



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR JANUARY 13, 2023 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:** January 13, 2023  
**Time:** 1:00 p.m. - 4:00 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/2143>

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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 28, 2022 Trial Court Budget Advisory Committee (TCBAC) Action by E-mail Between Meetings and November 29, 2022 TCBAC 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 1:00 p.m. on January 12, 2023 will be provided to advisory body members prior to the start of the meeting.

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

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**Item 1**

**Trial Court Budget Change Proposals for 2024-25 (Action Required)**

Development and adoption of trial court funding priorities and 2024-25 budget change Proposals for 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

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

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**Info 1**

**Governor's Budget Proposal for 2023-24**

Update on the Governor's Budget proposal for 2023-24.

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

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**V. ADJOURNMENT**

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**Adjourn**



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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

November 28, 2022

11:00 a.m.

Action by E-mail Between Meetings

**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jill C. Fannin, Hon. Wendy G. Getty, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Kimberly Merrifield, Hon. Michael J. Reinhart, Hon. Deborah H. Ryan, Hon. Michael A. Sachs, Hon. Kevin M. Seibert, and Hon. Kimberly A. Gaab.

Executive Officers: Ms. Kim Bartleson, Ms. Stephanie Cameron, Mr. Chad Finke, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. James Kim, Mr. Shawn Landry, Ms. Krista LeVier, and Mr. David Yamasaki.

**Advisory Body Members Absent:** Hon. Michael J. Reinhart and Ms. Rebecca Fleming (Vice Chair).

**Others Present:** Ms. Brandy Olivera

#### OPEN MEETING

##### Vote

Voting was opened at 11:09 a.m.

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

##### Item 1

Consideration of recommendation to revise the Court Interpreters Program allocation methodology from the November 10, 2022 Trial Court Budget Advisory Committee (TCBAC) meeting to clarify Recommendation 5 of the report as well as the analysis of this recommendation.

**Action:** The Trial Court Budget Advisory Committee approved the revision as recommended.

#### ADJOURNMENT

Voting closed at 5:00 p.m.

Approved by the advisory body on enter date.



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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

November 29, 2022  
12:00 p.m. – 2:00 p.m.

<https://jcc.granicus.com/player/event/2100>

<b>Advisory Body Members Present:</b>	Judges: Hon. Jonathan B. Conklin (Chair), Hon. Wendy G. Getty, Hon. Kimberly A. Gaab, Hon. Jill C. Fannin, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Kimberly Merrifield, Hon. Deborah H. Ryan, and Hon. Kevin M. Seibert.  Executive Officers: Ms. Kim Bartleson, Ms. Stephanie Cameron, Mr. Chad Finke, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, and Mr. David Yamasaki
<b>Advisory Body Members Absent:</b>	Hon. Michael J. Reinhart, Hon. Michael A. Sachs, Ms. Rebecca Fleming (Vice Chair), Mr. James Kim, and Mr. Shawn Landry.
<b>Others Present:</b>	Hon. David Kalemkarian, Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Greg Tanaka, and Ms. Frances Ho.

### 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 and November 10, 2022 Trial Court Budget Advisory Committee (TCBAC) virtual meeting.

### DISCUSSION AND ACTION ITEMS (ITEM 1)

#### Item 1 – Firearm Relinquishment Grant Program (Action Required)

Consideration of a Family and Juvenile Law Advisory Committee recommendation for a new methodology to allocate one-time funding included in the 2022 Budget Act to seven trial courts to support court-based firearm relinquishment programs.

Presenter(s)/Facilitator(s): Mr. Greg Tanaka, Supervising Attorney, Judicial Council Center for Families, Children & the Courts  
Ms. Frances Ho, Attorney, Judicial Council Center for Families, Children & the Courts

**Action:** *TCBAC unanimously voted to approve the following recommendation from the Family and Juvenile Law Advisory Committee for consideration by the Judicial Branch Budget Committee and then the Judicial Council at its January 20, 2023 business meeting:*

- 1. Approve the allocation and distribution of \$18.5 million to seven trial courts to fund new or expanded firearm relinquishment programs for fiscal years 2022–23 through 2024–25; and*
- 2. Delegate authority to the Family and Juvenile Law Advisory Committee to reallocate and distribute any unspent funding from these grant awards to any of the awarded courts, based on the same criteria established during the application period.*

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

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None

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**ADJOURNMENT**

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There being no further business, the meeting was adjourned at 12:34 p.m.

Approved by the advisory body on .

