



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.

**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



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CIRCULATING ORDER MEMORANDUM TO THE JUDICIAL COUNCIL

Circulating Order Number: CO-18-02

Title	Action Requested
Allocation of \$15 Million From the Trial Court Trust Fund to support start-up activities associated with Implementation of Pretrial Reform	VOTING MEMBERS ONLY: Vote and return by email or fax. Additionally, return original signature page.
Rules, Forms, Standards, or Statutes Affected	Please Respond By
None	October 31, 2018
Recommended by	Date of Report
Judicial Council staff	October 24, 2018
Martin Hoshino, Administrative Director	Contact
	Zlatko Theodorovic, 916-263-1397 zlatko.theodorovic@jud.ca.gov
	Shelley Curran, 415-865-4013 Shelley.curran@jud.ca.gov

Executive Summary

Pursuant to Statutes 2018, Chapter 449, the Judicial Council is required to allocate \$15 million from the Trial Court Trust Fund to support start-up activities associated with implementation of pretrial reform.

If the funding provided for in SB 862 is not allocated for expenditure to support start-up activities associated with implementation of pretrial reform, the state will not be able to initiate the necessary work related to these reforms.

Recommendation

Judicial Council staff recommend that the Judicial Council allocate \$15 million from the Trial Court Trust Fund to support start-up activities associated with implementation of pretrial reform, as follows:

1. \$7.95 million for county probation departments;
2. \$4.45 million for Court Case Management System/Pretrial Assessment Information integration;
3. \$1.6 million to trial courts as “seed” money for implementation;
4. \$930,000 for Judicial Council implementation staff; and
5. \$70,000 for travel, trainings, and expert panel costs.

Relevant Previous Council Action

None.

Recommendation

Pursuant to Statutes 2018, Chapter 449 (Sen. Bill 862), the Judicial Council is required to allocate \$15 million from the Trial Court Trust Fund to support start-up activities associated with implementation of pretrial reform.

Item 0250-101-0932, Provision 20:

Notwithstanding any other law, and subject to the passage of pre-trial reform legislation, the Judicial Council shall allocate up to \$15,000,000, in the 2018–19 fiscal year, to support start-up activities associated with implementation of pre-trial reform, including development of protocols and rules of court, training, administrative activities, and other necessary activities. These funds shall be reimbursed from a General Fund appropriation provided for this purpose in the Budget Act of 2019. Upon approval of the Administrative Director, the Controller shall transfer an amount determined by the Administrative Director to Item 0250-001-0932 to facilitate funding of the start-up activities. It is estimated that implementation of the pre-trial reform legislation will have an annual cost of \$200,000,000, as reflected in the most recent longer-term state spending plan.

Consistent with discussions with the Department of Finance and the Chief Probation Officers of California (CPOC), these funds are recommended to be allocated as outlined below:

1. \$7.95 million—County probation departments to support planning and implementation activities associated with providing pretrial assessment services based on the following formula:
 - \$100,000 to each county with a population of 0 to 200,000, inclusive;
 - \$150,000 to each county with a population of 200,001 to 749,999, inclusive; and

- \$200,000 to each county with a population of 750,000 and above.

See Table 1 below for a listing of the distribution by county.

2. \$4.45 million—Court Case Management System/Pretrial Assessment Information integration.

The Judicial Council will integrate the court case management systems (CMSs) with pretrial risk assessment programs. The pretrial assessment agencies will log scores and data related to the major risk assessment tools in the system and the data will be sent directly to the courts' CMSs and statewide data warehouse. This will allow the judicial branch to track risk-level outcomes at the individual level and will serve as a data repository to fulfill the data reporting requirements of pretrial reform.

Because many of the courts are changing to new CMSs, the full statewide integration with CMSs will take several years to complete; however the application with the ability to house risk assessment data should be available in late 2019.

3. \$1.6 million—Initial funding/seed money for courts for immediate implementation needs.

Courts will be provided initial implementation funding to begin their work associated with pretrial reform. Appropriate uses of the funds include contracting with subject matter experts for technical assistance, in-state travel, or other costs associated with pretrial reform implementation. Additional funding will be sought in the 2019–20 budget for identified needs and other start-up costs.

See Table 1 below for a listing of the distribution by trial court.

Distribution of the \$1.6 million to trial courts will be based on the following formula:

- \$20,172 to each county with a population of 0 to 200,000, inclusive;
- \$30,172 to each county with a population of 200,001 to 749,999, inclusive; and
- \$40,172 to each county with a population of 750,000 and above.

4. \$930,000—Judicial Council staff to support the work associated with statewide mandates.

Examples of Judicial Council staff duties include assisting with drafting rules of court; providing legal advice; coordinating trainings and technical assistance; compiling and maintaining a list of validated risk assessment tools; conducting duties associated with data collection and report writing; and designing, developing, implementing, maintaining, and supporting the technology integration. These are ongoing costs that the council will seek funding for in the 2019–20 budget.

5. \$70,000—Travel, trainings, and expert panel costs.

The Judicial Council is required to provide judicial education and coordinate training efforts with the CPOC. The council and the CPOC will host three or four regional trainings throughout the state in January and February 2019. The trainings will bring together courts with local justice system partners and other stakeholders. Other training opportunities will also be made available, including webinars and local court presentations, as requested. Finally, the Chief Justice will convene an expert panel related to risk assessment scores. Some of these funds will be used for costs associated with those duties.

