



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR APRIL 21, 2022 VIRTUAL MEETING

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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 21, 2022
Time: 12:00 p.m. to 1:30 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/1712>

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 March 14, 2022 Trial Court Budget Advisory Committee (TCBAC) virtual 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, 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 20, 2022 will be provided to advisory body members prior to the start of the meeting.

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

Item 1

Prioritization of Trial Court Budget Change Proposal (BCP) Concepts for 2023-24 (Action Required)

Review and prioritize trial court BCP concept submissions in which the TCBAC was identified as having purview and the opportunity to provide input, for submission to the Judicial Branch Budget Committee for its review.

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

Item 2

Remote Appearance Fee (Action Required)

Deliberation on how fees imposed under Government Code 70630 should be allocated.

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

IV. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 14, 2022

12:00 p.m. – 1:30 p.m.

<http://jcc.granicus.com/player/event/1646>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Daniel J. Buckley, Hon. Jill C. Fannin, Hon. Kimberly Gaab, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Deborah A. Ryan, Hon. Michael A. Sachs, Hon. Scott B. Thomsen, and Hon. Theodore C. Zayner.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Mr. Chad Finke, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Kevin M. Seibert, Ms. Kim Bartleson, Mr. Kevin Harrigan, and Mr. Chris Ruhl.

Others Present: Mr. John Wordlaw, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Douglas Denton, Ms. Anna Maves, Mr. Catrayel Wood, and Mr. Joseph Glavin.

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 minutes of January 13, 2022 Trial Court Budget Advisory Committee (TCBAC) virtual meeting, the January 27, 2022 TCBAC action by email between meetings, and the February 10, 2022 TCBAC action by email between meetings.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1 - Minimum Operating and Emergency Reserve Policy (Action Required)

Consideration of options related to the suspension of the Minimum Operating and Emergency Fund Balance Policy.

Presenter(s)/Facilitator(s): Mr. Joseph Glavin, Analyst, Judicial Council Budget Services

Action: TCBAC unanimously voted to approve the recommendation to extend the suspension of the minimum operating and emergency fund balance policy for an additional two fiscal years until June 30, 2024—or earlier if Government Code 77203 is amended—for consideration by the Judicial Branch Budget Committee (Budget Committee) and then the Judicial Council at its May 12-13, 2022 business meeting.

Item 2 - Trial Court Trust Fund Funds Held on Behalf (FHOB) of the Trial Courts Reporting Frequency (Action Required)

Consideration to revise the current FHOB policy requiring courts to report to TCBAC each quarter on projects completed within the last 90 days.

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

Action: TCBAC unanimously voted to approve the recommendation to be considered by the Budget Committee and then the council at its May 12-13, 2022 business meeting, including an amendment to add number 3 below:

1. Revise the current FHOB policy, requiring that courts report to the TCBAC within 90 days of completion of a project or planned expenditure regarding how the funds were expended, from a quarterly to an annual reporting of all projects or planned expenditures completed in a fiscal year;
2. Include a requirement on the annual reporting to include status updates on projects or planned expenditures not completed; and
3. Make language corrections to the current policy as appropriate.

Item 3 - SB 170 One-time \$30 Million Court Interpreter Employee Incentive Grant (CIEIG) Allocation Methodology (Action Required)

Consideration of an allocation methodology to distribute CIEIG funding to the trial courts approved to receive funding through the grant application process.

Presenter(s)/Facilitator(s): Mr. Douglas Denton, Principal Manager, Judicial Council
Center for Families, Children & the Courts

Action: TCBAC unanimously voted to approve the following recommendation to be considered by the Budget Committee and then the council at its May 12-13, 2022 business meeting:

1. Approve the proposed allocations for the CIEIG for 2021–22;
2. Direct Judicial Council Budget Services staff to distribute grant awards to courts no later than the June 2022 distribution; and
3. Direct Judicial Council Budget Services and Language Access Services staff to initiate a future grant application cycle for 2022-23.

Item 4 - 2022-23 AB 1058 Allocations (Action Required)

Consideration of the 2022-23 allocations for the child support commissioner and family law facilitator programs.

Presenter(s)/Facilitator(s): Ms. Anna Maves, Supervising Attorney, Judicial Council
Center for Families, Children & the Courts

Action: *TCBAC unanimously voted to approve the following recommendation to be considered by the Budget Committee and then the council at its May 12-13, 2022 business meeting, effective July 1, 2022:*

- 1. Approve the allocation for the Child Support Commissioner side of the program for 2022–23 as set forth in Attachment 4A. This allocation maintains the current workload-based methodology approved by the Judicial Council in July 2021; and*
- 2. Approve the allocation for the Family Law Facilitator side of the program for 2022–23 as set forth in Attachment 4B. This allocation maintains the current population-based methodology approved by the Judicial Council in July 2021.*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:43 p.m.

Approved by the advisory body on .

