



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

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CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-18-01

Title

Trial Court Budget: Allocation of \$75 Million
in Discretionary Funds

Action Requested

VOTING MEMBERS ONLY: Vote and
return by e-mail or fax. Additionally, return
original signature page.

Rules, Forms, Standards, or Statutes Affected

None

Please Respond By

September 27, 2018, 12:00 p.m.

Recommended by

Judicial Council Staff
Martin Hoshino, Administrative Director
Judicial Council

Date of Report

September 25, 2018

Contact

Amber Barnett, 916-263-1398
amber.barnett@jud.ca.gov

Executive Summary

During its business meeting on Friday, September 21, 2018, the Judicial Council discussed and acted on Item 18-178 Trial Court Budget: Allocation of \$75 Million in Discretionary Funds. Staff summarized the recommendations and the Judicial Council's action in minutes attached for consideration and approval.

Recommendation

Due to public interest, staff recommends early approval of the minutes summarizing and pertaining only to the recommendations and council action for Item 18-178 Trial Court Budget: Allocation of \$75 Million in Discretionary Funds.

Summary:

The Trial Court Budget Advisory Committee recommended the Judicial Council approve allocation of \$75.0 million in discretionary funding provided in the Budget Act of 2018. The

recommendation is to allocate \$3.6 million to bring cluster 1 courts to 100 percent of their funding need, \$0.8 million for court-provided non-sheriff security, and \$70.6 million in discretionary funds to all courts, save for the cluster 1 courts, proportionally based on their fiscal year (FY) 2018-19 base allocation following the council actions taken on July 20, 2018. The committee indicated the trial courts recognize and intend to comply with the legislative intent that \$10.0 million of the \$75.0 million be utilized to increase the level of court reporters in family law cases.

Attachments and Links

Judicial Council Meeting Minutes for Item 18-178 Trial Court Budget: Allocation of \$75 Million in Discretionary Funds (September 21, 2018)



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Minutes

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Friday, September 21, 2018

8:30 AM

San Francisco

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

OPEN SESSION (RULE 10.6(A)) – MEETING AGENDA

Attendance

Council Members

- Present:** 28 - Chief Justice Tani G. Cantil-Sakauye, Justice Ming W. Chin, Justice Brad R. Hill, Justice Harry E. Hull Jr., Justice Douglas P. Miller, Presiding Judge C. Todd Bottke, Presiding Judge Ann C. Moorman, Presiding Judge Gary Nadler, Judge Marla O. Anderson, Judge Paul A. Bacigalupo, Judge Jonathan B. Conklin, Judge Stacy Boulware Eurie, Judge Kyle S. Brodie, Judge Samuel K. Feng, Judge Scott M. Gordon, Judge Harold W. Hopp, Judge Dalila Corral Lyons, Judge David M. Rubin, Judge Kenneth K. So, Commissioner Rebecca Wightman, Ms. Nancy CS Eberhardt, Ms. Kimberly Flener, Mr. Michael M. Roddy, Ms. Andrea K. Wallin-Rohmann, Ms. Rachel W. Hill, Ms. Audra Ibarra, Mr. Patrick M. Kelly, and Ms. Gretchen Nelson
- Absent:** 3 - Justice Marsha G. Slough, Senator Hannah-Beth Jackson, and Assembly Member Richard Bloom

DISCUSSION AGENDA

[18-178](#)

Trial Court Budget: Allocation of \$75 Million in Discretionary Funds (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve allocation of \$75.0 million in discretionary funding provided in the Budget Act of 2018. The recommendation is to allocate \$3.6 million to bring cluster 1 courts to 100 percent of their funding need, \$0.8 million for court-provided non-sheriff security, and \$70.6 million in discretionary funds to all courts, save for the cluster 1 courts, proportionally based on their fiscal year (FY) 2018–19 base allocation following the council actions taken on July 20, 2018. The committee also indicates that the trial courts recognize and intend to comply with the legislative intent that \$10.0 million of the \$75.0 million be utilized to increase the level of court reporters in family law cases. Hon.

