



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on July 18–19, 2019

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**Title**

Judicial Branch Budget: 2020–21 Budget  
Change Proposals for Supreme Court, Courts  
of Appeal, Superior Courts, Judicial Branch  
Facilities Program, Habeas Corpus Resource  
Center, and Judicial Council

**Rules, Forms, Standards, or Statutes Affected**

None

**Recommended by**

Judicial Branch Budget Committee  
Hon. David M. Rubin, Chair

**Agenda Item Type**

Action Required

**Effective Date**

July 19, 2019

**Date of Report**

July 1, 2019

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### Executive Summary

To continue responsible reinvestment in the judicial branch allowing for greater access to justice for California’s citizens, the Judicial Branch Budget Committee (JBBC) unanimously recommends submitting these 2020–21 budget change proposals (BCPs) to the State Department of Finance.

### Recommendation

The Judicial Branch Budget Committee recommends that the Judicial Council, effective July 19, 2018, approve the following 2020–21 BCPs (not in priority order) for submission to the State Department of Finance on September 3, 2019:

1. Trial Court Civil Assessment Backfill—\$56.40 million
2. Trial Court Funding Stabilization—\$540.90 million

3. Trial and Appellate Court Facility Operations and Maintenance, Leased Space, and Deferred Maintenance—\$159.10 million
4. Information Technology Modernization—\$9.69 million
5. Digitizing of Documents, Phases 2 and 3—\$17.80 million
6. Court Technology Manager Positions—\$1.52 million
7. Appellate Courts—Court-Appointed Counsel Projects—\$1.63 million
8. Electronic Resources and Collection Rightsizing Adjustment for Appellate Court Libraries—\$0.68 million
9. Appellate Court Security—\$1.20 million
10. Judicial Branch Data Governance—\$0.98 million
11. Statutory Statewide Trial Court Audit Program—State Controller’s Office—\$1.60 million
12. Language Access Expansion in the California Courts—\$8.70 million
13. Habeas Corpus Resource Center (HCRC) Case Team Staffing and Establishment of Los Angeles Office—\$11.40 million
14. Stanislaus–New Modesto Courthouse, Buildout Three Shelled Courtrooms—\$9.75 million

A complete description of these Budget Change Proposals is provided in Analysis/Rationale section.

### **Relevant Previous Council Action**

Under California Rules of Court, rule 10.101(b)(3), the Judicial Council must “[d]evelop the budget of the judicial branch based on the priorities established and the needs of the courts.” To that end, the council submits BCPs on behalf of the Supreme Court, Courts of Appeal, superior courts, Habeas Corpus Resource Center, Judicial Branch Facilities Program, and Judicial Council to the Department of Finance. The recommendations in this report are consistent with the council’s past practice under this authority.

In July 2016, the Judicial Council established the JBBC to assist the council in exercising its duties under rule 10.101 with respect to the judicial branch budget. The council assigned the committee the responsibility of reviewing budget change proposals for the judicial branch, coordinating these budget change proposals, and ensuring that they are submitted to the council in a timely manner.

### **Analysis/Rationale**

This recommendation is consistent with the purpose of the JBBC to assist the Judicial Council in exercising its duties under rule 10.101 with respect to the judicial branch budget. The review and recommendation of budget change proposals for the judicial branch is one of the primary responsibilities of the JBBC.

Following are descriptions of each request shown in the table above:

1. ***Trial Court Civil Assessment Backfill.*** Proposes \$56.4 million General Fund in 2020-21<sup>1</sup> and ongoing. In exchange civil assessment revenues will be deposited into the General Fund instead of the Trial Court Trust Fund (TCTF) after fulfilling the \$48.3 million maintenance of effort (MOE) buyout shortfall.
2. ***Trial Court Funding Stabilization.*** Proposes \$540.9 million General Fund in 2020-21, and ongoing, including \$48.3 million to backfill MOE buyout payments that are currently being funded from civil assessment revenues. The funding will provide trial courts with necessary financial support to provide services to the public, finally stabilize the TCTF, and will also accommodate operational cost changes. The request consists of the following components:
  - a. \$442.6 million to fund the trial courts based on the Workload Formula. This request would fund the remaining 17.7 percent of the Workload Formula.
  - b. \$50 million to provide a percentage change adjustment, based on the Consumer Price Index (CPI), to allow for maintenance of effort consistent with many executive branch agencies that use the CPI to obviate erosion of mandatory costs.
  - c. \$48.3 million to backfill MOE buyout payments that are currently funded from civil assessment revenues covered by 38 trial courts.
3. ***Trial and Appellate Court Facility Operations and Maintenance, Leased Space, and Deferred Maintenance.*** Proposes \$58.1 million General Fund in 2020–21 and ongoing to bring operations and maintenance services up to an industry standard level and cover unfunded costs of leased trial court spaces and provide \$101 million in one-time funding to address deferred maintenance in both trial and appellate court facilities.
4. ***Information Technology Modernization.*** The modernization of Judicial Branch technology solutions is critical to realize the full extent of the digital court and its ability to be implemented throughout the state to improve access to justice. This BCP proposes 12.0 positions and \$9.69 million General Fund in 2020-21 (including \$7.35 million in one-time funding and \$2.34 million in ongoing annual funding) to support the implementation and deployment of a branchwide infrastructure and platform modernization. The one-time costs include procurement of hardware, software, and consulting services to upgrade the branch to modern technology platforms. This modernization effort includes new technical and data solutions for Judicial Council forms, a new platform for integrating court-built solutions funded by innovation grants, and new data center technologies that courts can leverage to enhance court user services throughout the state.
5. ***Digitizing of Documents, Phases 2 and 3.*** Proposes \$6.7 million General Fund in 2020-21 and \$11.1 million in 2021-22 to expand the digitizing of court records. This funding extends and supports the Phase 1 funding that is included in the 2019-20 Governor’s Budget which

