



## Judicial Council of California • Administrative Office of the Courts

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 23, 2013

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Title	Agenda Item Type
Trial Courts: Allocations From the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund for Court-Related Projects and Programs	Action Required
	Effective Date
	August 23, 2013
Rules, Forms, Standards, or Statutes Affected	Date of Report
None	August 19, 2013
Recommended by	Contact
Trial Court Budget Advisory Committee	Hon. Laurie M. Earl, 916-874-5487
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### Executive Summary

For the fiscal year 2013–2014, the Trial Court Budget Advisory Committee (TCBAC) recommends the allocation of \$67.09 million and \$25.14 million in funding from the State Trial Court Improvement and Modernization Fund (STCIMF) and the Trial Court Trust Fund, respectively, for various trial court-related projects and programs. In addition, the TCBAC recommends that the Judicial Council delegate authority to the Administrative Director of the Courts to make limited adjustments to allocations approved by the council from the STCIMF, subject to certain guidelines.

### Recommendation

Based on actions taken at its August 14, 2013, public meeting, which were passed unanimously, the Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective August 23, 2013:

1. Allocate \$67.09 million from the State Trial Court Improvement and Modernization Fund in FY 2013–2014, which consists of \$1.13 million in funding for 5 new allocations, funding to maintain 26 projects and programs at their 2012–2013 allocation levels, and increases and decreases for 30 projects and programs that net to an overall decrease of \$5.96 million.
2. Allocate \$1.73 million for the Domestic Violence—Family Law Interpreter Program from the Trial Court Trust Fund Program using the Program 45.45 (Court Interpreter) expenditure authority.
3. Allocate \$23.41 million from the Trial Court Trust Fund Programs 30.05 and 30.15 expenditure authority in FY 2013–2014, which consists of funding to maintain 3 projects and programs at their 2012–2013 allocation levels and increases and decreases for 6 projects and programs that net to a overall decrease of \$3.37 million.
4. Delegate to the Administrative Director of the Courts, subject to the guidelines identified in this report, the limited authority to transfer allocations between projects and programs.

A summary of the recommended STCIMF allocations by project and programs is displayed in Appendix A. A summary of the recommended TCTF Programs 30.05 and 30.15 allocations by project and programs is displayed in Appendix B.

### **Recommendation 1: STCIMF Allocations for 2013–2014**

1. Allocate \$67.09 million from the State Trial Court Improvement and Modernization Fund in FY 2013–2014, which consists of \$1.13 million in funding for 5 new allocations, funding to maintain 26 projects and programs at their 2012–2013 allocation levels, and increases and decreases for 30 projects and programs that net to a overall decrease of \$5.96 million.

#### **Rationale for recommendation 1**

The Revenue and Expenditure Subcommittee of the TCBAC reviewed STCIMF allocation proposals for 2013–2014 from the AOC on August 1, 2013 (see Appendix C) and made recommendations to the TCBAC. The subcommittee will meet again in the near future to make recommendations on allocation levels for 2014–2015 and beyond. On August 14, 2013 the TCBAC deliberated on the subcommittee’s recommendations. The recommended allocations would fund projects and programs that are intended to improve the administration of and access to justice in the trial courts. The recommendations are consistent with judicial branch goals and the statutory purposes of the fund and are intended to achieve various goals of the judicial branch as they apply to trial courts, including branchwide infrastructure for service excellence.

***Expenditure authority.*** There is sufficient expenditure authority for the recommended allocations. The Budget Act of 2013 provides \$71.31 million in expenditure authority for local assistance allocations and, when including the additional \$9.15 million authorized by provisional

language, \$18.67 million for support allocations.<sup>1</sup> The TCBAC is recommending \$54.29 million for local assistance allocations and \$12.80 million for support allocations.

**Resources.** Including the beginning balance of \$44.83 million, the total estimated resources for the STCIMF in 2013–2014 is \$97.94 million, which is sufficient to fund the \$67.09 million in allocations being recommended by the TCBAC (see Appendix D).

The STCIMF receives funding from a number of sources: an annual appropriation of state General Fund monies, which is \$38.709 million in 2013–2014; 50/50 Excess Fines Split Revenue (Gov. Code., § 77205) representing the state’s 50 percent share of the fee, fine, and forfeiture revenue that exceeds each county’s base revenue maintenance of effort (MOE) level from 1998–1999; interest earned on retained funds through the Surplus Money Investment Fund (SMIF); 2 Percent Automation Fund (*id.*, § 68090.8(b)) revenues representing 2 percent of the fine, penalty, and forfeiture collections in criminal cases; and revenues from the sale of documents and royalties from publication of uniform jury instructions.

**Allocation adjustments in 2012–2013.** At its October 26, 2012, business meeting, the Judicial Council delegated authority to the Administrative Director of the Courts to adjust allocations of funds to courts and for approved programs and projects, as needed, to address unanticipated needs and contingencies. Any adjustments were to be reported back to the council after the end of the fiscal year. During 2012–2013, the Administrative Director approved three transfers, as follows:

- A transfer of \$18,000 from the Judicial Primary Assignment and Overview Courses program, as a result of savings due to fewer attendees, to the Advanced Education for Experienced Judges program to pay the costs for 30 additional participants who were on a wait list to attend a two-day Evidence course.
- A transfer of \$57,702 from the Workers’ Compensation Program Reserve, as a result of not having to pay any run-off claims tied to Sacramento, San Francisco, and Santa Clara counties during 2012–2013, to the Trial Court Investigation program to pay the additional costs for increased number of requests for investigatory assistance from the trial courts.
- A transfer of \$20,000 from the Judicial Institutes program, due to savings from hotel discounts, to the Orientation for New Trial Court Judges program to pay the costs for providing an additional standard-sized program due to increased appointments and a larger than usual number of participants enrolled.

**2012–2013 excess 50/50 split revenue distributions.** Government Code section 77205(a) requires the council to determine an allocation of 50/50 excess split revenues that exceed the

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<sup>1</sup> Local assistance appropriations are expenditure authority that is used to disburse funding to courts and vendors; support appropriations are expenditure authority that is used to fund AOC staff costs.

total 2002–2003 level. On December 7, 2004, the council adopted a methodology whereby courts in counties whose 50/50 excess split revenues exceeded the 2002–2003 base would receive a pro rata share of a minimum of 20 percent of the total excess revenues. From 2004–2005 to 2007–2008, total 50/50 excess split revenues exceeded the total 2002–2003 base, and pro rata distributions were made to eligible courts from 20 percent of the excess revenue. Beginning 2008–2009 through 2012–2013, the total 50/50 excess split revenues have not exceeded the 2002–2003 base. As a result, no excess revenue will be available for distribution to the courts in 2013–2014.

***Recommended FY 2013–2014 allocations for projects and programs.*** Table 1 displays the recommended total allocations from the STCIMF by the AOC offices that manage the various projects and programs.

**Table 1. Recommended 2013–2014 STCIMF One-Time Allocations by AOC Office**

<b>AOC Office</b>	<b>2012–2013 Allocation</b>	<b>Proposed Adjustment</b>	<b>Recommended Allocation</b>
Office of Security	\$1,200,000	\$0	\$1,200,000
Center for Families, Children & the Courts	\$7,000,000	(\$1,710,000)	\$5,290,000
Center for Judiciary Education and Research	\$1,193,000	\$70,000	\$1,263,000
Court Operations Special Services Office	\$430,000	\$433,000	\$863,000
Legal Services Office	\$11,400,000	\$41,000	\$11,441,200
Internal Audit Services	\$810,000	\$0	\$810,000
Fiscal Services Office	\$1,218,000	\$539,000	\$1,757,000
Human Resources Services Office	\$2,091,000	(\$1,927,000)	\$164,000
Information Technology Services Office	\$33,054,000	(\$708,600)	\$32,345,700
Trial Court Administrative Services Office	\$13,527,000	(\$1,567,700)	\$11,959,300
<b>Total</b>	<b>\$71,923,000\$</b>	<b>(\$4,830,300)</b>	<b>\$67,093,200</b>

***Allocations for Projects and Programs Not Funded in 2012–2013.*** The TCBAC considered seven new allocations. It recommends not funding the Courts Linked by Information and Knowledge project with a proposed allocation of \$1.2 million because it is not urgent and the system is mainly available and used by the AOC (see Appendix C, page 88, for description and purpose). The TCBAC is deferring a decision on allocating \$609,000 for the Orange Telecom project in order to give more time to the committee to assess the project (see Appendix C, page 76, for description and purpose). The TCBAC recommends funding the following five projects and programs that were not funded in 2012–2013:

*Court Operations Special Services Office*

1. 2015 Language Needs Study

New: \$314,000

Description and Purpose: These funds will be used to support the mandated 2015 Language Need and Interpreter Use Study. Every five years the Judicial Council is mandated under Government Code section 68563 to conduct a study of language need and interpreter use in the trial courts. Under Government Code section 68563, the Judicial Council is responsible for designating languages to include in the California Court Interpreter Certification Program. Decisions about the designation of languages are based on several components of the Language Need and Interpreter Use Study, including statewide and regional use of court interpreters, the language needs of limited English proficiency (LEP) and American Sign Language (ASL) court users, and demographic trends in immigration patterns that influence potential increases or declines in interpreter use. To fulfill this mandate and report the findings and recommendations in 2015, this study must commence during the 2013–2014 fiscal year.