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Report to the Trial Court Budget Advisory Committee  
(Action Item)

**Title:** Prioritization of Trial Court Budget Change Proposals for 2024-25  
**Date:** 1/10/2023  
**Contact:** Rose Lane, Senior Analyst, Judicial Council Budget Services  
916-643-6926 | [rosemary.lane@jud.ca.gov](mailto:rosemary.lane@jud.ca.gov)

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**Issue**

Identification of the 2024-25 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 facilitate a discussion of potential 2024-25 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 13, 2023 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>.

**Trial Court Budget Advisory Committee**

In addition to prioritizing budget 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.

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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>.

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**2023-24 Budget Change Proposals**

The TCBAC met virtually on January 13, 2022<sup>3</sup> and via action by email on January 27, 2022<sup>4</sup> and developed the following prioritized list of BCP concepts for recommendation to the Budget Committee:

1. Annual Automatic Inflationary Adjustment (Consumer Price Index) / + Catch up to Actual inflationary increases
2. Civil Assessment Backfill (or General Fund Transfer)
3. Funding Towards Workload Formula Gap
4. Maintenance of Effort Buyout

At its April 21, 2022 meeting, the TCBAC voted to support the following additional BCP concepts, for which it has purview, without prioritization<sup>5</sup>:

- A. Facility Modification Prioritization and Costs
- B. New Trial Court Facility Operations and Maintenance
- C. Trial Court Capital Outlay Funding: 2023-24 through 2026-27
- D. Trial Court Deferred Maintenance

The committee voted to proceed with priorities 1-4 noted above with an added notation that the submissions are in recognition that there may be adjustments between that time and the completion of the 2022-23 budget process.

On July 15, 2022, the Budget Committee recommended, and the Judicial Council approved, the following 11 branch BCPs for submission to the DOF without prioritization<sup>6</sup>:

- A. Annual Automatic Inflationary Adjustment for Trial Courts
- B. Judicial Branch Facilities Modification, Deferred Maintenance, Operation and Maintenance, and Water Conservation
- C. Self-Help Centers – Expanding In-Person, Remote, and Online Services
- D. Maintaining a Sufficient Pool of Competency to Stand Trial Court Evaluators
- E. Expanding Collaborative Court and Related Diversity Programs

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<sup>3</sup> TCBAC meeting materials (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>.

<sup>4</sup> TCBAC meeting materials (January 27, 2022), <https://www.courts.ca.gov/documents/tcbac-20220127-materials.pdf>; TCBAC meeting minutes (January 27, 2022), <https://www.courts.ca.gov/documents/tcbac-20220127-minutes.pdf>.

<sup>5</sup> TCBAC meeting materials (April 21, 2022), <https://www.courts.ca.gov/documents/tcbac-20220421-materials.pdf>; TCBAC meeting minutes (April 21, 2022), <https://www.courts.ca.gov/documents/tcbac-20220421-minutes.pdf>.

<sup>6</sup> Judicial Council meeting report (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=11012113&GUID=7CD2AA69-B28E-4227-8E5F-B20DF45B313B>; Judicial Council meeting minutes (December 16, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=869107&GUID=7982B915-4E53-4539-9B54-8536AB5EF9A1>.



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- F. Appellate Court Security Pilot Program
- G. Language Access Efforts in the California Courts
- H. Legal Support for Court Rules and User-Friendly Forms
- I. Proposition 66 Costs in the Courts of Appeal
- J. HCRC Case Team Staffing and Establishment of Los Angeles Office
- K. Trial Court Capital Outlay Funding 2023-24 through 2026-27

**2022 Budget Act**

The 2022 Budget Act provided for significant growth in governmental programs and services for the people of California, and included the following:

- \$84.2 million ongoing General Fund to provide trial courts a 3.8 percent increase to address inflationary costs;
- \$100 million ongoing General Fund to promote fiscal equity among the trial courts;
- \$151.5 million General Fund backfill for the Trial Court Trust Fund related to the continued decline in civil fee and criminal fine and penalty revenues;
- \$110 million General Fund in 2022-23 and \$100 million General Fund annually thereafter to backfill civil assessment fee revenue loss due to the reduction in the amount of the civil assessment from \$300 to \$100 and elimination of prior debt;
- \$6.0 million General Fund in 2022-23 and \$37.7 million General Fund annually thereafter to fund implementation of the proposed Community Assistance, Recovery and Empowerment (CARE) Act;
- \$45 million one-time General Fund to fund additional legal aid services, of which \$15 million is for a consumer debt protection and \$30 million is for eviction defense;
- \$40 million one-time General Fund, available for expenditure for three fiscal years, to support court-ordered firearm relinquishment pilot programs;
- \$39.9 million General Fund in 2022-23 and \$39.1 million ongoing for 23 additional superior court judgeships, and \$24.3 million one-time General Fund for facility modifications to accommodate the judgeships;
- \$30 million ongoing General Fund and \$9 million reimbursements (Title IV-E federal funding) to address updated cost assumptions in the dependency counsel funding model;
- \$19.5 million for superior court judges and \$693,00 for assigned judges for increased compensation;
- \$34.7 million General Fund in 2022-23 increasing to \$40.3 million in 2025-26 and ongoing to support Judicial Branch modernization and stabilization efforts for the Supreme Court, Courts of Appeal, and trial courts;
- \$33.2 million General Fund in 2022-23 and 2023-24 and \$1.6 million annually thereafter to implement and support remote access to courtroom proceedings pursuant to AB 716 (Ch. 526, Stats. of 2021);
- \$15 million one-time General Fund to expand lactation facility access in the trial courts;

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- \$20 million General Fund in 2022-23, 2023-24, and 2024-25, for support of court appointed special advocate programs across the state;
- \$20.9 million ongoing General Fund for increased trial court employee health benefits costs, based on updated trial court benefit and retirement costs;
- \$18 million ongoing General Fund to backfill branch funds related to an increase in the income threshold for automatic filing fee waivers in civil cases;
- \$15.4 million ongoing General Fund for critical building repairs in the trial courts and Courts of Appeal, mitigating the overall risk of building system failures, and an additional \$4 million in reimbursement authority to reflect additional funding from counties;
- \$15 million General Fund in 2022-23 and \$3.8 million annually thereafter to implement a data and information framework to improve data collection from trial and appellate courts;
- \$10.3 million ongoing General Fund to backfill revenues lost from the repeal of fees due to AB 177 (Ch. 257, Stats. of 2021);
- \$2.6 million in 2022–23 and \$1.7 million annually thereafter to implement and support electronic filing interfaces for domestic violence restraining orders, domestic temporary restraining orders, and gun violence restraining orders for all trial courts as required by AB 887 (Ch. 681, Stats. of 2021) and SB 538 (Ch. 686, Stats. of 2021).
- \$300,000 ongoing General Fund for the Judicial Council to support the state’s effort to provide legal counsel in tribal child welfare cases;
- Budget bill language allowing trial courts to carry-over the unexpended balances of the \$70 million of ongoing pretrial-related funding into 2022-23; and
- Amended budget bill language related to the \$30 million ongoing for court reporters which allows the funding to be used for recruitment and retention purposes, filling existing vacancies, converting part-time positions into full time positions, increasing salary schedules, and providing signing and retention bonuses to enable trial courts to compete with private employers in the labor market.

**2023-24 Governor’s Budget**

The 2023-24 Governor’s Budget proposal includes:

- \$74.1 million ongoing General Fund to provide a 3.0 percent funding increase in recognition of trial court operational cost pressures due to rising inflation;
- \$109.3 million General Fund backfill for the Trial Court Trust Fund to address the continued decline in civil fee and criminal fine and penalty revenues expected in 2023-24. This also includes the annual loss of \$944,000 in telephonic appearance revenue due to the enactment of SB 233 (Ch. 979, Stats. of 2022) – Civil Actions in Appearance by Telephone;
- \$29.9 million General Fund in 2023-24, \$72.4 million in 2024-25, and \$100 million ongoing to fund the statewide implementation of the CARE Act;

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- \$19.6 million ongoing General Fund for trial court employee health benefits and retirement costs;
- An increase of \$200,000 in Court Interpreters Fund resources beginning in 2023-24 for five fiscal years to address the shortage of qualified interpreters by providing trainings for near passers of the bilingual interpreting examination;
- Trailer bill language to extend the sunset date for various fees that support trial court base allocations for a period of five years until June 30, 2028. Currently due to expire June 30, 2023, these fees have generated estimated revenue averaging \$36.7 million over the last five years. Absent this extension, there will be a reduced allocation to trial courts which will impact court operations and access to justice; and
- \$14.9 million for superior court judges and \$587,000 for temporary assigned judges for increased compensation.

**Recommendation**

It is recommended that the 2024-25 BCP concept proposals and prioritization by the membership include consideration of the proposals included in the 2023-24 Governor's Budget.