increases include San Diego (10.21), Ventura (8.48), Stanislaus (4.25), Riverside (4.24), Santa Cruz (3.65), and Yolo (2.86).

It is important to note, however, that larger counties appear to have longer misdemeanor trial times. For example, San Francisco's average misdemeanor trial lasts 5.7 court days. Entering this value into the weighting yields an increase of 31.52 FTEs, much closer to the value determined by regression (35.42). It is also important to note that the jury trial weighting methodology only calculates the workload value of the increased trial activity itself. Any increase in average misdemeanor case weights experienced in a jurisdiction in which a DA diverts simpler misdemeanors to community courts or does not file them at all is not accounted for by jury trial weighting (whereas it is accounted for in the regression).

## **6. Public Access Consequence**

Without workload formula funding to cover the workload burden of above-average misdemeanor jury trial activity, the courts must divert funding from other under-resourced areas, including service to the public. Availability of window clerks and case-processing times suffer from the funding short-fall. All clerks' offices

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<sup>4</sup> Eighteen counties meet these criteria.

<sup>5</sup> An informal survey of nine counties found an average misdemeanor jury trial time of 2.72 days (3.07 days excluding cluster 1 courts). However, it is unclear whether all counties included jury selection in this time estimate. Also, it was observed that the length of jury trials increased steadily with the size of the court, suggesting the possibility of more complex (or contentious) cases in the larger counties.

<sup>6</sup> The non-traffic misdemeanor case weight reduces to 443.12 minutes per filing, and the traffic misdemeanor case weight declines to 71.80 minutes per filing.

in San Francisco currently close at 2:00 pm each day, and the Public Viewing Room closes at 1:00 pm. All clerk's offices in Contra Costa, with the exception of traffic, close at 3:00 pm.

## **7. Consequences of Not Receiving Funding**

Criminal defendants have a constitutional right to a jury trial, and the courts must provide them. Unfunded workload created by above-average misdemeanor jury trial activity forces affected courts to divert funding from other areas, impacting services overall. A worst case scenario is for a Presiding Judge to be forced to dismiss cases due to lack of timing of due process.

## **8. Additional Information**

Because the workload formula was phased in without consideration of increased jury trial activity driving down the predictor of workload need, it is essential that the workload formula base be recalculated in order to ensure that courts receive appropriate funding for their misdemeanor jury trial workload. Adopting the methodologies described herein without recalculating the workload formula base will only affect the determination of need and the allocation of any new money (if and when appropriated).

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Workload Assessment Advisory Committee

(Action Item)

**Title:** Superior Court of San Francisco and Contra Costa ARP Action by Email  
**Date:** 12/1/2020  
**Contact:** Nicholas Armstrong, Senior Research Analyst  
415-865-7829 | [Nicholas.Armstrong@jud.ca.gov](mailto:Nicholas.Armstrong@jud.ca.gov)

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**Issue**

On January 13, 2020 an Adjustment Request Proposal (ARP) was jointly submitted by the Superior Courts of San Francisco County and Contra Costa County. This ARP requests the modification of the workload models to address unaccounted for misdemeanor jury trial workload. The ARP specifically states courts with higher rates of misdemeanor jury trials have more workload burden than courts with lower rates. Furthermore, it claims an increase in a courts misdemeanor jury trial rate actually results in fewer misdemeanor filings in a court. The proposal suggests this penalizes these courts on two fronts because not only is a higher jury trial rate more resource-intensive--which the model does not differentiate on--but higher jury trial rates also depress the filings that drive the workload need estimates.

**Description**

The ARP identifies two areas of concern: aggregated filings that do not specifically account for misdemeanor jury trial workload; and an inverse relationship between misdemeanor jury trials and misdemeanor filings.