There continues to be a growing demand for interpreters in the courts. U.S. Census data indicate an increase in the LEP population in California. It is important to fully understand both the regional and statewide needs for interpreters to better plan for the efficient use of interpreters throughout California. The Language Need and Interpreter Use Study provides the essential information needed for the Judicial Council's charge to designate languages to be included in the certification program. Findings and recommendations from this study will assist in the designation of languages to be included in the California Court Interpreter Certification Program, and will serve to assist in decisions pertaining to the efficient use of interpreters in mandated court proceedings. Additionally, this study will provide critical information on the use of interpreters in civil proceedings. Given the potential mandate for provision of interpreters in civil proceedings, and current concerns of the US Department of Justice that LEP individuals are excluded from meaningful access to civil court proceedings in California, this data will provide a foundation for planning and implementing future mandates. Ensuring access to justice for LEP court users is a high priority for the Judicial Council and the AOC Executive Office. Conducting a study to determine the language need and interpreter use for all court users is vital to ensuring fairness and access to justice in the courts, and aligns with the strategic goals of the Judicial Council.

2. California Language Access Plan

New: \$65,000

Description and Purpose: A key objective of the 2013 Court Interpreters Advisory Panel (CIAP) Annual Agenda, which was approved by the Executive and Planning Committee on behalf of the Judicial Council, is to develop a comprehensive statewide Language Access

Plan (LAP) for California, working in collaboration with the Access and Fairness Advisory Committee. To achieve this goal, a joint working group was formed and established to prepare a proposed LAP to present to the council for approval. The joint working group includes members from both committees as well as bench officers, court staff, and certified and registered court interpreters (both court employees and contractors). The cochairs of the joint working group, Justice Maria P. Rivera and Judge Manuel J. Covarrubias, have requested that funds be made available to the joint working group to retain the services of a consultant/attorney with considerable expertise on language access issues to assist with the development of the proposed LAP. Specifically, we will seek the services of an attorney and a certified court interpreter already under contract with the AOC, who will be charged with assisting the joint working group and AOC staff to develop a comprehensive LAP for California. The LAP will identify available resources and greater efficiencies and will facilitate broader language access for limited English proficiency (LEP) court users across the state. The LAP will also align with the U.S. Department of Justice's recent recommendations for California to continue to make progress and expand its efforts to provide LEP court users with full and meaningful language access.

Continued work by California to expand language access is in alignment with long-standing judicial branch goals and recent recommendations made by the U.S. Department of Justice. The need for language services in California is pressing, and it is growing with the increasing racial and ethnic diversity of the state's population. Approximately 40 percent of California's population speaks a language other than English in the home. This includes over 200 languages and dialects. According to the U.S. Census, roughly 20 percent of Californians (6,816,671) speak English less than "very well," which arguably excludes them from meaningful participation in a judicial proceeding without language assistance. (All data are from the U.S. Census Bureau and the Migration Policy Institute.) On May 22, 2013, the U.S. Department of Justice's Civil Rights Division issued a letter about its investigation of the Superior Court of Los Angeles County and the Judicial Council of California. The ongoing DOJ investigation has indicated that "several current policies, practices and procedures of LASC, the AOC, and the Judicial Council appear to be inconsistent with Title VI and DOJ's implementing regulations." The DOJ has identified several recommendations that will enable California to continue to expand services toward full and meaningful language access for LEP court users. California's LAP will identify key milestones by which to monitor progress and provide for flexibility in implementation. While AOC staff are supporting the efforts of the joint working group to develop a proposed LAP to present to the council, the fact is that those staff do not have hands-on experience with or expertise in preparing LAPs. Thus, this request seeks funding to secure limited assistance from an outside contractor with experience in these matters to ensure that the proposed LAP is as complete as possible.

#### *Fiscal Services Office*

### 3. Contract for Other Post-Employment Benefit (OPEB) Valuation Report

New: \$600,000

Description and Purpose: The AOC Fiscal Services Office is requesting \$600,000 to retain an actuarial firm to assist trial courts in meeting the requirements established in Governmental Accounting Standards Board (GASB) Statements 43 and 45, which require government entities to disclose their accrued liability for OPEB and related information at least once every other year. As the council has allocated funding in two previous years, this will represent the third cycle in which the AOC has provided this assistance to courts since reporting requirements went into effect.

Post-employment benefits may be provided through a county retirement system, CalPERS, or directly through benefit providers. Each trial court, as an independent entity, offers its own unique benefits package, and some may offer more than one package depending on the provisions of their collective bargaining agreements. Due to the specialized terminology associated with the complex rules and regulations for collecting the required information, as well as the specialized calculations involved in determining the valuations of these post-employment plans, these reports must be certified by a licensed actuary. Copies of the completed valuation reports will be provided to the State Controller's Office so that this mandatory information can be included in the state's comprehensive annual financial report. The AOC has extended the contract terms for the actuary that was contracted with for the last reporting cycle. Consulting Actuaries, Inc., DBA Van Iwaarden Associates provides the expertise for producing the necessary calculations and documentation as well as sufficient staffing and experience with entities similar to trial courts. The requested budget is consistent with expenses incurred last time (which came in well under the \$1 million requested during the last cycle). We believe this is the most prudent approach to accomplish this reporting requirement in that many other consultants no longer venture into this process because of the prohibitive costs. In addition, the current market demand for actuaries has spiked considerably.

#### *Information Technology Services Office*

#### 4. Adobe LiveCycle Reader License

New: \$129,800

Description and Purpose: A number of years ago the Superior Courts of Orange, San Bernardino, and Sacramento County were working together to develop "smart forms" to help self-represented litigants do a better job of completing Judicial Council forms. Each court was working on a different set of forms. One of the technical pieces needed was the ability to not just fill out, but save, for later modification, PDF versions of the council forms. The software needed was the Adobe LiveCycle Reader. Since there were multiple courts involved, the Superior Court of Orange County explored getting a license that anyone in the judicial branch could use, not just the three courts. The cost was about \$700,000 one time for

the basic license and \$140,000 for the annual maintenance fee. The Superior Court of Orange County paid the entire \$700,000 initial amount, and the three courts agreed to split equally the maintenance fee. Each court has been paying one third of the fee since then. The Superior Court of San Bernardino County has just informed the two other courts that it cannot make the payment for FY 2013–2014, given the budget cuts. It is not yet known whether the Superior Court of Sacramento County is willing and/or able to continue paying. It would be unfair to have only two, or one, court pay the fee for a functionality that all courts use. The fee is \$70 per authorized judicial position per year. In 2012 a total of 5.5 million forms were downloaded. For this volume, the maintenance fee would be less than \$0.03 per form download.

This Adobe LiveCycle Reader software was very interesting to the trial courts at the time. Not only could it power smart forms, but it also would allow all 965 Judicial Council forms to be savable (prior to the license the forms could only be filled out and printed, but the data could not be saved). In addition, Adobe LiveCycle Reader was part of the CCMS V4 technology stack, so the courts wanted to get meaningful experience with the technology prior to V4 to understand its capabilities and limitations. About six months after the contract was signed, all Judicial Council forms on the California Courts web site were made “savable.” The savable forms are available to anyone, not just the Orange, San Bernardino, and Sacramento trial courts, and not just those courts using the smart form packets we have developed. They are used widely and extensively, and the self-help centers and AOC’s Center for Families, Children & the Courts staff are very happy the savable forms are available. Losing the savable feature would noticeably reduce access to the courts; for example, almost 2 million family law forms were downloaded in 2012.

#### *Trial Court Administrative Services Office*

##### 5. Judicial Council’s Court-Ordered Debt Task Force

New: \$25,000

Description and Purpose: The Trial Court Administrative Services Office requests an allocation of \$25,000 in fiscal year 2013–2014 to cover the expenses associated with the activities of the Judicial Council’s Court-Ordered Debt Task Force, established in accordance with Penal Code Section 1463.02. Penal Code 1463.03 specifies the composition of the Court-Ordered Debt Task Force and outlines the objectives, including gathering and analyzing data in the form of revenue and expenditures pertaining to criminal and traffic related fines, fees, forfeitures, surcharges and assessments for both adults and juveniles, requires inclusion of state, county and city representatives, and requires the task force to attempt to simplify the entire process, determine the priority in which court-ordered debts would be satisfied, and assess comprehensive collection programs in accordance with Penal Code Section 1463.007. This funding request will cover the travel/meal expenses associated



with the activities of the task force members, as well as the costs associated with the bi-annual statewide revenue distribution training to be conducted in partnership with the State Controller's Office (SCO).

Originally contained within legislation AB 367, and further amended by SB 857, the composition and objectives of the Court-Ordered Debt Task Force are specified in statute. The basic intent is to evaluate the effectiveness and efficacy of the criminal and traffic-related fine/fee structure and attempt to simplify the administration of this system for the benefit of the citizens and the criminal justice participants. Multiple statewide surveys administered by the task force revealed the lack of uniform revenue distribution processes in various revenue collection entities including courts, counties, cities, and parking companies, prompting the task force to direct the AOC to partner with the SCO to develop and deliver comprehensive training. The purpose of this training is to ensure revenue collection entities perform revenue distribution tasks correctly and in accordance with statute and local ordinance, ensuring resources reach those entities that benefit from the revenues.

***Maintain allocations at 2012–2013 levels.*** The TCBAC recommends that the allocations for 26 projects and programs be maintained at their 2012–2013 levels. Appendix C provides the description and purpose of these projects and programs.

***Adjustments to 2012–2013 allocation levels.*** The TCBAC is deferring a recommendation on allocating an additional \$6.87 million above the 2012–2013 funding level for the Telecommunication Support program in order to give the committee more time to consider the need for an augmentation (see Appendix C, page 74). The TCBAC recommends adjustments to the 2012–2013 allocation levels of 30 projects and programs for a net decrease of \$5.96 million as follows.

