Judicial Council of California

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Subject Details (With Text)

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Date	Ver.	Action By	Action	Result
6/24/2016	1	Judicial Council	tabled	Pass

Title
Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology Small Courts Recommendations (Action Required)

Summary
In April 2016, the Judicial Council approved 9 of the 10 recommendations in the report of the Court-Appointed Counsel Funding Allocation Methodology Joint Subcommittee of the Trial Court Budget and Family and Juvenile Law Advisory Committees. The Council requested the subcommittee to review recommendation 7, related to allocation methodology for small counties, and report to the Council in June 2016 whether there are additional alternatives that the Council might consider. After further investigation and consideration, the subcommittee developed a list of options that the Council could consider, and recommends that all options be provided to the Council for consideration and adoption of any or all of the options. The subcommittee further recommends that the Council encourage and support small courts to pursue pilot projects to decrease attorney costs.

In the course of advisory committee voting on the recommendations, the Family and Juvenile Law Advisory Committee voted unanimously to forward the subcommittee recommendations to the Judicial Council. The Trial Court Budget Advisory Committee voted in favor only of the original recommendation 7 made in April, 2016 (option d of recommendation 1 in this report), against presenting other options in recommendation 1 to the Council, and in favor of recommendation 2 regarding pilot projects.

Recommendation
The subcommittee reviewed its original recommendation related to small court funding in the Dependency Counsel Workload and Funding Methodology and recommends that the Council, effective June 24, 2016, consider all of the alternative options listed in recommendation 1, and adopt all or some of those options to modify the Workload and Funding Methodology for small courts. In addition, the subcommittee recommends that the Council consider adopting recommendation 2, which does not modify the methodology but will provide additional data on funding issues in small courts.

1. Approve all or any of the following alternative options related to the Dependency Counsel Workload and Funding Methodology in small courts:

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   a. That base funding be established for small courts that ensures funding of a minimum required service of providing qualified attorneys in the small courts.
   b. That the attorney workload model be modified to reflect additional costs incurred in small courts: lack of access to qualified attorneys, attorneys travelling long distances from out of county, large numbers of conflicts, lack of economies of scale for attorneys in employing support staff or investigators, lack of access to expert witnesses.
   c. That the funding reallocation process be suspended for small courts until a more accurate model for calculating workload is developed.
   d. That a program be established for providing emergency funding to small courts experiencing unexpected short-term caseload increases (original recommendation 7).
2. That small courts pursue pilot projects to decrease attorney costs, including: coordinating calendars in courts that share attorneys, developing conflict attorney panels that could serve several courts, developing expert witness panels that could serve several courts, expanding remote appearances by attorneys.

Speakers

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Hon. Mark A. Cope, Cochair, Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology, Trial Court Budget Advisory Committee

Hon. Jerilyn L. Borack, Cochair, Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology, Family and Juvenile Law Advisory Committee

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