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<sup>1</sup> This and all subsequent year spans represent fiscal years, unless otherwise indicated.

proposes funding of \$5.6 million for the first phase of digitization of mandatory paper court records. The funding was for equipment and consulting services for 5 to 7 courts for this effort. This budget change proposal is to fund the next two phases of the paper digitization. The funding will cover the conversion of mandated paper case files in at least one case type for approximately 15 courts, including the Supreme Court, Courts of Appeal, and trial courts.

6. ***Court Technology Manager Positions.*** Proposes 7.0 positions and \$1.523 million General Fund in 2020-21 and ongoing to fund a Court Technology Manager position for the Supreme Court and each Court of Appeal (together, the appellate courts). The appellate courts have embraced technology over the last five to seven years, moving to electronic filing, providing remote access to the public, and offering many services online. At the same time, the Judicial Council Information Technology staff has been reduced and used to promote other missions of the judicial branch. The appellate courts need a Court Technology Manager position so that they can hire people to serve as strategic and visionary managers for many of the complex information technology projects occurring in the courts. Similar to the trial court Chief Information Officer (CIO) position, the Court Technology Manager position would allow the appellate courts to advance court technology and modernize the services that the courts provide to the public.
7. ***Appellate Courts—Court-Appointed Counsel Projects.*** Proposes \$1.63 million General Fund in 2020-21 and ongoing to support an increase in the contracts with the five Courts of Appeal court-appointed counsel projects (\$1.28 million) and the Supreme Court’s California Appellate Project—San Francisco (CAP-SF) (\$0.35 million). These six projects (nonprofit organizations) provide assistance and oversight to the panel of private attorneys appointed in criminal courts of appeal cases, capital appeals, and habeas corpus and clemency proceedings for indigent defendants. California’s appellate court Court-Appointed Counsel Program fulfills the constitutional mandate of providing adequate representation for indigent appellants in the Courts of Appeal on noncapital cases. The objectives of California’s Courts of Appeal court-appointed counsel system are to (1) ensure the right of indigent clients to receive the effective assistance of appointed appellate counsel as guaranteed to them by the U.S. Constitution and (2) provide the Courts of Appeal with useful briefings and arguments that allow the courts to perform their function efficiently and effectively. CAP-SF is also responsible for assisting unrepresented death row inmates by collecting and preserving records and evidence for later postconviction use, and by providing advocacy needed before counsel is appointed. The funding would support significant increases in the cost of rent, staff salaries and benefits, and record collection and preservation, as well as supporting new staff and training.
8. ***Electronic Resources and Collection Rightsizing Adjustment for Appellate Court Libraries.*** Proposes \$433,000 General Fund in 2020-21 and \$682,000 General Fund in 2021-22 and annually thereafter for the California Judicial Center Library and the Courts of Appeal libraries (collectively, the “appellate court libraries”). This proposal provides for (1) increased costs for contractual library services in online legal research resources and

(2) increased costs for print collections that are unavailable in other formats. This request is a total 32 percent increase to the libraries' budget over the course of two years.