*Center for Families, Children & the Courts*

1. Domestic Violence – Family Law Interpreter Program

Reduction: \$1.73 million

Recommended Allocation: \$20,000

Description and Impact: The program, which reimburses courts for costs related to providing interpreters in domestic violence, elder abuse, and family law matters, will be funded from the Trial Court Trust Fund instead of the STCIMF. The remaining \$20,000 of the allocation will be used to pay for the translation of domestic violence forms and instructions and to make them available to all courts. There is a critical need to keep these forms updated to reflect legislative changes.

2. Interactive Software – Self-Rep Electronic Forms

Augmentation: \$20,000

Recommended Allocation: \$60,000

Description and Impact: CFCC is requesting an increase of \$20,000 to hire a consultant to maintain service to courts in updating form sets. The lead AOC staff attorney who created the document assembly program is on extended leave. CFCC has no employees with the required legal and technical skills to cover his duties.

*Center for Judiciary Education and Research*

3. Orientation for New Trial Court Judges

Augmentation: \$30,000

Recommended Allocation: \$95,000

Description and Impact: Nine NJO Programs are planned for this year with the expectation of a more typical rate of judicial appointments. The typical number of NJO programs in the past has been between eight and ten. Six NJO programs were held last year and some were provided with a larger than optimal number of participants due to unexpected judicial appointments. Most of the proposed additional funding amount is already encumbered on contracts for lodging at local hotels.

4. B.E. Witkin Judicial College of CA

Augmentation: \$55,000

Recommended Allocation: \$160,000

Description and Impact: There are more (72 total) new judge participants at this year's Judicial College. Last year's participation of 54 judges was a historic low. Most of the proposed additional funding amount is already encumbered in the contract for the 2013 College, which is being delivered this month (August 2013).

5. Primary Assignment Orientation and Overviews

Augmentation: \$58,000

Recommended Allocation: \$239,000

Description and Impact: The recommended allocation for this item will provide various orientation courses for new judges, judges new to an assignment and judges returning to an assignment. There are approximately eighteen different courses, some of which are offered multiple times during the year. There will be additional new judge participants in the coming year based upon a return to a more typical number of appointments (+\$30,000). Also, the biannual nature of some programs calls for some additional program costs this year: An additional Advanced Felony Sentencing course is planned and so is an AB1058 Commissioners Orientation (\$8,000); the biannual CEQA Orientation course will cost an additional (\$12,000); the biannual Domestic Violence Institute Orientation Program developed by CFCC and supported in part by CJER will also be offered this year (\$8,000).

The funding for domestic violence programming leverages a CFCC grant by funding items that cannot be paid from that grant.

6. Leadership Training - Judicial

Reduction: \$5,000

Recommended Allocation: \$50,000

Description and Impact: The items funded in this line item include the PJ/CEO Court Management Program and the Supervising Judges Institute. A reduction is proposed based on actual prior year expenditures.

7. Judicial Institutes

Reduction: \$25,000

Recommended Allocation: \$110,000

Description and Impact: Because Judicial Institutes are not offered every year, a different number of institutes of different sizes are offered in a given year. Because of this, the specific funding requirements differ from year to year. One fewer institute is planned this year and there will be three in total: the Probate and Mental Health Institute, Criminal Law and Procedure Institute and Cow County Institute.

8. Manager and Supervisor Training

Reduction: \$20,000

Recommended Allocation: \$31,000

Description and Impact: Because some of the Core 40 and Core 24 courses originally planned for statewide delivery are being delivered effectively locally and regionally, there is a reduction in the need for funding participant lodging. Core 24 courses originally planned for last year were postponed and will be offered this year.

9. Court Personnel Institutes

Augmentation: \$37,000

Recommended Allocation: \$120,000

Description and Impact: A cyclical cost increases for the Trial Court Judicial Attorneys Institute program (TCJAI), offered on a biannual basis, is partially mitigated by decreases in other programs.

10. Regional and Local Court Staff Education Courses

Reduction: \$10,000

Recommended Allocation: \$10,000

Description and Impact: The participant lodging, meeting room rental and food and beverage costs associated with these courses has proven to be less than expected and consequently

funding can be reduced. The Core Leadership and Training Skills Class postponed last year will be offered in this fiscal year in addition to two originally planned for this year.

11. Distance Education - Satellite Broadcast

Reduction: \$50,000

Recommended Allocation: \$137,000

Description and Impact: There has been a reduction in the cost of satellite broadcast transmission and in the number of new site installations. Also, costs for lodging, business meals and travel associated with faculty for trial court satellite broadcast education will be absorbed by the Trial Court Faculty line item.

*Court Operations Special Services Office*

12. Court Access and Education

Augmentation: \$54,000

Recommended Allocation: \$331,000

Description and Impact: Federal budget cuts and sequestration have reduced AmeriCorps funding nationwide. The JusticeCorps grant for the 2013–2014 program year will be reduced by \$150,000. Given reduced grant funding, the courts are now responsible for additional key program costs. A restoration of \$54,000 in STCIMF to the full FY 2009–2010 level of \$331,000 will help offset just over one-third of the reduced JusticeCorps grant. The entirety of STCIMF funding is distributed proportionately to directly benefit the six partnering courts in the JusticeCorps program. In addition to the overall reduction in the AmeriCorps grant there are also number of member training and meeting costs that are no longer covered by the AmeriCorps grant and must be covered by other sources. The courts value thorough and complete member training and the additional STCIMF resources will also support these costs. 3) Reduced fund balances for courts will affect their ability to front program costs prior to execution of a contract with the AOC for their AmeriCorps subgrant. Additional STCIMF funding of \$54,000 will benefit them, especially at the beginning of their program year.

*Legal Services Office*

13. Judicial Performance Defense Insurance

Augmentation: \$42,500

Recommended Allocation: \$920,600

Description and Impact: The increased premium is based on an increase in the number and cost of claims in the past four years. The premium will increase for FY 2013–2014 in the amount of \$45,784, with \$42,500 of that increase being paid from the STCIMF as the proportionate amount attributable to trial court judges and subordinate judicial officers.

14. Subscription Costs - Judicial Conduct Reporter

Reduction: \$1,500

Recommended Allocation: \$15,500

Description and Impact: The decrease is due to a discount offered by the publisher for a one-year subscription. Last year, after the Judicial Council approved an allocation of \$17,000 from the STCIMF, the publisher agreed to a one-time-only discount of 10%, which brought the total subscription cost down to \$16,380. Of that amount, \$15,535 was charged to the STCIMF. The publisher has agreed to offer the same discount this year on a one-time-only basis.

*Fiscal Services Office*

15. Treasury Services - Cash Management

Augmentation: \$14,000

Recommended Allocation: \$238,000

Description and Impact: The allocation increase is due to an estimated merit salary adjustment (MSA) increase in salaries and wages of 3.5% for qualified employees.

16. Enhanced Collections

Reduction: \$75,000

Recommended Allocation: \$625,000

Description and Impact: A decreased level of funding is requested this year due to the retirement of the previous unit manager, with day to day supervision and oversight now provided by existing Fiscal Services Office management staff, who is funded from the AOC General Fund budget.

*Human Resources Services Office*

17. EAP for Bench Officers

Reduction: \$51,000

Recommended Allocation: \$34,000

Description and Impact: HRSO will revise the program to include a pay-as-you-go payment structure for the Judicial Officers Assistance Program. This change will require the AOC to solicit bids via the Request for Proposals (RFP) process. If a vendor is selected through the RFP process, services under the new payment structure will begin in January 2014.

18. Workers' Compensation Program Reserve

Reduction: \$1,893,000

Recommended Allocation: \$0

Description and Impact: There are outstanding claims with three counties for the potential payment related to the following superior courts: San Francisco, Santa Clara, and Sacramento. Regarding a general statute of limitations for these types of claims, this issue has been researched (at length) in the past by outside counsel, Legal Services, and HR. However, no singular conclusion was ever reached; if the counties put in the effort to collect these funds, AOC will have to treat each request on a case-by-case basis and work with in-house and outside counsel to determine an appropriate course of action.

19. Trial Court Benefits Program - Legal Advice

Reduction: \$40,000

Recommended Allocation: \$0

Description and Impact: Court usage of this program has been low; however, the AOC will continue to address courts' inquiries by referring them to available staff within the AOC Legal Services Office.

20. Human Resources - Court Investigation

Augmentation: \$50,000

Recommended Allocation: \$100,000

Description and Impact: In April 2013, AOC initiated a one-time transfer from the Workers' Compensation Program Reserve of \$57,000 to cover the increased costs for these services to the trial courts. In fiscal year 2012–2013 the original allocation was \$50,000; however the budget allocation, with the transfer, was increased to \$107,000. Invoices related to these investigations are in the process of payment and currently total \$103,455. HRSO projects that investigation requests will continue well into FY 2013–2014 and at a similar level to FY 2012–2013. The need to provide these critical services to the trial courts must take priority especially as courts face tight budgets and reduced allocations.

21. Trial Court Labor Relations Academies and Forums

Augmentation: \$7,000

Recommended Allocation: \$30,000

Description and Impact: In FY 2012–2013, HRSO met the needs of the southern California courts and offered the Labor Academy I in Ontario, California and had 32 participants for this two-day course introducing labor relations to members of management. This addition resulted in an increased cost of about \$7,874. The courts have continued to request these academies and, to be consistent with program efforts in FY 2012–2013, additional funds are needed to fund a similar level of course offerings in FY 2013–2014.

