



Judicial Council of California
Trial Court Budget Advisory Committee

TRIAL COURT BUDGET ADVISORY COMMITTEE

**MATERIALS FOR MARCH 9, 2023
 VIRTUAL MEETING**

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Judicial Council of California
Trial Court Budget Advisory Committee

www.courts.ca.gov/tcbac.htm
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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: Thursday, March 9, 2023
Time: 12:00 p.m. - 1:00 p.m.
Public Video Livestream: <https://jcc.granicus.com/player/event/2222>

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 emailed 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 February 24, 2023 Trial Court Budget Advisory Committee (TCBAC) 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 March 8, 2023, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEM 1)

Item 1

SB 170 One-Time \$30 Million Court Interpreter Employee Incentive Grant (CIEIG) Award Recommendations for fiscal year 2022-23 (Action Required)

Consideration of award recommendations to distribute CIEIG funding to the trial courts through the grant application process for cycle 2.

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

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

None

V. ADJOURNMENT

Adjourn



Judicial Council of California
Trial Court Budget Advisory Committee

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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

February 24, 2023
12:00 p.m. – 2:00 p.m.

<https://jcc.granicus.com/player/event/2252>

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

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

Advisory Body Members Absent: Hon. Jill C. Fannin, Hon. Kimberly Merrifield, Ms. Kim Bartleson, and Ms. Stephanie Cameron.

Others Present: Hon. David Kalemkarian, Hon. David Rubin, Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Jessie Romine, Ms. Rose Lane, and Ms. Jesse Henderson.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 12:10 p.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved minutes from the January 13, 2023 Trial Court Budget Advisory Committee (TCBAC) virtual meeting and the February 9, 2023 TCBAC Action by E-mail Between Meetings.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1 – Trial Court Budget Change Proposals for 2024-25 (Action Required)

Finalization of the 2024-25 budget change proposal concepts from the trial courts for consideration by the Judicial Branch Budget Committee.

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

Action: TCBCAC voted to finalize and prioritize the 2024-25 budget change concept proposals for the trial courts for consideration by the Judicial Branch Budget Committee at its March 14, 2023, meeting as follows:

1. Inflationary Adjustment (Consumer Price Index)
2. Facilities Funding
3. Additional Judgeships
4. Self-Help Funding
5. Mental Health Funding – Mental Health Diversions and Forensic, Psychological, and Mental Health Evaluations

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1 – 2023 Trial Court Budget Advisory Committee Annual Agenda

Update on the agenda approved by the Judicial Branch Budget Committee for 2023.

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

Action: No action taken.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:54 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: Court Interpreter Employee Incentive Grant: Award Recommendations for Cycle 2, Fiscal Year 2022–23

Date: 2/28/2023

Contact: Douglas G. Denton, Principal Manager, Judicial Council Language Access Services, Center for Families, Children & the Courts
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Issue

Senate Bill (SB) 170 amended the 2021 Budget Act and provided \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant (CIEIG). This funding is available until June 30, 2024. This grant provides one year of salary and training costs to help courts establish new, full-time court interpreter employee positions. For Cycle 1, fiscal year 2021–22, nine superior courts were awarded grants by the Judicial Council in May 2022, and courts received their grant allocation in the June 2022 distribution. For Cycle 2, fiscal year 2022–23, nine superior courts have applied for remaining CIEIG funding.

Background

SB 170 (Stats. 2021, ch. 240) amended the 2021 Budget Act in September 2021 and provided an additional \$30 million in one-time General Fund to the Court Interpreters Program Fund as restricted funding for one-year grants that support a year of salary and training and are intended to help the superior courts to create new, full-time court employee interpreter positions¹.

Per SB 170, a goal of the grant funding is to help courts reduce or, at a minimum, maintain the overall percentage spent on independent interpreter contractors or part-time interpreter employees to 20 percent or less. Courts are expected to maintain grant-funded positions beyond the grant year as long-term positions.

There are two categories of grants under the CIEIG, and courts are permitted to apply for only one of the two:

¹ See Attachment A, SB 170 language regarding the CIEIG.

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BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

- Category 1—\$18 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions.
- Category 2—\$12 million is dedicated to one year of salary and associated costs, including training, for new, full-time court interpreter employee positions to provide out-of-courtroom and in-courtroom services.