*Jury trial workload*

Currently, the RAS model is a filings-driven model in which the method of disposition is not taken directly into account when calculating workload need. However, time spent on jury trial activities is collected during the time study portion of the RAS and is therefore captured in the final casetype caseweights. Also note, both San Francisco and Contra Costa Superior Courts participated in the 2016 RAS time study. Therefore, data from these courts is incorporated in the current caseweights. The ARP, however, requests that misdemeanor jury trials be specifically differentiated when calculating the workload need in each court instead of using the aggregated caseweights.

*Inverse relationship*

The second issue in the proposal highlights an inverse relationship between misdemeanor filings and misdemeanor jury trials. More precisely, courts with higher rates of misdemeanor jury trials tend to have fewer total misdemeanor cases filed. Consequently, courts with a high jury trial rate will have fewer filings than if the rate was closer to the state average. This dampening of the

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Workload Assessment Advisory Committee

filings coupled with the increase in average minutes per case filing via higher jury trial rate creates unassessed workload according to the ARP.

**Analysis**

Judicial Council (JC) staff presented the ARP to the Workload Assessment Advisory Committee (WAAC) at its September 9, 2020 meeting, and the committee discussed the request at that time. Staff highlighted the issues raised in the ARP and also underscored some of the guiding principles of the workload models.

One principle of particular importance noted in the discussion is that the model is designed to be statewide in scope. The RAS model captures differences in workload by applying caseweights to over twenty different case categories, recognizing how casemix impacts workload in the trial courts. However, the model is not designed to address distinct court practices which could lead to a patchwork approach of adjustments and therefore run counter to this guiding principle of a statewide model. Additionally, the model is currently a filings-driven model. Although the workload associated with jury trials is captured in the time studies and incorporated as part of the RAS caseweights, the model currently relies on weighted filings to assess workload. Based on these factors, the committee recommends that requested adjustments not be made.

**Action by Email**

Approve the recommended action to deny the request that an adjustment be made to the workload models based on misdemeanor jury trials.

The voting options are:

- Vote YES to approve the recommended action.
- Vote NO to reject the recommended action.

**Attachments**

Attachment A: Adjustment Request Proposal – Misdemeanor Trials – Final.pdf

# Trial Court Budget Advisory Committee

## Annual Agenda<sup>1</sup>—2021

Approved by Judicial Branch Budget Committee: November 12, 2020

### I. COMMITTEE INFORMATION

<b>Chair:</b>	Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
<b>Lead Staff:</b>	Ms. Brandy Olivera, Manager, Judicial Council Budget Services
<b>Committee's Charge/Membership:</b> <p><a href="#">Rule 10.64(a)</a> of the California Rules of Court states the charge of the Trial Court Budget Advisory Committee, which is to make recommendations to the council on the preparation, development, and implementation of the budget for trial courts and provides input to the council on policy issues affecting trial court funding. <a href="#">Rule 10.64(b)</a> sets forth additional duties of the committee.</p> <p>The Trial Court Budget Advisory Committee currently has 24 members, and meets in-person four times a year, in addition to numerous teleconferences, utilizing dedicated funds from the State Trial Court Improvement and Modernization Fund. The current committee <a href="#">roster</a> is available on the committee's web page. The Funding Methodology Subcommittee meets in-person twice annually, also using dedicated funds from the State Trial Court Improvement and Modernization Fund.</p>	

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<sup>1</sup> The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.