*Information Technology Services Office*

22. Enterprise Policy/Planning (Statewide Planning and Development)

Reduction: \$135,300

Recommended Allocation: \$5,122,800

Description and Impact: The decrease is due to the end of the contract for a project management consultant assigned to develop and implement standard processes for the program.

#### 23. Interim Case Management Systems

Reduction: \$1,162,500

Recommended Allocation: \$1,650,600

Description and Impact: The decrease is related to continued deferment of various SJE projects while primarily focusing on those maintenance and operations projects that are required, along with incorporating minimal enhancements, while the SJE Court Consortium evaluates alternatives to replacing the SJE application. Additionally, efficiencies continue to be realized by having an AOC consultant who has a more favorable billing rate than the Sustain vendor perform tasks (e.g., such as writing business requirements, making SJE configuration changes and testing) needed to incorporate legislative updates into the SJE application.

#### 24. Data Integration

Reduction: \$484,100

Recommended Allocation: \$3,906,900

Description and Impact: The decrease is due to a refresh of hardware that will not be required.

#### 25. California Courts Technology Center (CCTC)

Augmentation: \$821,100

Recommended Allocation: \$9,465,100

Description and Impact: This augmentation is needed to maintain the baseline services for the program, including upgrade of the end-user application access and security system, and to pay monthly invoices as obligated by the existing CCTC vendor contract. The existing end-user application access and security system is no longer supported by the vendor, and any outage may cause significant impacts to the courts' access to applications hosted at the CCTC.

#### 26. CLETS Services/Integration

Augmentation: \$351,200

Recommended Allocation: \$515,200

Description and Impact: The increase is due to having CLETS allocated as a separate project, instead of being allocated as part of the Data Integration program. The increase also includes a refresh of hardware and software of the CLETS infrastructure.

27. California Courts Protective Order Registry

Augmentation: \$12,700

Recommended Allocation: \$675,800

Description and Impact: The increase will be used to implement infrastructure updates and additional storage at the CCTC necessary to support the additional counties being on-boarded to the system via grant funds.

28. Testing Tools - Enterprise Test Management Suite

Reduction: \$245,500

Recommended Allocation: \$582,500

Description and Impact: In FY 2012–2013, the number of licenses for several of the tools in the Enterprise Test Management Suite were significantly reduced, and will continue at that level in 2013–2014.

29. Justice Partner Outreach / e-Services

Augmentation: \$4,000

Recommended Allocation: \$572,000

Description and Impact: The increase is for an adjustment to support costs.

*Trial Court Administrative Services Office*

30. Phoenix Financial and Human Resources Services

Reduction: \$1,592,700

Recommended Allocation: \$11,934,300

Description and Impact: The portion of the allocation managed by the TCASO can be reduced one-time by \$368,745 due to an anticipated one-time salary savings. The portion of the allocation managed by the ITSO can be reduced one-time by \$1,346,693 due to a one-time cost savings.

**Recommendation 2: Domestic Violence Family Law Interpreter Program  
Allocation from the TCTF**

2. Allocate \$1.73 million for the Domestic Violence—Family Law Interpreter Program from the Trial Court Trust Fund Program using the Program 45.45 (Court Interpreter) expenditure authority.

**Rationale for recommendation 2**

Instead of using STCIMF resources, fund the program from expected savings in the 2013–2014 TCTF Program 45.45 (Court Interpreter) appropriation. AOC staff expect that after all the costs incurred by trial courts for interpretations in criminal cases are reimbursed, more than \$91 million, there will be at least \$1.73 million in savings in FY 2013–2014 from the \$92.7 million



appropriation for TCTF Program 45.45. From 2009–2010 to 2011–2012 there were savings each year, ranging from \$2.8 million to \$4.8 million, \$3.8 million being the average. The expected savings in 2012–2013 is about \$8.7 million, but the final amount will not be known until courts submit their reimbursement surveys due mid-September 2013. The total cumulative set aside through FY 2012–2013 is expected to be about \$16.7 million. In FY 2009–2010 the council used \$3 million in savings to partially offset courts’ reduction in funding for general court operations. However, without additional Program 45.45 expenditure authority beyond the \$92.7 million provided in the Budget Act of 2013 or the potential use of Program 45.10 (Support for Operation of the Trial Courts) expenditure authority, those monies cannot be used in the current fiscal year. In the unlikely event that reimbursement for costs related to criminal cases exceeds \$91 million, the council could, among other options, request the Department of Finance and legislature to augment the current-year Program 45.45 appropriation amount to allow for full reimbursement of costs related to criminal cases, or the council could reimburse courts from the STCIMF to the extent that there is sufficient current-year expenditure authority for that fund.

### **Recommendation 3: TCTF Programs 30.05 and 30.15 Allocation**

3. Allocate \$23.41 million from the Trial Court Trust Fund Programs 30.05 and 30.15 expenditure authority in FY 2013–2014, which consists of funding to maintain 3 projects and programs at their 2012–2013 allocation levels and increases and decreases for 6 projects and programs that net to a overall decrease of \$3.37 million.

#### **Rationale for recommendation 3**

The Revenue and Expenditure Subcommittee of the TCBAC reviewed TCTF Programs 30.05 and 30.15 allocation proposals for FY 2013–2014 from the AOC on August 1, 2013 (see Appendix C) and made recommendations to the TCBAC. On August 14, 2013 the TCBAC deliberated on the subcommittee’s recommendations.

***Expenditure authority.*** There is sufficient expenditure authority for the recommended allocations. The Budget Act of 2013 provides \$6.31 million in expenditure authority for Program 30.05 allocations and \$29.13 million for Program 30.15 allocations. The TCBAC is recommending allocations of \$4.37 million from Program 30.05 and \$19.03 million from Program 30.15.

***Recommended FY 2013–2014 allocations for projects and programs.*** Table 2 displays the recommended allocations from the TCTF Programs 30.05 and 30.15 expenditure authority by the AOC offices that manage the various projects and programs.

**Table 2. Recommended 2013–2014 TCTF Programs 30.05 and 30.15 One-Time Allocations by AOC Office**

<b>AOC Office</b>	<b>2012–2013 Allocation</b>	<b>Proposed Adjustment</b>	<b>Recommended Allocation</b>
Center for Families, Children & the Courts	\$10,617,080	\$50,520	\$10,667,600
Information Technology Services Office	\$ 14,725,791	(\$3,293,491)	\$11,432,300
Trial Court Administrative Services Office	\$ 1,433,827	(\$126,827)	\$ 1,307,000
<b>Total</b>	<b>\$ 26,776,698</b>	<b>(\$3,369,798)</b>	<b>\$ 23,406,900</b>

*Maintain allocations at 2012–2013 levels.* The TCBAC recommends that the allocations for three projects and programs be maintained at their 2012–2013 levels. Appendix C provides the description and purpose of these projects and programs.

*Adjustments to 2012–2013 allocation levels.* The TCBAC recommends adjustments to the 2012–2013 allocation levels of six projects and programs for a net decrease of \$3.37 million as follows.

*Center for Families, Children & the Courts*

1. Court-Appointed Dependency Counsel Collection

Augmentation: \$50,522

Description and Impact: The additional funding, which comes from revenues recovered through the collections program, will be used to implement the guidelines, including communications, legal services, technical assistance, and other support requested by the courts. Distribution of the funds according to the Judicial Council guidelines will require staff to establish and maintain a system to track court data submissions and review amounts submitted. Staff must also work on development of the reimbursement model for distributing money to the courts according to the Judicial Council guidelines. Staff will visit courts that request on-site assistance in implementing the collections, conduct the required survey of courts at the end of the first year, assist with legal questions on implementing the guidelines, and develop any changes in rules, and forms and guidelines required in the first year of implementation. The final guidelines for this program will be reviewed by the Judicial Council at its August 2013 meeting.

*Information Technology Services Office*

2. Civil, Small Claims, Probate and Mental Health (V3) Case Management System

Reduction: \$2,598,006

Description and Impact: Savings and technology efficiency initiatives were implemented that have reduced estimated costs for FY 2013–2014. This reduction was achieved through infrastructure cost reductions and contractor staff reductions.

3. Criminal and Traffic (V2) Case Management System

Augmentation: \$412,039

Description and Impact: Savings and technology efficiency initiatives reduced estimated costs for FY 2013–2014. These savings were achieved through infrastructure cost reductions and without a negative impact to users.

4. California Courts Technology Center (CCTC)

Reduction: \$35,325

Description and Impact: The decrease in funding reflects a significant reduction in the number of help desk users. During the annual verification with each of the courts, many chose to limit their help desk users as a cost savings measure.

5. Interim Case Management System (ICMS)

Reduction: \$248,121

Description and Impact: The decrease in funding reflects the transition by the Superior Court of Monterey County to a locally hosted version of the Sustain Justice Edition application.

*Trial Court Administrative Services Office*

6. Phoenix Financial and Human Resources Services

Reduction: \$126,827

Description and Impact: The proposed 2013–2014 TCTF allocation for TCAS can be reduced primarily due to salary savings. Approximately 74 percent of the Phoenix Program’s overall current budget is dedicated to staffing costs. The program’s non-staff budget, largely funded from the STCIM, will be primarily used to fund required licensing, hardware, maintenance and operations (M&O), technology center support costs, and end user training in direct support of the trial courts. The TCTF reimbursements are for direct processing services delivered to the courts.

**Recommendation 4: Delegation of Authority to the Administrative Director of the Courts**

4. Delegate to the Administrative Director of the Courts, subject to the guidelines identified in this report, the limited authority to transfer allocations between projects and programs.