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

(Action Item)

Title: **Prioritization of Trial Court Budget Change Proposal Concepts for 2023-24**
Date: 4/15/2021
Contact: Brandy Olivera, Manager, Budget Services
 415-865-7195 | Brandy.Olivera@jud.ca.gov

Issue

Review and prioritize the trial court budget change proposal (BCP) concepts developed by other advisory committees in which the Trial Court Budget Advisory Committee (TCBAC) was identified as having purview and the opportunity to provide input for submission to the Judicial Branch Budget Committee (Budget Committee) for final review, approval, and submission to the Judicial Council at its July 15, 2022 business meeting.

Of the four concepts listed in Table 1 below, three of them were from the same advisory committee and were not ranked in priority order. Details for each of these concepts are included in the report submitted to the Budget Committee on March 9, 2022¹.

Table 1

#	BCP Concept (in alphabetical order)	2023-24 Estimated Amount	Submitted By
A	Facility Modification Prioritization and Costs	\$35,000,000 (includes \$7 million ongoing reimbursement authority)	Trial Court Facility Modification Advisory Committee (TCFMAC)
B	New Trial Court Facility Operations and Maintenance	\$5,966,000	TCFMAC
C	Trial Court Capital Outlay Funding: 2023-24 through 2026-27	\$392,678,000	Court Facilities Advisory Committee
D	Trial Court and Court of Appeal Deferred Maintenance	\$120,694,000	TCFMAC

¹ Budget Committee meeting report (March 9, 2022), <https://www.courts.ca.gov/documents/jbbc-20220309-materials.pdf>; Budget Committee meeting minutes (March 9, 2022), <https://www.courts.ca.gov/documents/jbbc-20220309-minutes.pdf>.

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For reference, the BCP concepts identified by the TCBAC and ranked in priority order are listed in Table 2 below. Details for each of these concepts are also included in the report to the Budget Committee and will be submitted to the Budget Committee again at its May 12, 2022 meeting for final review, approval, and submission to the council at its July 2022 business meeting.

Table 2

#	BCP Concept (in priority order)	2022-23 Estimated Amount	Notes
1	Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index) and Catch Up	\$458,745,000 (includes \$255.1 million one-time retroactive catch-up adjustment)	\$84.2 million is included in the 2022-23 Governor’s Budget for inflationary costs.
2	Trial Court Civil Assessment Backfill	\$55,000,000	\$50 million is included in the 2022-23 Governor’s Budget for the reduction of the civil assessment fee from \$300 to \$150 and to backfill the lost fee revenue.
3	Trial Court Workload Formula Gap Funding to 100 Percent	\$544,155,000	\$100 million is included in the 2022-23 Governor’s Budget to address trial court funding equity.
4	Trial Court Civil Assessment Maintenance of Effort	\$48,300,000	

Background

2023-24 BCP Concept Development

At its January 13, 2022 meeting, the TCBAC discussed potential 2023-24 BCP concepts that included full trial court participation by having each TCBAC member reach out to courts to ascertain priorities to report back to the committee².

The TCBAC meeting resulted in a total of 34 concepts, to which members were asked to participate in an action by email and vote on their top three choices in order of priority³. Each

² TCBAC meeting report (January 13, 2022), <https://www.courts.ca.gov/documents/tcbac-20220113-materials.pdf>; TCBAC meeting minutes (January 13, 2022), <https://www.courts.ca.gov/documents/tcbac-20220113-minutes.pdf>.

³ TCBAC Action by Email Between Meetings materials (January 27, 2022), <https://www.courts.ca.gov/documents/tcbac-20220127-materials.pdf>.

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Report to the Trial Court Budget Advisory Committee

vote was weighted and the result was an identified ranking of four concepts⁴. The four identified BCP concepts were then introduced to the Budget Committee at its March 2022 meeting and included the full list of budget priority submissions for consideration.

Budget Change Proposal Concept Process

The current BCP process was approved by the Judicial Council and was effective December 16, 2016, providing an opportunity for applicable advisory bodies to offer input and prioritize BCP concepts developed by other committees as time permits⁵.

In preparation for the upcoming Budget Committee meeting in May 2022 to review and approve BCP concepts for submission to the Judicial Council, all BCPs under TCBAC purview have been included for the TCBAC to provide input and prioritize as necessary.

Options for Discussion

1. Review and prioritize some or all of the additional BCP concepts developed by other advisory committees in Table 1 for submission to the Budget Committee;
2. Revisit the BCP concepts recommended by the TCBAC in Table 2 in consideration of incorporating the additional concepts in the current ranking order; and/or
3. Submit the additional concepts to the Budget Committee without prioritization.

⁴ TCBAC Action by Email Between Meetings additional materials (January 27, 2022), <https://www.courts.ca.gov/documents/tcbac-20220127-additional-materials.pdf>; TCBAC Action by Email Between Meetings minutes (January 27, 2022), <https://www.courts.ca.gov/documents/tcbac-20220127-minutes.pdf>.