### **Subcommittees/Working Groups<sup>22</sup>:**

1. Fiscal Planning Subcommittee (FPS) – Reviews recommendations regarding trial court requests to set aside funds on their behalf that have reverted to the Trial Court Trust Fund (TCTF) pursuant to Government Code section 77203. This group also reviews requests from trial courts that relate to Children’s Waiting Room funding.
2. Funding Methodology Subcommittee (FMS) – Ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the TCTF Court Interpreter Program (CIP) (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.
3. Revenue and Expenditure (R&E) Subcommittee – Ongoing review of TCTF and State Trial Court Improvement and Modernization Fund (IMF) allocations supporting trial court projects and programs as well as any systematic cash flow issues affecting the trial courts.
4. Ad Hoc Interpreter Subcommittee – To develop a methodology for allocations from the TCTF CIP in the event of a funding shortfall and review existing methodologies.
5. Ad Hoc COVID-19 Backlog Subcommittee (New) – To develop more precise definitions and practices for documenting and reporting COVID-related backlog and workload to be funded by the \$50 million one-time augmentation in the 2020 Budget Act; determine information to be collected on how the first \$25 million allocation was spent; and develop recommendations for the remaining \$25 million based on data and need.

### **Meetings Planned for [YEAR(S)]<sup>3</sup> (Advisory body and all subcommittees and working groups)**

Date/Time/Location or Teleconference:

The Trial Court Budget Advisory Committee usually holds four in-person meetings annually and the Funding Methodology Subcommittee holds two in-person meetings. A budget allocation is provided to the committee to cover the costs of travel and per diem to allow these budget discussions to occur in-person. Due to the COVID-19 pandemic and ongoing public health protocols that restrict in-person gatherings, as well as the uncertainty of the state’s fiscal condition, the committee has not finalized its meeting schedule for 2021. Dates are estimated by month and the location is listed as “To Be Determined” where it would have been an in-person meeting. Additional meetings to address budget issues will be scheduled as needed.

#### **Trial Court Budget Advisory Committee**

January 2021/Videoconference; March 2021/TBD; April 2021/Videoconference; May 2021/TBD; July 2021/TBD; November 2021/TBD

#### **Fiscal Planning Subcommittee**

May 2021/Teleconference; September 2021/Teleconference; November 2021/TBD

<sup>2</sup> California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

<sup>3</sup> Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

**Revenue and Expenditure Subcommittee**

March 2021/Teleconference

**Ad Hoc Interpreter Subcommittee**

January 2021/Teleconference; February 2021/Teleconference; March 2021/Teleconference

**Ad Hoc COVID-19 Backlog Subcommittee**

January 2021/Teleconference; February 2021/Teleconference; March 2021/Teleconference

Check here if exception to policy is granted by Executive Office or rule of court.

## II. COMMITTEE PROJECTS

#	New or One-Time Projects <sup>4</sup>	
1.	<b>Project Title: One-Time \$50 Million COVID-19 Backlog Funding (New)</b>	<b>Priority 1<sup>5</sup></b>
		<b>Strategic Plan Goal<sup>6</sup> VII</b>
	<p><b>Project Summary<sup>7</sup>:</b> Part of the charge of the committee pursuant to rule 10.64. The project originated with the inclusion of \$50 million one-time funding for COVID-19 backlog in the 2020 Budget Act. Allocation of the first \$25 million was approved by the Judicial Council at its July 24, 2020, business meeting, with a motion made by the council providing guidelines to the Trial Court Budget Advisory Committee for developing a recommendation for allocating the remaining \$25 million. The Ad Hoc COVID-19 Backlog Subcommittee will be developing a recommendation to the Trial Court Budget Advisory Committee, following the guidelines outlined by the council. The expected outcome is to allocate the remaining \$25 million to courts based on determined data elements and identified need.</p> <p><b>Status/Timeline:</b> Targeted completion date is for the Trial Court Budget Advisory Committee to make a recommendation at the November 2020 Judicial Council business meeting on allocating the remaining \$25 million in COVID-19 backlog funding for the remainder of the 2020-21 fiscal year.</p> <p><b>Fiscal Impact/Resources:</b> Budget Services and Business Management Services staff.</p> <p><b>Internal/External Stakeholders:</b> External stakeholders include the trial courts.</p> <p><b>AC Collaboration:</b> Judicial Branch Budget Committee.</p>	

<sup>4</sup> All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or *a program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