## **Previous council action**

Pursuant to statutory language that was deleted in FY 2012–2013, the council was provided the authority to, with “appropriate guidelines”, delegate the administration of two state funds, the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund, to the Administrative Director of the Courts (Administrative Director). Under the guidelines adopted by the council (see Appendices F and G), from FY 2000–2001 to FY 2011–2012 the council authorized the Administrative Director to make adjustments to allocations approved either by the Executive and Planning Committee (E&P) on behalf of the council or the council and, under certain conditions, approve new allocations. In FY 2012–2013 the two funds were merged into the STCIMF and Government Code section 772009 provided the council the authority to, with “appropriate guidelines”, delegate the administration of the STCIMF to the Administrative Director. At its October 26, 2012 business meeting, the council delegated the Administrative Director for only FY 2012–2013 the authority to make adjustments not to exceed 20 percent of a STCIMF allocation approved by the council for FY 2012–2013 and directed the AOC to draft suggested guidelines for the council’s consideration for future years.

## **Rationale for recommendation 4**

In situations where projects/programs will realize savings and project/programs face minor unanticipated cost increases during the year, the council should continue to authorize the Administrative Director to make allocation adjustments, subject to the recommended guidelines provided below, instead of requiring that such requests going before the council. For various programs and projects, allocation levels are based on the estimated need or cost. The actual need or cost can turn out to be higher or lower than the estimate. When actual needs or costs are not significantly higher (defined here as no more than 20 percent higher) than the amount allocated, the council should authorize the Administrative Director to augment the allocation from savings in other projects or programs. For example, in FY 2012–2013, the Administrative Director approved a transfer of \$18,000 from the Judicial Primary Assignment and Overview Courses program, as a result of savings due to fewer attendees, to the Advanced Education for Experienced Judges program to pay the costs for 30 additional participants who were on a wait list to attend a two-day Evidence course. Significant cost increases (defined as higher than 20 percent), whether funded from savings or augmentations, should be approved by the council. Under the recommended guidelines, the Administrative Director could not approve new allocations or augment the total level of allocations approved by the council, but could only transfer cumulatively between approved allocations by no more than 20 percent of the amount approved by the council.

The Administrative Director should be authorized to make transfers between allocations subject to the following:

- The sum of allocation transfers cannot exceed 20 percent of the allocation to be reduced nor 20 percent of the allocation to be augmented.

- The Administrative Director must notify the chair person of the council’s Executive and Planning Committee and the co-chairs of the Trial Court Budget Advisory Committee in advance of any transfer.
- The Administrative Director must report back to the council on the rationale for and amounts of any approved adjustments after the end of the fiscal year.

### **Alternatives considered**

The TCBAC was provided two other options.

***Option 1: No delegation of authority.*** This option would not delegate any authority to the Administrative Director and would require the council to consider and approve any and all requested adjustments, both major and minor, to allocations.

***Option 2: Transfer authority plus authority to augment allocations.*** The Administrative Director would be authorized to make transfers between allocations as well as augment approved allocations. The sum of any augmentations of an allocation could not exceed 20 percent of the allocation amount or \$230,000, whichever is less, and the Administrative Director would be required to confirm the availability of monies and expenditure authority for the augmentation.

***Additional alternative considered.*** The TCBAC also considered whether the guidelines should require the E&P chairperson to approve or disapprove any adjustments that are proposed by the Administrative Director and whether the transfer cap should be revised upward (e.g., to 30 percent) or downward (e.g., to 10 percent).

### **Comments From Interested Parties**

At the TCBAC’s August 14, 2013 meeting, a field representative of the California Federation of Interpreters (CFI) indicated in her oral comments that the CFI is opposed to two items being recommended by the TCBAC Revenue and Expenditure Subcommittee. First, the CFI is opposed to what they believe to be the recommendation of the Subcommittee, namely using \$65,000 of the TCTF Program 45.45 (Court Interpreter) appropriation to fund the California Language Access Plan project. In fact, the Subcommittee is recommending the allocation be funded from the STCIMF not the TCTF. Second, the CFI is opposed to shifting \$1.73 million for the Domestic Violence -- Family Law Interpreter Program to the Trial Court Trust Fund Program 45.45 (Court Interpreter) appropriation from the STCIMF, citing various concerns, including the redirecting of Federal grant funding (which is not an issue here, as discussed below), reducing the amount of the Program 45.45 appropriation that would be available for addressing the recommendations of the U.S. Department of Justice, and CFI’s interpretation of the U.S. Department of Justice’s concern about redirecting savings from the Program 45.45 appropriation. However, the Domestic Violence – Family Law Interpreter Program is not funded by any Federal grants, and the STCIMF does not receive any of its monies from the Federal Government. The Subcommittee’s recommendation is to use \$1.73 million of the TCTF Program 45.45 appropriation only to reimburse courts for the cost of services that are provided

by court interpreters in domestic violence and family law cases, not to redirect for other costs, including offsetting funding reductions.

The CFI also provided written comments concerning funding issues in several counties, but the comments did not pertain to any specific item on the committee's agenda.

### **Attachments**

1. Appendix A: Summary of Recommended STCIMF Allocations
2. Appendix B: Summary of Recommended TCTF Programs 30.05 and 30.15 Allocations
3. Appendix C: Description/Purpose of Projects/Programs Proposed to the TCBAC Revenue and Expenditure Subcommittee by the AOC for FY 2013–2014
4. Appendix D: State Trial Court Improvement and Modernization Fund -- Fund Condition Statement
5. Appendix E: Trial Court Trust Fund -- Fund Condition Statement
6. Appendix F: Trial Court Improvement Fund Internal Guidelines
7. Appendix G: Judicial Administration Efficiency and Modernization Fund Internal Guidelines

TCBAC-Recommended 2013-2014 STCIMF Allocations

Appendix A

#	Project and Program Title	2012-13 JC-Approved Allocation <sup>1</sup>	Estimated 2012-13 Expenditure <sup>2</sup>	AOC Proposed 2013-14 Allocation	Trial Court Budget Advisory Committee Recommendations		
					Total	AOC Support	Local Assistance
		1	2	3	4 = 5 + 6	5	6
1	<b>Judicial and Court Operations Services Division</b>	<b>9,823,000</b>	<b>9,646,381</b>	<b>10,346,000</b>	<b>8,616,000</b>	-	<b>8,616,000</b>
2	Trial Court Security Grants	1,200,000	1,199,994	1,200,000	1,200,000	-	1,200,000
3	<b>Total, Office of Security</b>	<b>1,200,000</b>	<b>1,199,994</b>	<b>1,200,000</b>	<b>1,200,000</b>	-	<b>1,200,000</b>
4	Self-represented Litigants Statewide Support	100,000	105,030	100,000	100,000	-	100,000
5	Domestic Violence - Family Law Interpreter Program	1,750,000	1,750,000	1,750,000	20,000	-	20,000
6	Self-Help Center	5,000,000	4,999,829	5,000,000	5,000,000	-	5,000,000
7	Interactive Software - Self-Rep Electronic Forms	40,000	40,000	60,000	60,000	-	60,000
8	CFCC Educational Programs	90,000	92,563	90,000	90,000	-	90,000
9	CFCC Publications	20,000	19,904	20,000	20,000	-	20,000
10	<b>Total, Center for Families, Children and Courts</b>	<b>7,000,000</b>	<b>7,007,326</b>	<b>7,020,000</b>	<b>5,290,000</b>	-	<b>5,290,000</b>
11	Orientation for New Trial Court Judges	65,000	67,251	95,000	95,000	-	95,000
12	B.E. Witkin Judicial College of CA	105,000	103,851	160,000	160,000	-	160,000
13	Primary Assignment Orientation and Overviews	181,000	191,236	239,000	239,000	-	239,000
14	Leadership Training - Judicial	55,000	40,061	50,000	50,000	-	50,000
15	Judicial Institutes	135,000	126,756	110,000	110,000	-	110,000
16	Advanced Education for Experienced Judges	31,000	27,488	31,000	31,000	-	31,000
17	Regional and Local Judicial Education Courses	8,000	6,028	8,000	8,000	-	8,000
18	<i>Subtotal, Mandated, Essential &amp; Other Education for Judicial Officers</i>	<i>580,000</i>	<i>562,671</i>	<i>693,000</i>	<i>693,000</i>	-	<i>693,000</i>
19	Manager and Supervisor Training	51,000	18,770	31,000	31,000	-	31,000
20	<i>Subtotal, Essential and Other Education for CEOs, Managers and Supervisors</i>	<i>51,000</i>	<i>18,770</i>	<i>31,000</i>	<i>31,000</i>	-	<i>31,000</i>
21	Court Personnel Institutes	83,000	69,515	120,000	120,000	-	120,000
22	Regional and Local Court Staff Education Courses	20,000	768	10,000	10,000	-	10,000
23	<i>Subtotal, Essential and Other Education for Court Personnel</i>	<i>103,000</i>	<i>70,283</i>	<i>130,000</i>	<i>130,000</i>	-	<i>130,000</i>
24	Trial Court Faculty - Statewide Education Program	236,000	206,366	236,000	236,000	-	236,000
25	Faculty Development	25,000	15,531	25,000	25,000	-	25,000
26	Curriculum Committee - Statewide Education Plan Development	1,000	1,320	1,000	1,000	-	1,000
27	<i>Subtotal, Faculty and Curriculum Development</i>	<i>262,000</i>	<i>223,217</i>	<i>262,000</i>	<i>262,000</i>	-	<i>262,000</i>
28	Distance Education - Satellite Broadcast	187,000	141,225	137,000	137,000	-	137,000
29	Distance Education - Online Video, Resources, Webinar	10,000	6,112	10,000	10,000	-	10,000
30	<i>Subtotal, Distance Learning</i>	<i>197,000</i>	<i>147,337</i>	<i>147,000</i>	<i>147,000</i>	-	<i>147,000</i>
31	<b>Total, Office of Education / CJER</b>	<b>1,193,000</b>	<b>1,022,278</b>	<b>1,263,000</b>	<b>1,263,000</b>	-	<b>1,263,000</b>
32	Trial Court Performance Measures Study	13,000	6,946	13,000	13,000	-	13,000
33	Court Access and Education	277,000	277,000	331,000	331,000	-	331,000
34	Court Interpreter Program - Testing, Development, Recruitment and Education	140,000	132,837	140,000	140,000	-	140,000
35	2015 Language Needs Study (every 5-year)	-	-	314,000	314,000	-	314,000
36	California Language Access Plan (new)	-	-	65,000	65,000	-	65,000
37	<b>Total, Court Operations Special Services Office</b>	<b>430,000</b>	<b>416,783</b>	<b>863,000</b>	<b>863,000</b>	-	<b>863,000</b>
38	<b>Judicial Council and Court Leadership Services Division</b>	<b>12,210,000</b>	<b>10,933,278</b>	<b>12,251,074</b>	<b>12,251,200</b>	<b>2,120,000</b>	<b>10,131,074</b>
39	Litigation Management Program	4,500,000	3,423,282	4,500,000	4,500,000	-	4,500,000
40	Judicial Performance Defense Insurance	878,000	875,966	920,539	920,600	-	920,539
41	Subscription Costs - Judicial Conduct Reporter	17,000	15,535	15,535	15,600	-	15,535
42	Trial Courts Transactional Assistance Program	451,000	450,906	451,000	451,000	-	451,000
43	Jury System Improvement Projects	18,000	15,653	18,000	18,000	-	18,000
44	Alternative Dispute Resolution Centers	75,000	74,808	75,000	75,000	-	75,000
45	Complex Civil Litigation Program	4,001,000	4,001,010	4,001,000	4,001,000	-	4,001,000
46	Regional Office Assistance Group (Support)	1,460,000	1,348,050	1,460,000	1,460,000	1,460,000	-
47	<b>Total, Legal Services Office</b>	<b>11,400,000</b>	<b>10,205,210</b>	<b>11,441,074</b>	<b>11,441,200</b>	<b>1,460,000</b>	<b>9,981,074</b>
48	Audit Contract	150,000	100,000	150,000	150,000	-	150,000