Table 1

County	Population*	Probation Funding	Trial Court Funding
Alameda	1,660,202	\$200,000	\$40,172
Alpine	1,154	\$100,000	\$20,172
Amador	38,094	\$100,000	\$20,172
Butte	227,621	\$150,000	\$30,172
Calaveras	45,157	\$100,000	\$20,172
Colusa	22,098	\$100,000	\$20,172
Contra Costa	1,149,363	\$200,000	\$40,172
Del Norte	27,221	\$100,000	\$20,172
El Dorado	188,399	\$100,000	\$20,172
Fresno	1,007,229	\$200,000	\$40,172
Glenn	28,796	\$100,000	\$20,172
Humboldt	136,002	\$100,000	\$20,172
Imperial	190,624	\$100,000	\$20,172
Inyo	18,577	\$100,000	\$20,172
Kern	905,801	\$200,000	\$40,172
Kings	151,662	\$100,000	\$20,172
Lake	65,081	\$100,000	\$20,172
Lassen	30,911	\$100,000	\$20,172
Los Angeles	10,283,729	\$200,000	\$40,172
Madera	158,894	\$100,000	\$20,172
Marin	263,886	\$150,000	\$30,172
Mariposa	18,129	\$100,000	\$20,172
Mendocino	89,299	\$100,000	\$20,172
Merced	279,977	\$150,000	\$30,172
Modoc	9,612	\$100,000	\$20,172
Mono	13,822	\$100,000	\$20,172
Monterey	443,281	\$150,000	\$30,172
Napa	141,294	\$100,000	\$20,172
Nevada	99,155	\$100,000	\$20,172
Orange	3,221,103	\$200,000	\$40,172
Placer	389,532	\$150,000	\$30,172
Plumas	19,773	\$100,000	\$20,172
Riverside	2,415,955	\$200,000	\$40,172
Sacramento	1,529,501	\$200,000	\$40,172

County	Population*	Probation Funding	Trial Court Funding
San Benito	57,088	\$100,000	\$20,172
San Bernardino	2,174,938	\$200,000	\$40,172
San Diego	3,337,456	\$200,000	\$40,172
San Francisco	883,963	\$200,000	\$40,172
San Joaquin	758,744	\$200,000	\$40,172
San Luis Obispo	280,101	\$150,000	\$30,172
San Mateo	774,155	\$200,000	\$40,172
Santa Barbara	453,457	\$150,000	\$30,172
Santa Clara	1,956,598	\$200,000	\$40,172
Santa Cruz	276,864	\$150,000	\$30,172
Shasta	178,271	\$100,000	\$20,172
Sierra	3,207	\$100,000	\$20,172
Siskiyou	44,612	\$100,000	\$20,172
Solano	439,793	\$150,000	\$30,172
Sonoma	503,332	\$150,000	\$30,172
Stanislaus	555,624	\$150,000	\$30,172
Sutter	97,238	\$100,000	\$20,172
Tehama	64,039	\$100,000	\$20,172
Trinity	13,635	\$100,000	\$20,172
Tulare	475,834	\$150,000	\$30,172
Tuolumne	54,740	\$100,000	\$20,172
Ventura	859,073	\$200,000	\$40,172
Yolo	221,270	\$150,000	\$30,172
Yuba	74,727	\$100,000	\$20,172
	Total	\$7,950,000	\$1,599,976

* Population as of 1/1/2018

Comments, Alternatives Considered, and Policy Implications

The recommendations contained in this report were presented as information to the Trial Court Budget Advisory Committee on October 11, 2018. Given the discussions with the Department of Finance and the Chief Probation Officers of California about the funding and agreement on the allocation of the funding, no alternatives were considered.

Implementation Requirements, Costs, and Operational Impacts

If the funding provided for in SB 862 is not allocated for expenditure to support start-up activities associated with implementation of pretrial reform, the state will not be able to initiate the necessary work related to these reforms.

Attachments

1. Voting instructions
2. Vote and signature pages

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

Effective immediately, the Judicial Council approves allocation of \$15 million from the Trial Court Trust Fund to support start-up activities associated with implementation of pretrial reform.

My vote is as follows:

Approve Disapprove Abstain

Tani G. Cantil-Sakauye, Chair

Marla O. Anderson

Richard Bloom

C. Todd Bottke

Stacy Boulware Eurie

Kyle S. Brodie

Ming W. Chin

Jonathan B. Conklin

Samuel K. Feng

Scott M. Gordon

Brad R. Hill

Rachel W. Hill

Harold W. Hopp

Harry E. Hull, Jr.

My vote is as follows:

Approve Disapprove Abstain

_____/s/
Audra Ibarra

_____/s/
Hannah-Beth Jackson

_____/s/
Patrick M. Kelly

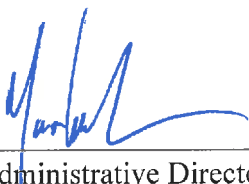
Dalila C. Lyons

_____/s/
Douglas P. Miller

Gretchen Nelson

_____/s/
David M. Rubin

Date: 11/7/18

Attest: 

Administrative Director and
Secretary of the Judicial Council