<sup>5</sup> For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

<sup>6</sup> Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

<sup>7</sup> A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	<b>New or One-Time Projects<sup>4</sup></b>	
2.	<b>Project Title: Interpreter Funding Methodology</b>	<b>Priority 1<sup>5</sup></b>
		<b>Strategic Plan Goal<sup>6</sup> VII</b>
<p><b>Project Summary<sup>7</sup>:</b> Part of the charge of the committee pursuant to rule 10.64. The project originated due to the declining fund balance in the TCTF CIP (0150037), and the Ad Hoc Interpreter Subcommittee was established to develop a methodology for allocations from the CIP in the event of a funding shortfall and to review existing methodologies. The Ad Hoc Interpreter Subcommittee made a recommendation to the Trial Court Budget Advisory Committee that was approved by the Judicial Council on July 24, 2020, to allocate the 2020 Budget Act appropriation to the trial courts, replacing the prior reimbursement process. The Ad Hoc Interpreter Subcommittee will continue its work to develop an ongoing allocation methodology for Trial Court Budget Advisory Committee and Judicial Council consideration for the 2021-22 fiscal year. The expected outcome is to appropriately allocate funds that do not exceed the CIP appropriation via a methodology that takes workload into consideration.</p> <p><b>Status/Timeline:</b> Targeted completion date for an ongoing allocation methodology is fiscal year 2020–21 for a 2021-22 implementation.</p> <p><b>Fiscal Impact/Resources:</b> Budget Services and Center for Children, Families &amp; the Courts (CFCC) staff.</p> <p><b>Internal/External Stakeholders:</b> External stakeholders include the trial courts.</p> <p><b>AC Collaboration:</b> None.</p>		
3.	<b>Project Title: State Trial Court Improvement and Modernization Fund (IMF) and Trial Court Trust Fund (TCTF) Review</b>	<b>Priority 1<sup>5</sup></b>
		<b>Strategic Plan Goal<sup>6</sup> VII</b>
<p><b>Project Summary<sup>7</sup>:</b> Part of the charge of the committee pursuant to rule 10.64. The project originated from a Trial Court Budget Advisory Committee recommendation approved by the Judicial Council on July 24, 2020, on 2020-21 allocations from the IMF in the amount of \$54.5 million due to an ongoing \$7.9 million General Fund reduction to the IMF. The R&amp;E Subcommittee will review 2020-21 allocations from the IMF and the TCTF to ensure consistency with the Judicial Council goals and objectives and propose solutions to address any structural shortfall in either fund. The expected outcome is to assist the council in ensuring solvency of the IMF and TCTF.</p> <p><b>Status/Timeline:</b> One-time review in 2020-21 to determine if any current year allocation adjustments are needed. The allocations for 2021–22 will be approved by July 2021.</p> <p><b>Fiscal Impact/Resources:</b> Budget Services staff as well as multiple other Judicial Council office staff that have programs funded from the IMF and/or TCTF.</p>		