TCBAC-Recommended 2013-2014 STCIMF Allocations

Appendix A

#	Project and Program Title	2012-13 JC-Approved Allocation <sup>1</sup>	Estimated 2012-13 Expenditure <sup>2</sup>	AOC Proposed 2013-14 Allocation	Trial Court Budget Advisory Committee Recommendations		
					Total	AOC Support	Local Assistance
		1	2	3	4 = 5 + 6	5	6
49	Internal Audit Services (Support)	660,000	628,068	660,000	660,000	660,000	-
50	<b>Total, Internal Audit Services</b>	<b>810,000</b>	<b>728,068</b>	<b>810,000</b>	<b>810,000</b>	<b>660,000</b>	<b>150,000</b>
51	<b>Judicial and Court Administrative Services Division</b>	<b>49,890,000</b>	<b>44,220,276</b>	<b>54,901,951</b>	<b>46,226,000</b>	<b>10,681,700</b>	<b>35,544,300</b>
52	Contract for OPEB Valuation Report (every 2 years)	-	14,827	600,000	600,000	-	600,000
53	Budget Focused Training and Meetings	50,000	31,879	50,000	50,000	-	50,000
54	Treasury Services - Cash Management (Support)	224,000	235,804	238,000	238,000	238,000	-
55	Trial Court Procurement (Support)	244,000	128,037	244,000	244,000	244,000	-
56	Enhanced Collections (Support)	700,000	751,599	625,000	625,000	625,000	-
57	<b>Total, Fiscal Services Office</b>	<b>1,218,000</b>	<b>1,162,146</b>	<b>1,757,000</b>	<b>1,757,000</b>	<b>1,107,000</b>	<b>650,000</b>
58	EAP for Bench Officers	85,000	85,000	68,000	34,000	-	34,000
59	Workers Compensation Program Reserve (Carry-over)	1,893,000	-	-	-	-	-
60	Trial Court Benefits Program - Legal Advice	40,000	40,000	-	-	-	-
61	Human Resources - Court Investigation (3-year funding ended in FY 2012-13)	50,000	107,702	100,000	100,000	-	100,000
62	Trial Court Labor Relations Academies and Forums	23,000	31,214	30,000	30,000	-	30,000
63	<b>Total, Human Resources Services Office</b>	<b>2,091,000</b>	<b>263,916</b>	<b>198,000</b>	<b>164,000</b>	-	<b>164,000</b>
64	Telecommunications Support	8,740,000	8,722,102	15,608,480	8,740,000	-	8,740,000
65	Enterprise Policy/Planning (Statewide Planning and Development)	5,258,000	5,102,258	5,122,720	5,122,800	-	5,122,800
66	Interim Case Management Systems	2,813,000	1,237,450	1,650,515	1,650,600	-	1,650,600
67	Data Integration <sup>3</sup>	4,391,000	3,906,374	3,906,882	3,906,900	-	3,906,900
68	California Courts Technology Center (CCTC)	8,644,000	8,762,431	9,465,071	9,465,100	1,566,100	7,899,000
69	Jury Management System	600,000	600,000	600,000	600,000	-	600,000
70	CLETS Services/Integration <sup>3</sup>	164,000	469,857	515,162	515,200	360,200	155,000
71	CCPOR (ROM)	663,000	654,498	675,717	675,800	-	675,800
72	Testing Tools - Enterprise Test Management Suite	828,000	591,274	582,463	582,500	-	582,500
73	Uniform Civil Fees	385,000	385,602	385,000	385,000	-	385,000
74	Justice Partner Outreach / e-Services <sup>3</sup>	568,000	424,711	572,000	572,000	338,400	233,600
75	CLIK	-	-	1,164,876	-	-	-
76	Orange Telecom Project - New	-	-	609,000	-	-	-
77	Adobe LiveCycle Reader Service Extension - New	-	-	129,780	129,800	-	129,800
78	<b>Total, Information Technology Services Office</b>	<b>33,054,000</b>	<b>30,856,557</b>	<b>40,987,666</b>	<b>32,345,700</b>	<b>2,264,700</b>	<b>30,081,000</b>
79	Phoenix Project - FI (Including Support)	13,527,000	11,937,657	11,934,285	11,934,300	7,310,000	4,624,300
80	Judicial Council's Court-Ordered Debt Task Force - New	-	-	25,000	25,000	-	25,000
81	<b>Total, Trial Court Administrative Services Office</b>	<b>13,527,000</b>	<b>11,937,657</b>	<b>11,959,285</b>	<b>11,959,300</b>	<b>7,310,000</b>	<b>4,649,300</b>
82	<b>Total Expenditure or Allocation</b>	<b>71,923,000</b>	<b>64,799,935</b>	<b>77,499,025</b>	<b>67,093,200</b>	<b>12,801,700</b>	<b>54,291,374</b>
83	<b>Appropriation Authority<sup>4</sup></b>	<b>N/A</b>	<b>89,982,000</b>	<b>N/A</b>	<b>89,982,000</b>	<b>18,673,000</b>	<b>71,309,000</b>
84	<b>Appropriation Balance</b>	<b>N/A</b>	<b>25,182,065</b>	<b>N/A</b>	<b>22,888,926</b>	<b>5,871,300</b>	<b>17,017,626</b>

1. Using authority delegated from the council, the Administrative Director of the Courts transferred some allocations between projects and programs. The figures in column 1 do not reflect the transfers.

2. Estimated year-end figures, including actuals and encumbrances through June and accruals.

3. The 2012-13 JC-approved allocation for the CLETS and JPOE programs were included with the Data Integration program allocation.

4. Per the Budget Act of 2013, the appropriation authority in 2013-2014 for local assistance is \$71.309 million and for support is \$9.145 million, which can be increased up to \$18,673,000 for the recovery of costs for administrative services provided to the trial courts by the AOC.