To be eligible for category 1 grant funding, the court must demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on interpreter contractors or part-time interpreter employees who provided services in any of the languages listed in Civil Code section 1632(b): Spanish, Chinese (Mandarin, Cantonese), Tagalog, Vietnamese, or Korean.

To be eligible for category 2 grant funding, the court must demonstrate that at least 80 percent of interpreter services in any of the languages listed in Civil Code section 1632(b) are currently provided by court interpreter employees.

Courts may apply for grants to hire interpreters in any certified (including American Sign Language) or registered languages if the court can demonstrate that there is a local need for interpreter employees in these languages. Courts must use grant funds to create new full-time interpreter employee positions and may not use funds to support current interpreter vacancies. Courts may convert part-time interpreter positions into full-time positions, if the funding helps reduce or maintain the overall percentage spent on interpreter contractors or part-time interpreter employees to 20 percent or less. Grants cannot be used for wage increases for current positions.

Cycle 1, 2021–22

For Cycle 1, 2021–22, a total of six courts applied for category 1 grants, and a total of three courts applied for category 2 grants. For the \$18 million available for category 1, a total of approximately \$1.645 million was requested for one year of salary and training for 12 new positions, leaving approximately \$16.355 million in remaining category 1 funding. For the \$12 million available for category 2, a total of approximately \$831,000 was requested for one year of salary and training for six new positions, leaving approximately \$11.169 million in remaining funding for category 2 (see Attachment B).

The council approved the Cycle 1 allocations on May 10, 2022². The nine superior courts that

² Judicial Council circulating order (May 10, 2022), <https://jcc.legistar.com/View.ashx?M=F&ID=10760445&GUID=FE0391BB-64E9-44C7-A492-C43D3693F709>; Judicial Council circulating order minutes (May 10, 2022), <https://jcc.legistar.com/View.ashx?M=M&ID=869099&GUID=990E26C2-797D-4F24-BAE0-4945FB131549>.

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BUDGET SERVICES
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were awarded grants received their grant allocation in the June 2022 distribution³.

Cycle 2, 2022–23

In order to distribute the remaining grant funding of approximately \$27.5 million, council staff initiated a second grant application process (Cycle 2) for the CIEIG in 2022–23. Cycle 1 awarded courts who had not yet hired new employee interpreters were encouraged to reapply for grant funding because grant allocations were distributed on a one-time basis and unused funding does not carry over to the next fiscal year. On December 13, 2022, the guidelines, the application form, and court interpreter expenditure data were distributed to court executive officers and court staff for Cycle 2 of the CIEIG. The deadline for applications was January 27, 2023. As discussed below, several courts reapplied for grants because they have not yet been able to make hires under the Cycle 1 grants.

For category 1, Marin,⁴ San Benito, Shasta, and Ventura Superior Courts reapplied for a total of six new, full-time court interpreter positions in Mixteco (1) and Spanish (5). Kern and Mendocino Superior Courts did not reapply for six Spanish interpreter positions, citing difficulties with recruitment. Glenn and San Mateo Superior Courts did not previously apply for Cycle 1 funding and requested a total of five new, full-time court interpreter positions in Spanish. Glenn and San Mateo Superior Courts stated that the new positions would reduce the need to hire interpreter contractors on a daily basis to cover current calendars as well as save on staff time used for securing contractors.

For category 2, Alameda, San Bernardino,⁵ and San Diego Superior Courts reapplied for a total of seven new, full-time court interpreter positions, including for American Sign Language (1), Certified Deaf Interpreter (1), Cantonese (1), Mandarin (1), and Spanish (3).

For category 1, a total of approximately \$1.574 million was requested for one year of salary and training for 11 new positions, leaving approximately \$14.780 million in remaining funding for category 1. For category 2, a total of approximately \$1.051 million was requested for one year of salary and training for seven new positions, leaving approximately \$10.118 million in remaining funding for category 2 (see Attachment C). To date, approximately \$5.102 million has been requested out of the \$30 million available (see chart below).

³ The nine courts included Alameda, Marin, Mendocino, Kern, San Bernardino, San Benito, San Diego, Shasta, and Ventura Superior Courts.

⁴ For Cycle 2, Marin’s grant request is for a full-time interpreter position (the Cycle 1 request was for converting a part-time position into a full-time position).

⁵ For Cycle 2, San Bernardino’s grant request is for three full-time interpreter positions (the Cycle 1 request was for two positions).

