



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR JUNE 21, 2022 VIRTUAL MEETING

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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:** June 21, 2022  
**Time:** 2:00 p.m. to 4:00 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/1827>

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

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**Call to Order and Roll Call**

**Item 1 (No Action Required)**

**Pursuant to California Rules of Court, rules 10.75 (d)(2) and 10.75(d)(7).**

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#### **II. ADJOURNMENT**

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**Adjourn to Open Meeting**

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#### **III. 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 May 5, 2022 Trial Court Budget Advisory Committee meeting.

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#### **IV. 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 2:00 p.m. on June 20, 2022 will be provided to advisory body members prior to the start of the meeting.

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**V. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1)**

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**Item 1**

**2022-23 Civil Assessment Allocation Methodology (Action Required)**

Consideration of the Funding Methodology Subcommittee recommendation on the development of a new methodology for 2022-23 civil assessment allocations.

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

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

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None

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**VII. ADJOURNMENT**

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**Adjourn**



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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

May 5, 2022  
12:00 p.m. – 2:00 p.m.

<http://jcc.granicus.com/player/event/1548>

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**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Kimberly Gaab, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Deborah A. Ryan, Hon. Michael A. Sachs, and Hon. Scott B. Thomsen.

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

**Advisory Body Members Absent:** Hon. Jill C. Fannin, Hon. Kevin M. Seibert, Hon. Theodore C. Zayner, and Ms. Kim Bartleson.

**Others Present:** Mr. John Wordlaw, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Don Will, Ms. Audrey Fancy, Ms. Shirley Mohammed, Ms. Oksana Tuk, and Ms. Deirdre Benedict.

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#### OPEN MEETING

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##### 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 April 21, 2022 Trial Court Budget Advisory Committee (TCBAC) virtual meeting.

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#### DISCUSSION AND ACTION ITEMS (ITEM 1-5)

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##### Item 1 - 2022-23 Court-Appointed Dependency Counsel Allocations (Action Required)

Consideration of the 2022-23 allocations from the Trial Court Trust Fund (TCTF) for court-appointed dependency counsel.

Presenter(s)/Facilitator(s): Mr. Don Will, Deputy Director, Judicial Council Center for Families, Children & the Courts  
Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts

**Action:** TCBAC unanimously voted to approve the recommendation to approve the following for consideration by the Judicial Branch Budget Committee (Budget Committee) and then the Judicial Council at its July 14-15, 2022 business meeting:

1. Revise the current court-appointed dependency counsel funding allocation methodology to specify that the cost of the small court adjustment be funded by a prorata adjustment to the funding allocations of all courts not falling under the definition of "small court" in this methodology;
2. Specify that the county counsel median salary survey be updated on an annual basis beginning in 2022-23; and
3. 2022-23 funding allocations based on the recommended amended methodology as outlined in Attachment 1A, column J.

### **Item 2 - Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for 2022-23 (Action Required)**

Consideration of recommendations of the Revenue and Expenditure (R&E) Subcommittee regarding allocations from the IMF for 2022-23.

Presenter(s)/Facilitator(s): Ms. Shirley Mohammed, Analyst, Judicial Council Budget Services

**Action:** TCBAC unanimously voted to adopt a recommendation to approve a total of \$45,384,000 in preliminary allocations for 2022-23 from the IMF for consideration by the Budget Committee and then the council at its July 14-15, 2022 business meeting.

### **Item 3 - Allocations from the TCTF and Trial Court Allocations for 2022-23 (Action Required)**

Consideration of recommendations of the R&E Subcommittee and the Funding Methodology Subcommittee regarding allocations from the TCTF for 2022-23, and consideration of 2022-23 trial court allocations, including proposed funding, interpreter funding, and the Workload Formula from the TCTF, State Court Facilities Construction Fund, and General Fund.

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

**Action:** TCBAC unanimously voted to approve the following recommendations for consideration by the Budget Committee and then the council at its July 14-15, 2022 business meeting:

- Approve base, discretionary, and non-discretionary programs from the TCTF in the amount of \$2.853 billion (Attachment 3B, column AH), including:
  - SCFCF allocation in the amount of \$50.0 million for support for operation of the trial courts (Attachment 3B, column X); and

- GF allocation in the amount of \$68.8 million for employee benefits (Attachment 3B, column Y).
- As a subset of the \$2.853 billion total allocation, approve a Workload Allocation of \$2.444 billion based on methodologies approved by the Judicial Council (Attachment 3C, column AB).