TCBAC-Recommended 2013-2014 TCTF Program 30.05 and 30.15 Allocations

Appendix B

#	Project and Program Title	2012-13 JC-Approved Allocation	2012-13 Reimbursed by Courts	2012-13 Approved Total Allocation	Estimated 2012-13 Expenditure <sup>1</sup>	Proposed 2013-14 Allocation	Proposed 2013-14 Reimbursement from Courts	AOC Proposed Total Allocation	Trial Court Budget Advisory Committee Recommendations		
		1	2	3 = 1 + 2	4	5	6	7 = 5 + 6	Total	Program 30.05 AOC Support	Program 30.15 Local Assistance
		8 = 9 + 10	9	10							
1	Judicial and Court Operations Services Division	10,617,080	-	10,617,080	10,565,528	10,667,602	-	10,667,602	10,667,598	1,054,600	9,613,000
2	Children in Dependency Case Training	113,000		113,000	121,760	113,000		113,000	113,000	-	113,000
3	Sargent Shriver Civil Counsel Pilot Program	10,000,000		10,000,000	9,939,475	10,000,000		10,000,000	10,000,000	500,000	9,500,000
4	Equal Access Fund	294,602		294,602	294,677	294,602		294,602	294,598	294,600	-
5	Court-Appointed Dependency Counsel Collections	209,478		209,478	209,617	260,000		260,000	260,000	260,000	-
6	<b>Total, Center for Families, Children and Courts</b>	<b>10,617,080</b>	<b>-</b>	<b>10,617,080</b>	<b>10,565,528</b>	<b>10,667,602</b>	<b>-</b>	<b>10,667,602</b>	<b>10,667,598</b>	<b>1,054,600</b>	<b>9,613,000</b>
7	Judicial and Court Administrative Services Division	10,455,798	5,703,820	16,159,618	12,987,038	8,695,641	4,043,654	12,739,295	12,739,300	3,319,000	9,420,300
8	Civil, Small Claims, Probate and Mental Health (V3) CMS	7,387,143	804,863	8,192,006	6,296,541	4,788,966	805,000	5,593,966	5,594,000	1,454,900	4,139,100
9	Criminal and Traffic (V2) CMS	3,058,655	510,084	3,568,739	2,735,099	2,599,675	557,039	3,156,714	3,156,700	557,100	2,599,600
10	California Courts Technology Center	-	1,689,325	1,689,325	1,654,000		1,654,000	1,654,000	1,654,000	-	1,654,000
11	Interim Case Management System	-	1,275,721	1,275,721	1,155,000		1,027,615	1,027,615	1,027,600	-	1,027,600
12	<b>Total, Information Technology Services Office</b>	<b>10,445,798</b>	<b>4,279,993</b>	<b>14,725,791</b>	<b>11,840,640</b>	<b>7,388,641</b>	<b>4,043,654</b>	<b>11,432,295</b>	<b>11,432,300</b>	<b>2,012,000</b>	<b>9,420,300</b>
13	Phoenix Financial and HR Services	10,000	1,423,827	1,433,827	1,146,398	1,307,000	-	1,307,000	1,307,000	1,307,000	-
14	<b>Total, Trial Court Administrative Services Office</b>	<b>10,000</b>	<b>1,423,827</b>	<b>1,433,827</b>	<b>1,146,398</b>	<b>1,307,000</b>	<b>-</b>	<b>1,307,000</b>	<b>1,307,000</b>	<b>1,307,000</b>	<b>-</b>
15	<b>Total Expenditure/Encumbrance/Allocation</b>	<b>21,072,878</b>	<b>5,703,820</b>	<b>26,776,698</b>	<b>23,552,566</b>	<b>19,363,243</b>	<b>4,043,654</b>	<b>23,406,897</b>	<b>23,406,898</b>	<b>4,373,600</b>	<b>19,033,300</b>
16											
17	Appropriation Authority	N/A	N/A	N/A	35,290,000	N/A	N/A	N/A	35,444,000	6,310,000	29,134,000
18	Appropriation Balance	N/A	N/A	N/A	11,737,434	N/A	N/A	N/A	12,037,100	1,936,400	10,100,700

1) Estimated year-end figures, including actuals and encumbrances through June and accruals.

## Appendix C

### Description/Purpose of Projects/Programs Proposed to the TCBAC Revenue and Expenditure Subcommittee by the AOC for FY 2013–2014

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## **JUDICIAL AND COURT OPERATIONS SERVICES DIVISION**

### **Office of Security**

#### ***Trial Court Security Grants***

*Proposed 2013–2014 Allocation – \$1,200,000; no change from 2012–2013*

#### **Description**

In FY 2013–2014 the Office of Security will utilize existing statewide master agreements for the purchase, installation and maintenance of duress alarm, video surveillance, and access systems, as well as other security enhancement projects at Trial Court Facilities.

Trial Court Security Grants are determined in part as the result of security assessments conducted by Office of Security staff. A number of courts are currently scheduled for security enhancements as a result of assessments conducted in FY 2012–2013, but deferred to FY 2013–

2014 due to a lack of funds in last year's budget.

The list below does not represent all projects to be completed in FY 2013–2014. The unallocated amounts listed on the last two lines of the chart are for projects pending cost estimates and an amount held in reserve to address emergencies.

COUNTY	FACILITY	PROJECT	ESTIMATED COST
AOC	CCTV/Access (Siemens)	Time & materials service calls	150,000.00
AOC	Duress alarm systems (StopTech)	Service agreements	30,000.00
AOC	COOP, Emergency Training (Bold Planning)	Maintenance and training	100,000.00
Unallocated	System upgrades and replacements	Projects pending cost estimates	670,000.00
Unallocated		emergency reserve	250,000.00
		Total	1,200,000.00

### Purpose

*Video Surveillance (CCTV) and Access Systems* – A one year warranty is included in the cost of installation of new CCTV and access systems. In prior years, extended service agreements averaging between \$300 and \$400k annually were purchased. As a cost saving measure, service agreements were not purchased beginning in FY 2011–2012, and service calls have been addressed on a time and materials basis. This practice will continue in FY 2013–2014 and \$150k has been estimated based on expenditures in FY 2012–2013.

*Duress Alarm Systems* – A two year warranty is included in the cost of installation for new duress alarm systems. Over 130 systems have been installed with Trial Court Security Grant funds. Approximately \$30k has been estimated for the renewal of extended service agreements in FY 2013–2014.

*Emergency Plans* – The contract with Bold Planning Solutions includes an annual system maintenance fee of \$78k to maintain the web based tool used by the courts for their various emergency plans. In addition, funds are used to provide training to court staff in the completion and maintenance of their plans. An anticipated amount of \$22k has been allocated for on site and web based training sessions.

*Deferred Projects* – A number of projects were deferred from FY 2012–2013 due to lack of funds. These projects will add necessary elements to existing video surveillance and duress alarm systems and will be a priority in the current year funding.

*System Upgrades and Replacement* – Security equipment, like all electronics, has a finite lifespan. The systems in place in court facilities need to be upgraded and in some cases, replaced. Properly functioning equipment is a critical element in ensuring the safety and security of judicial officers, court personnel and the public. This year emphasis will be placed on updating systems installed by the Office of Security. Fourteen sites will be evaluated to determine if

technical upgrades are required on systems that were installed in FY 2007–2008.

*Emergency Reserve* – This amount will be held in reserve to address unforeseen emergencies and will be allocated to system upgrade and replacement projects near the end of the fiscal year. The amount held in reserve for FY 2012–2013 was \$230k. That amount was used to address urgent court requests and the entire budget of \$1.2 million was used.

## **Center for Families, Children, and the Courts**

### ***Self-Represented Litigants Statewide Support***

*Proposed 2013–2014 Allocation – \$100,000; no change from 2012–2013*

#### **Description**

This allocation is the only source of statewide operational support for court self-help centers in all of California’s 58 trial courts. The allocation amount has been cut 2/3 from \$300,000 to \$100,000 since 2011. Due to workforce reductions in courts and the AOC, FY 2013–2014 funding will be used to add new content, tools, and resources that can be accessed directly by users of the statewide self-help website. These tools will allow litigants to get information and assistance with their legal issues at home or other locations so that they can either avoid the need to come to a self-help center or require less time at the center. The self-help website also provides links to local court self-help services. There are links to the “Ask a Librarian” website that enables users to get information from a law librarian. Additional links are provided to many legal resources, such as local lawyer referral services, domestic violence hotlines, and the State Bar website. The judicial branch website design includes many additional features, such as video clips developed by the local courts and the AOC. Additional content will be translated into Spanish and reviewed by a bilingual attorney to ensure legal accuracy.

The self-help section of the judicial branch website at <http://www.courts.ca.gov/selfhelp.htm>, includes instructional videos and materials from local self-help programs that have been adapted for statewide use. Many courts have requested the development of additional videos and other multi-media products for self-represented litigants as an alternative source of information in a time of staff reductions. Funds are also used for translation of forms and instructional materials as requested by trial courts.

In FY 2013–2014, funding will support workshops for self-help court staff including family law facilitators and court partners in legal aid, law librarians, mediators, and small claims advisors. The workshops will provide MCLE and other professional credit on topics of significance to this audience (e.g., changes in family law, consumer debt, international service requirements) as well as strategies for effectively serving the greatest possible number of people (e.g., leveraging technology and forming collaborative partnerships).

#### **Purpose**

In February 2004, the Judicial Council adopted a Statewide Action Plan for Serving Self-Represented Litigants that called upon the AOC to develop resources that can be used by programs statewide (e.g, distributing information and local court innovations for use by all other courts). Demand for these services is high. The website provides local courts with information that they would otherwise need to research, translate, and post on their own. Providing this service statewide prevents hundreds of hours of duplicative work for local courts. Over 4 million users view the self-help website annually. The self-help website

usage has increased by 135% over the last eight years.

### ***Domestic Violence – Family Law Interpreter Program***

*Proposed 2013–2014 Allocation – \$1,750,000; no change from 2012–2013*

#### **Description**

Funding in FY 2013–2014 will be used to provide interpreters in domestic violence, elder abuse, and family law matters. \$1,730,000 of the \$1,750,000 allocation is distributed directly to the courts. None of these funds are used for AOC administrative costs.

Court funding is used entirely for court staffing and service-related travel. The remaining \$20,000 of the allocation is used to pay for the translation of domestic violence forms and instructions and to make them available to all courts. There is a critical need to keep these forms updated to reflect legislative changes. Funding is available to all 58 courts. Forty-eight courts requested funding from this allocation in FY 2012–2013. Awards are based on prior year actual costs and the availability of program resources. An estimated 40,000 interpretations are completed with these funds annually.

#### **Purpose**

This program was established by the Judicial Council in 2001, following a pilot program implementing California legislation (Assem. Bill 1884 (Stats. 1998, ch. 981)). That bill directed the Judicial Council to implement a one year pilot program to provide interpreters in specified domestic violence and child custody matters and to collect data and report back to the legislature. Based upon the evaluation of that pilot, the Judicial Council authorized funds and established the Domestic Violence-Family Law Interpreter Program. The allocation was further augmented in 2005.