#	<b>New or One-Time Projects<sup>4</sup></b>	
	<p><b>Internal/External Stakeholders:</b> Various Judicial Council offices with programs funded from the IMF and/or TCTF, and external stakeholders include trial courts and service providers.</p> <p><b>AC Collaboration:</b> Various advisory bodies that have programs in these funds and provide recommendations regarding funding and program priorities.</p>	
4.	<p><b>Project Title: Court Cluster System and Floor Funding</b></p>	<p><b>Priority 2<sup>5</sup></b></p> <p><b>Strategic Plan Goal<sup>6</sup> VII</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> Part of the charge of the committee pursuant to rule 10.64. The project originated from an FMS recommendation on February 20, 2020 to initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding to identify any opportunities for refinement or change. The expected outcome could impact the statewide four-cluster system and/or its criteria as well as updates to the funding floor determination process.</p> <p><b>Status/Timeline:</b> One-time.</p> <p><b>Fiscal Impact/Resources:</b> Budget Services and Business Management Services staff.</p> <p><b>Internal/External Stakeholders:</b> External stakeholders include the trial courts.</p> <p><b>AC Collaboration:</b> Workload Assessment Advisory Committee.</p>	
5.	<p><b>Project Title: Trial Court Pension Trust Fund</b></p>	<p><b>Priority 2<sup>5</sup></b></p> <p><b>Strategic Plan Goal<sup>6</sup> VII</b></p>
	<p><b>Project Summary<sup>7</sup>:</b> Part of the charge of the committee pursuant to rule 10.64. The project originated from a January 2019 Senate Bill 1413 (Chapter 665, Statutes of 2018) creating Government Code 21711, which established the California Employers' Pension Prefunding Trust (CEPPT). The CEPPT is a trust fund dedicated to prefunding employer contributions to defined benefit pension systems and works similarly to the existing California Employer's Retiree Benefit Trust dedicated to prefunding other post-employment benefits. The Trial Court Budget Advisory Committee voted on July 16, 2020 to further research the cost benefit impact for developing a recommendation regarding potential trial court participation in the CEPPT for consideration by the Judicial Council at a future business meeting. The expected outcome will inform the recommendation to the council.</p>	

#	<b>New or One-Time Projects<sup>4</sup></b>	
	<p><i>Status/Timeline:</i> One-time.</p> <p><i>Fiscal Impact/Resources:</i> Branch Accounting and Procurement and Budget Services staff.</p> <p><i>Internal/External Stakeholders:</i> External stakeholders include the trial courts.</p> <p><i>AC Collaboration:</i> None.</p>	
6.	<b>Project Title: Judicial Council-Provided Services Review</b>	<b>Priority 2<sup>5</sup></b>
	<p><b>Strategic Plan Goal<sup>6</sup> VII</b></p> <p><i>Project Summary<sup>7</sup>:</i> Part of the charge of the committee pursuant to rule 10.64. The project originated from the FMS work plan to identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds. The expected outcome is to determine if any services provided should be shifted or combined along with any associated funding.</p> <p><i>Status/Timeline:</i> One-time.</p> <p><i>Fiscal Impact/Resources:</i> Various Judicial Council offices that provides services to trial courts.</p> <p><i>Internal/External Stakeholders:</i> Workload Assessment Advisory Committee.</p> <p><i>AC Collaboration:</i> Various advisory bodies that have programs that provide various court services.</p>	

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
1.	<b>Project Title: Workload Formula Adjustment Request Process (ARP)</b>	<b>Priority 1<sup>5</sup></b>
		<b>Strategic Plan Goal<sup>6</sup> VII</b>
<p><b>Project Summary<sup>7</sup>:</b> Part of the charge of the committee pursuant to rule 10.64. At its August 22, 2013 meeting, the Judicial Council approved a recommendation made by the Trial Court Budget Advisory Committee to approve the Workload Formula Adjustment Request Process to allow courts an annual opportunity to submit recommendations for changes to the Workload Formula. The expected outcome is to assist the courts and the council with ongoing review and refinements to the Workload Formula.</p> <p><b>Status/Timeline:</b> Ongoing.</p> <p><b>Fiscal Impact/Resources:</b> Budget Services and Business Management Services staff.</p> <p><b>Internal/External Stakeholders:</b> External stakeholders include the trial courts.</p> <p><b>AC Collaboration:</b> The Workload Assessment Advisory Committee oversees the Resources Assessment Study model, which feeds into the Workload Formula, and which is often the area for recommendation submissions by trial courts.</p>		
2.	<b>Project Title: Child Support Commissioner and Family Law Facilitator (AB 1058) Funding</b>	<b>Priority 2<sup>5</sup></b>
		<b>Strategic Plan Goal<sup>6</sup> VII</b>
<p><b>Project Summary<sup>7</sup>:</b> Part of the charge of the committee pursuant to rule 10.64. The project originated from a Judicial Council meeting in April 2015 as a recommendation from the Family and Juvenile Law Advisory Committee, with an original targeted completion date of December 2017 for 2018–19 implementation (which has been delayed to 2021–22 implementation). The Family and Juvenile Law Advisory Committee will work on the development of a workload-based funding methodology for the facilitator portion of the program, which was originally developed in 1997 (the commissioner portion is completed, and a reallocation of funds will be considered every two years beginning with fiscal year 2021–22). The expected outcome is for the Trial Court Budget Advisory Committee to provide input on allocating funds based on workload per a Judicial Council December 2016 report. The AB 1058 program experienced a \$7 million reduction by the California Department of Child Support Services (DCSS) to the Judicial Council’s cooperative agreement for 2020-21, which was allocated via an approval by the Judicial Council on September 25, 2020.</p> <p><b>Status/Timeline:</b> Targeted completion for the facilitator portion of the methodology is fiscal year 2020–21 for 2021–22 implementation.</p> <p><b>Fiscal Impact/Resources:</b> Budget Services and CFCC staff.</p>		