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CIEIG, Cycle 1 Requests		CIEIG, Cycle 2 Requests	
Balance Available	\$30,000,000	Balance Available	\$27,523,692
Category 1 Requests	-1,645,412	Category 1 Requests	-1,574,136
Category 2 Requests	-830,896	Category 2 Requests	-1,051,369
Total Requested	-2,476,308	Total Requested	-2,625,505
Remaining Balance	\$27,523,692	Remaining Balance	\$24,898,187

Semiannual Survey

On January 30, 2023, council staff distributed a semiannual survey to the Cycle 1 awarded courts to gather information about grant funding for the period July 1–December 31, 2022. The survey requested information on the status of hiring for the new interpreter positions, estimated net savings on contractors and part-time interpreters, plans to retain the positions beyond the grant year, and any recruitment assistance needed. In July 2023, council staff will distribute another semiannual survey for the period January 1–June 30, 2023 and will continue to conduct the survey every six months through the life cycle of the grants, which end June 30, 2024.

All nine superior courts responded on the survey that they have been unable to fill the new interpreter positions during the period July 1–December 31, 2022. The courts stated that they are having great difficulties with recruitment due to the low numbers of qualified interpreter candidates and other hurdles with attracting candidates, including court location, cost of housing, and less competitive salary. One court stated delays in posting for the positions due to the process of creating new job classifications. For these reasons, several courts from Cycle 1 reapplied for grant funding in Cycle 2 in hopes of filling the positions they had requested for Cycle 1.

Cost/Impact

If approved by the Trial Court Budget Advisory Committee (TCBAC) and the Judicial Branch Budget Committee (Budget Committee) for council review at its May 2023 business meeting, courts will be notified that they have been approved for Cycle 2 grant awards. Grant funding is anticipated to be distributed no later than June 2023. Council staff in Language Access Services will assist courts with recruitment for new positions supported under the grants. The one-time grants awarded in 2022–23 will be available for expenditure or encumbrance until June 30, 2024. There will not be a third grant cycle. After the grant period ends on June 30, 2024, council staff will prepare a final memorandum for the TCBAC on the status of the grants and positions.

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Council staff will need to reconcile the unused grant allocations from Cycles 1 and 2 at the end of 2022–23 and 2023–24, respectively. The CIEIG funding is intended only to cover one year of salary and training for new interpreter positions, so unused funds will be collected for return to the General Fund.

The court must demonstrate that a new, full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services, reducing or maintaining contractor expenses to 20 percent or less. Courts will have more than one year to accomplish this goal (the budget language does not include a time frame for reaching the 20 percent threshold). If an interpreter employee funded under the grant for one year of salary leaves the court before 12 months, the court will notify council staff and will need to return unspent grant funding.

Recommendation

Judicial Council Language Access Services recommends the following for approval by the TCBAC, followed by the Budget Committee and then the Judicial Council at its May 11–12, 2023, business meeting:

1. Approve the proposed allocations for the Court Interpreter Employee Incentive Grant for fiscal year 2022–23; and
2. Direct Judicial Council Budget Services staff to distribute grant awards to courts no later than the June 2023 distribution.

Attachments

Attachment A: SB 170 language regarding the CIEIG

Attachment B: CIEIG Awards for 2021–22

Attachment C: Proposed CIEIG Awards for 2022–23

SB 170, Budget Act of 2021

Item 0250-101-0932, Provision 29

The Court Interpreter Employee Incentive Grant is hereby created. Of the amounts appropriated in Schedule (4), \$30,000,000 shall be allocated by the Judicial Council as follows:

- (a) Of this amount, \$18,000,000 shall be allocated as one-time grants to eligible local courts. This funding shall pay for the first year of employment and associated costs, including training, of any new hire of a court interpreter employee if all of the following conditions are met:
 - (1) The local court can demonstrate that for at least two consecutive years in the previous four years it spent more than 20 percent of its interpreter funds on independent contractor interpreters or part-time employees who provided services in any of the languages described in subdivision (b) of Section 1632 of the Civil Code.
 - (2) The local court can demonstrate that the grant will be exclusively used to hire full-time court employee interpreters providing language interpreter services for the languages described in subdivision (b) of Section 1632 of the Civil Code, in order to reduce the percentage of the court's interpreter funds spent on independent contractors or part-time employees to 20 percent or less than 20 percent.
 - (3) The local court can demonstrate that a new full-time employee hired pursuant to this grant is intended to remain employed beyond the grant year to replace a roughly equivalent expenditure on independent contractor interpreter services.
 - (4) The local court commits to retaining the court interpreter employee position beyond the grant year.
 - (5) Nothing in this subdivision is intended to reduce the amount of funding provided statewide or to local courts for interpreter services, and the amounts allocated by this provision cannot be used to supplant an existing, pending, or prior interpreter employee position.
- (b) Of this amount, \$12,000,000 in one-time grants, shall be allocated by the Judicial Council, to increase language access in local courts through the hiring of certified court interpreter employees who shall provide interpreter services inside courthouses in support of court users. "Interpreter services" includes assistance at self-help centers and interpreting interviews between district attorneys and witnesses and criminal defense attorneys and their clients. A local court is eligible to receive these funds only if at least 80 percent of interpreter services in the languages described in subdivision (b) of Section 1632 of the Civil Code are provided by court interpreter employees.
- (c) Courts may apply for grants to hire interpreters in other languages if the court can demonstrate that there is a local need for interpreter employees in other languages.
- (d) The \$30 million for one-time grants in fiscal year 2021-22 shall be available for expenditure or encumbrance until June 30, 2024.

Attachment B: CIEIG Awards for FY 2021-22 (Cycle 1)
Funding was awarded in May 2022 and distributed in June 2022
Category 1 - \$18 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Marin	1	Spanish	\$ 63,378.37	\$ 63,378.37
Mendocino	1	Spanish	\$ 159,345.00	\$ 159,345.00
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	
Kern	1	Spanish	\$ 160,234.00	\$ 801,170.00
San Benito	1	Spanish	\$ 114,000.00	\$ 114,000.00
Shasta	1	Spanish	\$ 131,767.42	\$ 131,767.42
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Spanish	\$ 125,250.47	
Ventura	1	Mixteco	\$ 125,250.47	\$ 375,751.41
			Total Requested:	\$ 1,645,412.20
			Total Provided for Grants:	\$ 18,000,000.00
			Amount Remaining:	\$ 16,354,587.80

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Chinese	\$ 130,040.00	
Alameda	1	ASL	\$ 130,040.00	
Alameda	1	Deaf (CDI)	\$ 130,040.00	\$ 390,120.00
San Bernardino	1	Spanish	\$ 143,016.00	
San Bernardino	1	Spanish	\$ 143,016.00	\$ 286,032.00
San Diego	1	Spanish	\$ 154,744.00	\$ 154,744.00
			Total Requested:	\$ 830,896.00
			Total Provided for Grants:	\$ 12,000,000.00
			Amount Remaining:	\$ 11,169,104.00

Attachment C: Proposed CIEIG Awards for FY 2022-23 (Cycle 2)
Funding to be awarded in May 2023 and distributed in June 2023 (TBD)
Category 1 - \$18 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Glenn	1	Spanish	\$ 165,000.00	\$ 165,000.00
Marin	1	Spanish	\$ 130,296.64	\$ 130,296.64
San Benito	1	Spanish	\$ 107,000.00	\$ 107,000.00
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	
San Mateo	1	Spanish	\$ 158,970.00	\$ 635,880.00
Shasta	1	Spanish	\$ 138,662.62	\$ 138,662.62
Ventura	1	Spanish	\$ 132,432.12	
Ventura	1	Spanish	\$ 132,432.12	
Ventura	1	Mixteco	\$ 132,432.12	\$ 397,296.36
			Total Requested:	\$ 1,574,135.62
			Total Remaining Funding Available	\$ 16,354,587.80
			Amount Remaining:	\$ 14,780,452.18

Category 2 - \$12 million

Court	Number of Interpreters	Language	Amount	Court Total Awarded
Alameda	1	Cantonese	\$ 138,156.71	
Alameda	1	ASL	\$ 145,583.40	
Alameda	1	Deaf (CDI)	\$ 145,583.40	\$ 429,323.51
San Bernardino	1	Mandarin	\$ 152,015.00	
San Bernardino	1	Spanish	\$ 152,015.00	
San Bernardino	1	Spanish	\$ 152,015.00	\$ 456,045.00
San Diego	1	Spanish	\$ 166,000.00	\$ 166,000.00
			Total Requested:	\$ 1,051,368.51
			Total Remaining Funding Available	\$ 11,169,104.00
			Amount Remaining:	\$ 10,117,735.49