**Item 4 - 2022-23 Pretrial Allocations and Funding Floor (Action Required) Consideration of 2022-23 pretrial allocations and funding floor adjustment (Action Required)**

Presenter(s)/Facilitator(s): Ms. Deirdre Benedict, Senior Analyst, Judicial Council Criminal Justice Services

**Action:** TCBAC unanimously voted to approve the recommendation for the 2022–23 allocations for Pretrial Release funding, as outlined in Attachment 4A, for consideration by the Budget Committee and then the Judicial Council at its July 14-15, 2022 business meeting.

**Item 5 - Workload Formula Impact from Remote Appearance Fee Revenue (Action Required)**

Consideration of the impact to the Workload Formula from fees imposed under Government Code section 70630.

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

**Action:** TCBAC unanimously voted to approve the recommendation to exclude revenues collected under Government Code section 70630 as a funding category in the Workload Formula methodology for “Other Local Revenues” effective July 1, 2022 for consideration by the Budget Committee and then the Judicial Council at its July 14-15, 2022 business meeting.

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

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**Info 1 - 2022-23 Self-Help Annual Update**

Annual informational update of the three-year average population data from the California Department of Finance, Demographic Research Unit, and population estimates for cities and counties and the state.

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

**Action:** No action taken.

**Info 2 - TCTF Funds Held on Behalf Expenditure Reporting**

Quarterly report to the TCBAC 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 1:00 p.m.

Approved by the advisory body on .

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

**Title:** 2022-23 Civil Assessment Allocation Methodology  
**Date:** 6/15/2022  
**Contact:** Oksana Tuk, Senior Analyst, Judicial Council Budget Services  
916-643-8027 | oksana.tuk@jud.ca.gov

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**Issue**

Consideration of a recommendation from the Funding Methodology Subcommittee (FMS) on a new, policy-driven civil assessment allocation methodology effective July 1, 2022 for consideration by the Judicial Branch Budget Committee (Budget Committee) and then the Judicial Council at its July 15, 2022 business meeting.

**Background and Methodology Development**

On June 1, 2022, the Budget Committee considered 2022-23 allocation recommendations from the Trial Court Budget Advisory Committee (TCBAC) that included new funding proposed in the 2022-23 Governor’s Budget, the largest budget ever for the judicial branch. This funding includes \$84.2 million for inflationary costs, \$100 million for equity, and \$31.2 million for new judgeships<sup>1</sup>. In total, this funding is estimated to bring the trial courts up to a 91.3 percent average funding level within the Workload Formula, with the lowest funded courts at 89.4 percent.

The Budget Committee approved the allocation recommendations with the caveat that civil assessment revenues were not included since the FMS and the TCBAC would be considering alternative allocation methods. The allocations also excluded the \$50 million included in the Governor’s Budget for civil assessment backfill due to a proposed reduction in the civil assessment fee, which was to be considered at a later date.

**Policy Principles**

The FMS met on June 15, 2022 to develop a new civil assessment allocation methodology recommendation by considering various principles and options. The deliberations focused on a policy-driven approach and excluded court-level details and measured impact<sup>2</sup>. These principles, first developed by the FMS in 2017 during the development of the Workload Formula methodology, are still in practice today and include the following<sup>3</sup>:

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<sup>1</sup> Budget Committee meeting (June 1, 2022), <https://www.courts.ca.gov/documents/jbbc-20220601-materials.pdf>.

<sup>2</sup> FMS meeting (June 15, 2022), <https://www.courts.ca.gov/documents/tcbac-20220615-fms-materials.pdf>.

<sup>3</sup> FMS meeting (October 2, 2017), <https://www.courts.ca.gov/documents/tcbac-20171002-fms-materials.pdf>; FMS meeting minutes (October 2, 2017), <https://www.courts.ca.gov/documents/tcbac-20171002-fms-minutes.pdf>.



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1. Minimize volatility, maximize stability, and predictability to the extent possible.
2. Committed to evaluating all submissions as submitted via the process ([Workload Formula] Adjustment Request Process).
3. Time for adjustment and adaptation.
4. Responsiveness to local circumstances.
5. Transparency and accountability.
6. Independent authority of the trial courts.
7. Simplification of reporting while maintaining transparency.

**Maintenance of Effort**

Currently, civil assessment revenues are retained by the trial courts that impose this fee after maintenance of effort (MOE) and/or civil assessment obligations are met. The MOE obligation amount of \$48.3 million is deposited into the Trial Court Trust Fund and factored into the Workload Formula methodology for inclusion in base allocations to support trial court operations for all 58 trial courts<sup>4</sup>.