9. ***Appellate Court Security.*** Proposes \$1.22 million General Fund (including \$21,000 in one-time funding) beginning in 2020-21 to ensure that all appellate court locations have the necessary security coverage. The California Highway Patrol Judicial Protection Section (CHP-JPS) provides security to each of the nine physical appellate court locations during normal business hours. This request will provide funding to support seven new CHP-JPS officers to enhance the current security compliment and provide the necessary security coverage at all appellate court locations statewide.
10. ***Judicial Branch Data Governance.*** Proposes 5.0 positions and \$983,000 General Fund (including \$306,000 in one-time funding in 2020-21 and \$677,000 in on-going annual funding) to implement a branch wide data governance infrastructure to modernize the collection, compilation, and management of branch data. Benefitting all levels of the courts, the Judicial Council, and legislative and executive partners, data governance ensures the consistency, quality, and security of information for better data-driven decisionmaking.
11. ***Statutory Statewide Trial Court Audit Program—State Controller's Office.*** Proposes \$1.6 million General Fund in 2020-21 and ongoing to adhere to Government Code section 77206(h), which requires external audit agencies—such as the State Controller's Office, California State Auditor, and Department of Finance—to audit every trial court's revenue, expenditures, and fund balance on a four-year cycle. Under section 77206(h)(4), the costs of these audits are to be paid from funds of the local trial courts being audited.
12. ***Language Access Expansion in the California Courts.*** Proposes 3.0 positions and \$8.7 million General Fund in 2020-21 and \$8.3 million General Fund annually thereafter to support implementation of the *Strategic Plan for Language Access in the California Courts* by reimbursing trial courts for language access services and funding video remote interpreting (VRI) equipment for the trial courts for an estimated 15 courthouses. This proposal provides funding for 3.0 Judicial Council Senior Analysts (one for the Center for Families, Children & the Courts and two for Information Technology) to enable the launch of a VRI program statewide. The Governor's May Revision provides \$9.6 million in 2019-20 and ongoing for funding of the Court Interpreters Program, and this request is for the remainder of the funds needed to completely support the implementation of the language access plan.
13. ***HCRC Case Team Staffing and Establishment of Los Angeles Office.*** Proposes 30.0 positions and \$6.5 million General Fund in 2020-21 (including \$900,000 in one-time funding and \$5.6 million in ongoing annual funding) beginning in 2020-21, additional 20.0 positions and \$2.9 million General Fund in ongoing annual funding beginning in 2021-22, and additional 20.0 positions and \$2.9 million General Fund in ongoing annual funding beginning in 2022-23 to establish a total of 70.0 positions over the course of three years to support the increased workload in HCRC as a result of the enactment of Proposition 66. This proposal

would create up to 15 additional case teams to provide legal representation to inmates on California's death row and requires an amendment to Government Code section 68661.

14. ***Stanislaus–New Modesto Courthouse, Buildout Three Shelled Courtrooms.*** Proposes \$14.03 million Public Buildings Construction Fund for a change of scope in the construction phase and \$0.63 million Immediate and Critical Needs Account for the working drawing phase in 2020-21. The proposed scope change includes finishing three of the five unfinished courtrooms and provides a precast façade for the building in lieu of the less expensive, but high-maintenance cement plaster façade. One of the finished courtrooms will be used for a new judgeship included in the Budget Act of 2019-20, one will be used to resolve safety and security issues for the juvenile delinquency court, and the third will be a criminal courtroom to consolidate the Superior Court of Stanislaus County into one facility.

The committee diligently reviewed recommendations from various Judicial Council advisory bodies as part of its efforts to determine which requests to recommend moving forward. The JBBC opted not to recommend a priority for the BCPs because they paired down the list to the highest-priority requests allowing greater flexibility to the Chief Justice and the Administrative Director in conjunction with budget advocacy efforts.

#### **Policy implications**

During the 2020-21 BCP review process, other needs within the judicial branch were identified but not recommended for submission. All of these proposals were worthy, and the committee looks forward to reviewing them for possible future submission.

#### **Comments**

These items were not circulated for public comment though meetings considering Initial Funding Requests and BCP concepts were open to the public. No public comments were received during the two JBBC meetings, March 18 and May 14, 2019, where BCP initial funding requests and BCP concepts were considered.

#### **Alternatives considered**

The JBBC was presented with a list of 26 initial funding requests which represented funding needs requested by various judicial branch advisory committees and other requesting entities. The JBBC had the option to choose to approve any number of these requests—in any priority order—to move forward to develop into BCPs for submission. As mentioned previously, the JBBC opted not to prioritize the list to provide the Chief Justice and the Administrative Director with discretion and flexibility in advocacy efforts.

The recommended list represents the result of various rounds of deliberation by the JBBC and reflects decisions made based on information from Judicial Council staff, including updated 2019–20 budget information. This list provides for a budget package that recognizes the limited resources available to the state, while balancing the need to advocate for judicial branch needs that will increase access to justice in an efficient and forward-thinking manner.

**Fiscal and Operational Impacts**

The operational and fiscal impacts to implement the recommendation are minimal.

**Attachments and Links**

None.