⁵ Judicial Council report (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4817140&GUID=6165243B-1678-4074-B1D7-AB5A1467CA6E>; Judicial Council minutes (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463484&GUID=8E4B8E76-2D88-480D-843A-6576CC996914>.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee
(Action Item)

Title: Remote Appearance Fee
Date: 4/21/2022
Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@jud.ca.gov

Issue

Deliberation is requested regarding how fees imposed under Government Code (GC) section 70630, videoconferencing or remote appearance, should be allocated and if any changes are required on how this revenue stream impacts the Workload Formula.

Background

Government Code

GC section 70630 states:

If the court has made videoconferencing services available, the clerk of the court shall charge a reasonable fee to cover the costs of permitting parties to appear by videoconferencing. This fee shall be deposited into the Trial Court Trust Fund.

GC section 70630 fees are currently deposited into the Trial Court Trust Fund (TCTF) on a statewide level and are dispersed to courts through the regular council-approved allocation process. It is the authority of the council to allocate funds from the TCTF, and GC section 70630 does not prescribe the specific distribution of fees collected for these appearances.

California Rules of Court, Rule 3.672

On December 28, 2021, the Judicial Council adopted California Rules of Court (CRC), rule 3.672, effective January 1, 2022, which outlined provisions for charging videoconferencing fees to parties in civil cases.¹ Specifically, videoconference fees are charged pursuant to GC section 70630 if parties have paid a filing fee and do not have a fee waiver.² Rule 3.672 does not prescribe the specific distribution of fees collected for these appearances.

¹ Circulating Order Memorandum to the Judicial Council (December 28, 2021), <https://jcc.legistar.com/View.ashx?M=A&ID=918636&GUID=BFA5B7E4-6AD9-42AA-BA44-3CCE361CDD7F>; Circulating Order minutes (December 28, 2021), <https://jcc.legistar.com/View.ashx?M=M&ID=918636&GUID=BFA5B7E4-6AD9-42AA-BA44-3CCE361CDD7F>.

² CRC, Rule 3.672. Remote proceedings, https://www.courts.ca.gov/cms/rules/index.cfm?title=three&linkid=rule3_672.

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(Action Item)

Prior Judicial Council Action

In January 2020, the council considered a recommendation regarding court reporter fees in hearings lasting over one hour pursuant to GC section 68086(a)(2).³

In this case, the Trial Court Budget Advisory Committee recommended and the council approved that the fee collected under GC section 68086(a)(2)—court reporter services in civil proceedings lasting *more than one hour*—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, for consistency in allowing courts to offset costs as provided in GC section 68086(a)(1)—court reporter services in civil proceedings lasting *less than one hour*.

Workload Formula Impact

On July 19, 2019, the council approved a recommendation to adjust each court’s workload allocation to include net civil assessments and specific general ledger accounts as part of the Workload Formula effective with fiscal year 2019-20 allocations.⁴

The Workload Formula is for standard, core business operations; costs associated with activities that are not captured in the Resource Assessment Study and/or not included in the Workload Formula (e.g., interpreter staff and court reporter staff in non-mandated areas) are excluded. Therefore, it was determined that revenues due to court reporter proceedings under one hour would not be included in the Workload Formula.

Fiscal Details and Impact

Revenues

The revenues collected under GC section 70630 prior to January 1, 2022 range from several hundred to several thousand dollars statewide over the last three years. While data is still being collected after January 1, 2022, the revenue amounts are anticipated to increase based on the change in law.

³ Judicial Council meeting report (January 17, 2020), [https://jcc.legistar.com/View.ashx?M=F&ID=7972056&GUID=D1E7E13B-D919-4FE6-91B6-008A003F8672](https://jcc.legistar.com/View.ashx?M=F&ID=7972056&GUID=D1E7E13B-D919-4FE6-91B6-008A003F8672;); Judicial Council meeting minutes (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711572&GUID=AC46528C-6E37-406A-A1CE-B41CC33E29EB>.

⁴ Judicial Council meeting report (July 19, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7338800&GUID=9284F0B3-BCAE-4C0C-A110-49AA99D8A139>; Judicial Council meeting minutes (July 19, 2019), <https://jcc.legistar.com/View.ashx?M=M&ID=640299&GUID=79BFCCF3-78C5-45FE-909E-190F0A45083B>.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
**Report to the Trial Court Budget Advisory Committee
(Action Item)**

Trial Court Impact

Returning GC section 70630 fees for remote appearances to trial courts dollar-for-dollar is consistent with other fees such as court reporter fees and would enable courts to offset the costs of these services with the associated fees.

Options for Discussion

1. Retain the current process of GC section 70630 fees being deposited into the TCTF with funding dispersed through the standard allocation process; or
2. Determine if these fees should instead be distributed back to courts on an ongoing, dollar-for-dollar basis, retroactive to January 1, 2022 when CRC rule 3.672 was effective, and if so, also determine if this would impact the Workload Formula's "Other Local Revenues" effective July 1, 2022.