The FMS determined that the current allocation of the \$48.3 million would remain unchanged in the development of a civil assessment allocation methodology because all 58 trial courts are currently receiving this funding through the Workload Formula model. To the extent backfill funding for civil assessment revenue is included in the 2022-23 budget, the 38 courts currently contributing to the MOE would be relieved of this obligation.

**Civil Assessment Obligations**

There are other civil assessment obligations that the FMS considered as part of the civil assessment allocation methodology. It was determined that the current practice of applying civil assessment revenues towards these obligations would remain intact for those impacted courts by funding these obligations after the \$48.3 million MOE obligation is covered.

**Retained Civil Assessments**

Any remaining civil assessment revenue available after the \$48.3 million MOE obligation and other civil assessment obligations are met, was determined to be allocated via the Workload Formula methodology as outlined below<sup>5</sup>:

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<sup>4</sup> Judicial Council agenda/materials (August 31, 2007), <https://www.courts.ca.gov/documents/age083107.pdf>;  
Judicial Council minutes (August 31, 2007), <https://www.courts.ca.gov/documents/min0807.pdf>.

<sup>5</sup> Judicial Council materials (January 12, 2018),  
[https://jcc.legistar.com/View.ashx?M=F&ID=5722980&GUID=EB419556-68BE-4685-A012-6A8D8502A126](https://jcc.legistar.com/View.ashx?M=F&ID=5722980&GUID=EB419556-68BE-4685-A012-6A8D8502A126;);

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*I. Bring all Cluster 1 courts up to 100 percent of funding need.*

*II. Allocate up to 50 percent of remaining funding to courts under the statewide average funding ratio. Allocated funds will bring courts up to but not over the statewide average funding ratio. The first 50 percent allocation of new funding to courts below the statewide average will be scaled by courts' distance from the statewide average and size based on the courts' Workload Formula need.*

*III. Allocate remaining funding to all courts based on the Workload Formula.*

*IV. Allow no court's allocation to exceed 100 percent of its need unless it is the result of a funding floor calculation.*

Because this civil assessment funding is a redistribution and not considered “new money” by definition<sup>6</sup>, the security reduction would not be included in the methodology.

In addition, the sequence of new funding would remain the same as presented to the Budget Committee on June 1, 2022, with the civil assessment redistribution applied as the final step in the calculation as follows: 1) inflationary funding, 2) equity funding, 3) new judgeship funding, and then 4) civil assessment redistribution.

### **Civil Assessment Redistribution**

As part of the new civil assessment allocation recommendation, the retained civil assessment amounts currently included in the “Other Local Revenues” column of the Workload Formula calculation would be removed from the methodology. Removing this calculation would impact trial courts' position in the Workload Formula, ultimately creating a new starting point for courts as the new funding outlined above in steps 1 through 4 is recalculated.

### **Alternatives Considered**

Methodology options provided to the FMS for consideration included:

- A. Allocate funding via the Workload Formula methodology;
- B. Allocate funding proportionally via Workload Formula need;
- C. Allocate funding proportionally via Workload Formula allocations; or
- D. Allocate funding via another guiding factor for proportional application.

While deliberations considered other guiding factors, the proportional approach was eliminated as it would provide funding to all courts—even those that are funded at higher levels than other

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Judicial Council minutes (January 12, 2018),  
<https://jcc.legistar.com/View.ashx?M=M&ID=559778&GUID=3553B33A-BE03-4DF3-84E1-8196225C58DB>.

<sup>6</sup> New money is defined as any new, ongoing allocation of general discretionary dollars to support cost of trial court workload, excluding funding for benefits and retirement increases.

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courts as calculated in the Workload Formula. The Workload Formula methodology was chosen as it aligns with guiding principles, offers a more straightforward and consistent approach supported by prior application of other funding, focuses on equity, and minimizes volatility.

**Recommendation**

The FMS recommends the following civil assessment allocation methodology, effective July 1, 2022 and in the order outlined below:

Of the civil assessment redistribution funding provided:

- a) Maintain the current allocation of the \$48.3 million MOE in the Workload Formula;
- b) Fund the remaining civil assessment obligations for those impacted courts from the amount of retained civil assessments after the MOE obligation is met;
- c) Allocate the remaining amount of civil assessment revenue via the Workload Formula and without a security reduction;
- d) Remove retained civil assessment dollars from the Workload Formula model's "Other Local Revenues" column and identify each courts' new position in the Workload Formula as it relates to percentage funded; and
- e) Recalculate funding proposed in the 2022-23 Governor's Budget including inflationary, equity, and new judgeship funding, and then civil assessment redistribution funding.