***Internal/External Stakeholders:*** Internal stakeholders include CFCC, and external stakeholders include trial courts and DCSS.

***AC Collaboration:*** Family and Juvenile Law Advisory Committee.



### III. LIST OF 2020 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p><b>Workload Formula</b></p> <p>The Trial Court Budget Advisory Committee made recommendations to the Judicial Council that were approved on January 17, 2020 including redirecting the fee collected per Government Code section 68086(a)(2), court reporter services in civil proceedings lasting more than one hour, to be distributed back to trial courts on a dollar-for-dollar basis after deposit into the TCTF and that this revenue stream be excluded from the Workload Formula; and technical refinements to current Workload Formula policy parameters that provided clearer allocation methodologies to further the goal of funding equity, minimize adverse funding impacts to trial courts, and provide clear direction on applying policy parameters.</p> <p>The Trial Court Budget Advisory Committee made recommendations to the Judicial Council that were approved on July 24, 2020 that included allocation of \$2.201 billion to the trial courts from the TCTF, an ongoing reduction of \$167.831 million, and allocation of the first \$25 million in one-time funding for COVID-19 backlog.</p>
2.	<p><b>Operating Expenditures and Equipment (OE&amp;E) Review</b></p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved on July 24, 2020 related to how Workload Formula-based allocations are calculated and increasing the accuracy and transparency of the Workload Formula by updating the calculation for OE&amp;E, and making updates to general ledger accounts used in the Workload Formula effective with 2020-21 allocations.</p>
3.	<p><b>IMF and TCTF Allocations</b></p> <p>The Trial Court Budget Advisory Committee made 2020–21 IMF and TCTF recommendations to the Judicial Council that were approved on July 24, 2020.</p>
4.	<p><b>Interpreter Funding Methodology</b></p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved on September 25, 2020 to allocate CIP funds via a one-time allocation methodology not to exceed the 2020 Budget Act appropriation. The project continues into the 2021 agenda.</p>

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5.	<p data-bbox="201 204 596 240"><b>Consumer Price Index (CPI)</b></p> <p data-bbox="201 280 1881 423">The Ad Hoc CPI Subcommittee was disbanded as the charge to develop a methodology for CPI allocations to trial courts was no longer required as this funding request was not included in a 2020-21 budget change proposal (BCP) submission. The Ad Hoc CPI Subcommittee could be reestablished in the event this funding is included in the 2021-22 budget. A 2021-22 BCP for Inflationary Cost Adjustment for Trial Courts was submitted to the Department of Finance for consideration in the 2021-22 Governor’s Budget.</p>
6.	<p data-bbox="201 448 489 483"><b>Joint Facilities Costs</b></p> <p data-bbox="201 521 1818 553">Costs of leases remaining with courts are pending the outcome of a funding request for these costs included in a 2021-22 BCP.</p>