Speakers:

Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Ms. Lucy Fogarty, Budget Services

Recommendation:

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective September 21, 2018, allocate the \$75.0 million in discretionary funds in the Budget Act of 2018 as follows:

1. Allocate \$3.6 million to bring all cluster 1 courts up to 100 percent of funding need.
2. Allocate \$0.8 million, representing a 1.96 percent increase, for court-provided non-sheriff security.
3. Allocate the remainder of the \$75.0 million, totaling \$70.6 million in discretionary funds, to all courts, save for the cluster 1 courts, proportionally based on their FY 2018–19 base allocation following the council actions taken on July 20, 2018. Included with this allocation is the Legislature’s appropriation intent language that \$10.0 million be utilized to increase the level of court reporters in family law cases and that the \$10.0 million not supplant existing trial court expenditures on court reporters in family law cases.

A motion for action was made by Justice Miller and Judge Feng (second) to approve recommendation 1, which would allocate up to \$3.6 million for cluster 1 courts to fund them at 100 percent of funding needed; and approve recommendation 2, which would allocate up to \$0.8 million for court-provided, non-sheriff security.

The motion passed by unanimous vote.

A motion for action was made by Justice Miller and seconded by Mr. Kelly to approve recommendation 3 to allocate the remaining \$70.6 million on a proportional basis, as recommended in the council report, and separately allocate \$10 million of the \$70.6 million to increase the level of court reporters in family law cases. The courts would receive the same total allocation as identified in Attachment A, option 2, but \$10 million of the \$70.6 million would be to increase the level of court reporters in family law cases, consistent with the budget language in the 2018 Budget Act.

The motion for action also included a reporting requirement or survey regarding the use and expenditure of \$75 million, as well as the \$47.8 million and the \$19.1 million previously approved in July. This includes reporting back on various outcomes expressed by the Administration, Legislature, Judicial Council, and trial courts during the Fiscal Year 2018-19 appropriations cycle: including but not limited to: court budget "snapshots"—ensuring court services and staff are available; opening windows previously closed and rehiring staff to service those windows; restoring or expanding line services; reopening or expanding courtroom use where possible; reducing delays and backlogs; and providing even more self-help in those regards. In addition, the \$60.6 million is identified as discretionary and the \$10 million is to increase the level of court reporters in family law cases. However, if a court demonstrates that their family law court reporting services are fully staffed, the \$10 million allocation will become discretionary funds.

The motion passed by unanimous vote.

Respectfully submitted by Administrative Director Martin Hoshino, Secretary to the Judicial Council, on September 25, 2018.

Instructions for Review and Action by Circulating Order

Voting members

- Please indicate your **vote, sign, and return by 12:00 p.m., September 27, 2018**, if possible by one of these methods:
 1. Fax the signature pages to the attention of Judicial Council and Trial Court Leadership, Leadership Services Division at 415-865-4391.
 2. Reply to the e-mail message with “I approve,” “I disapprove,” or “I abstain.”
- If you are unable to reply by **September 27, 2018**, please do so as soon as possible thereafter.
- Additionally, **return the original** signature page to Judicial Council and Trial Court Leadership, Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California, 94102-3688. **Please keep a copy for your records.**

Advisory members

The circulating order is being emailed to you for your information only. There is no need to sign or return any documents.

**CIRCULATING ORDER
Judicial Council of California
Voting and Signature Pages**

Effective immediately, the Judicial Council approves the minutes for Item 18-178 Trial Court Budget: Allocation of \$75 Million in Discretionary Funds discussed during the Friday, September 21, 2018 Judicial Council business meeting.

My vote is as follows:

Approve Disapprove Abstain

Tani G. Cantil-Sakauye, Chair

_____/s/
Marla O. Anderson

Richard Bloom

_____/s/
C. Todd Bottke

_____/s/
Stacy Boulware Eurie

_____/s/
Kyle S. Brodie

_____/s/
Ming W. Chin

_____/s/
Jonathan B. Conklin

_____/s/
Samuel K. Feng

_____/s/
Scott M. Gordon

_____/s/
Brad R. Hill

_____/s/
Rachel W. Hill

_____/s/
Harold W. Hopp

_____/s/
Harry E. Hull, Jr.

My vote is as follows:

Approve Disapprove Abstain

_____/s/
Audra Ibarra

Hannah-Beth Jackson

_____/s/
Patrick M. Kelly


_____/s/
Dalila C. Lyons

_____/s/
Douglas P. Miller

Gretchen Nelson

_____/s/
David M. Rubin

Date: 10/1/18

Attest: 

Administrative Director and
Secretary of the Judicial Council