There is strong demand for this funding. At the current level, the funding falls far short of court needs. Court requests typically total \$3.0 to \$3.5 million in each fiscal year--about twice the amount available from this allocation.

Without these funds, limited English proficiency (LEP) individuals would have reduced access to the courts. Availability of interpreters supports efficient court proceedings and reduces the costs associated with continuances. Availability of interpreters enhances public safety, facilitating the timely processing of restraining orders and promoting the quality and enforceability of orders, which in turn affects law enforcement, schools, and others who interpret orders in these cases.

### ***Self-Help Centers***

*Proposed 2013–2014 Allocation – \$5,000,000; no change from 2012–2013*

#### **Description**

Funds are distributed directly to support self-help center programs and operations in all 58 trial courts. None of these funds are used for AOC administrative costs. An additional \$6.2 million in funds are provided from the TCTF. The combined minimum allocation to each court is \$34,000, with the remainder distributed according to population size in the county where the trial court is located. Ninety-two percent of the funds are used by the courts for staffing.

Self-help centers provide assistance to self-represented litigants in a wide array of civil law

matters to save the courts significant time and expense in the clerk's office and in the courtroom. Self-help centers serve over 450,000 persons per year with the STCIMF and TCTF funds.

### **Purpose**

The Statewide Action Plan for Serving Self-Represented Litigants, which was approved by the Judicial Council in 2004, calls for self-help centers in all counties. California Rule of Court 10.960 provides that self-help services are a core function of courts and should be budgeted accordingly. The California Budget Act provides that "up to \$5,000,000 [from the Trial Court Improvement Fund] shall be available for support of services for self-represented litigants." Based upon recommendations by the Trial Court Budget Working Group, the Judicial Council has allocated an additional \$6,200,000 for self-help services from the Trial Court Trust Fund since 2007.

Reducing self-help services would increase court's other costs. When self-help staff are decreased, the number of questions and issues at the public counter increases substantially, therefore increasing line lengths and wait times. Similarly, self-help services improve the quality of documents filed, thereby reducing follow-up and clean-up work in the clerk's office. Evaluations show that court-based assistance to self-represented litigants is operationally effective and results in measurable short and long-term savings to the court. One study found that self-help center workshops save \$1.00 for every \$.23 spent. When the court provides one-on-one individual assistance to self-represented litigants, savings of \$1.00 can be achieved from expenditures ranging from \$.36 to \$.55. If the self-help center also provides assistance to self-represented litigants to bring their cases to disposition at the first court appearance, the court saves \$1.00 for every \$.45 spent.

Demand for self-help services is strong. Courts indicate that they are not able to keep up with increasing public demand for self-help services and need additional staff. In a 2007 survey, the courts identified a need of \$44 million in additional funds to fully support self-help. The judicial branch has been able to allocate a quarter of the amount needed in 2007, \$11.2 million annually.

### ***Interactive Software – Self-Rep Electronic Forms***

*Proposed 2013–2014 Allocation – \$60,000*

#### **Increase of \$20,000 from 2012–2013**

CFCC is requesting an increase of \$20,000 to hire a consultant to maintain service to courts in updating form sets. The lead AOC staff attorney who created the document assembly program is on extended leave. CFCC has no employees with the required legal and technical skills to cover his duties.

A number of new courts have asked for the AOC to adapt the automated document assembly programs that it has developed to provide assistance for self represented litigants to complete required legal forms. With AOC workforce reductions, this work must be contracted out. Funds would enable the AOC to bundle the work, updating forms and making other critical changes for all courts. The requested funding will result in substantial time savings. Interactive programs create efficiencies for self represented litigants or those helping them, including self-help center staff, JusticeCorps and other volunteers, and community helpers, such as domestic violence shelter staff. They result in pleadings that are complete



## **Description**

Funding in FY 2013–2014 provides all 58 courts access to the National Legal Document Assembly Server, operated by ProBonoNet. This server makes it possible for courts to develop software programs that assist self-help centers to complete forms quickly, as well as to provide programs on the California Court’s On-Line Self-Help Center. The cost of the server and technical support for this project is \$40,000 per year. This allocation is used to extend the ProBonoNet contract. None of these funds are used for AOC administrative costs.

The courts have a pressing need to transition to ProBonoNet as an alternative to EZLegalFile and ICAN!, both of which will now be charging for usage. Programs designed by the AOC using the National Legal Document Assembly Server in self-help centers are now being adapted so that the public can access free tools to complete their forms online and, whenever possible, avoid the need to use in-person services at self-help centers.

Currently more than 60,000 litigants complete forms using interactive forms in self-help centers. With wider access to web-based programs, the number of litigants able to access interactive forms is expected to rise significantly.

## **Purpose**

The Statewide Action Plan for Serving Self-Represented Litigants, which was approved by the Judicial Council in 2004, called on the AOC to develop interactive forms to create case-specific documents as well as to continue to develop resources for local court self-help programs.

In the current economy, demand for self-help services is increasing just as courts’ resources are dramatically reduced. By populating Judicial Council forms with information gathered from litigants using a “Turbo-Tax” approach, interactive forms enable litigants to complete many required documents with no assistance or with the use of Justice Corps or other volunteers. As many litigants are now used to shopping on-line, this style of answering questions is much easier for them than trying to complete a Judicial Council form in a standard PDF. Branching logic in the program skips over questions that are not necessary to answer, based on prior responses. For example, if a litigant answers that there are no children of the marriage, the program does not ask further questions about child custody or support. The process produces typewritten documents with more complete information. It provides more instructions and can ask questions in a way that more self-represented litigants can understand and answer appropriately. Litigants can then complete the remainder of the pleadings in a workshop setting, saving significant time for self-help center staff. Persons preparing the pleadings can also find more information on the self-help web site.

Automated document assembly programs facilitate a more efficient use of self-help center resources, supporting litigants to avoid unnecessary use of court self-help center resources. One court reports that the method saves at least one hour per litigant preparing restraining order forms. Another indicates that they will save their self-help center 3 hours per litigant in preparing conservatorship pleadings.

Since Judicial Council forms are used statewide, it is much more cost-effective to develop document assembly programs on a statewide basis and to make any adjustments required by a local court to accommodate its practice and procedure. A number of courts have developed self-help center services based on the programs developed by AOC staff and using the existing ProBonoNet license. Courts can use the server and license paid for with this allocation to host their own HotDocs forms. The branching logic requires legal understanding of the court processes, as well as technical ability with the program. While the forms creation program is designed to be used by attorneys and paralegals who do not have a technology background,

experience has shown that it takes a significant investment of time to become proficient, and few courts can dedicate staff time to creating these programs.

### ***CFCC Educational Program***

*Proposed 2013–2014 Allocation – \$90,000; no change from 2012–2013*

#### **Description**

CFCC Educational Programs provide multidisciplinary and specialized education and mandatory trainings for court professionals. Due to budget reductions, statewide programs such as Beyond the Bench and Family Law Education Programs are now offered every other fiscal year. CFCC and CJER work closely to coordinate offerings to make all required training available to judges and court staff every calendar year.

The FY 2013–2014 allocation will be used to assist judicial officers and court employees in attending the 2013 Beyond the Bench conference. Attendance to the conference is open to all 58 court systems. The FY 2013–2014 allocation will also be used to support youth involvement at the 2013 Beyond the Bench conference. These funds will also provide assistance for California’s annual statewide Youth Court Summit.

#### **Purpose**

Beyond the Bench is a nationally recognized multidisciplinary conference that brings together professionals in juvenile dependency, delinquency, family, and collaborative courts, including judicial officers, attorneys, court professionals, CASAs, probation officers, educators, mental health professionals, and service providers across California to learn about the emerging issues, current research, and best practices for improving proceedings involving children and families. Program content is strengthened by the contributions of youth who have been in the dependency and juvenile justice systems or participated in youth/peer courts. STCIMF funds will support travel expenses for judges and court employees attending the 2013 Beyond the Bench conference. Beyond the Bench meets professional continuing education requirements for participants; costs to courts for providing the mandatory training are reduced through this event. The cost of training is far below the rate of outside vendors. A statewide conference also provides the opportunity for face-to-face collaboration with colleagues across the state and a forum to exchange effective approaches to meeting the challenges of the current economic climate.

This year, Beyond the Bench shares the venue with the Chief Justice’s Summit on “Keeping Kids in School and Out of Courts,” which will bring renewed focus on ways courts can collaborate with schools, communities, and other stakeholders to prevent involvement in the juvenile justice system by increasing engagement in schools. The summit is supported with funding from foundations and the federal Juvenile Court Improvement grant. It will not rely on STCIMF funds. STCIMF funding also provides partial support for California’s annual statewide Youth Court Summit, a collaborative effort among local youth, or peer courts, the California Association of Youth Courts, Inc., and the Judicial Branch. The Summit will bring together youth and peer court staff, juvenile bench officers, education experts, judges, and youth-focused associations to share ideas and best practices about youth courts.

### ***CFCC Publications***

*Proposed 2013–2014 Allocation – \$20,000; no change from 2012–2013*

**Description**

In FY 2013–2014, the allocation will be used to support maintenance of the *California Dependency Online Guide*. This resource is available statewide. *The California Dependency Online Guide* is a chief training and information resource used by 2,000 court-appointed attorneys in dependency proceedings across the state and a source of relevant, up-to-date information for judicial officers, attorneys, and all professionals working in California’s child welfare system.

**Purpose**

The *California Dependency Online Guide* saves costs of print publications, in-person training, and attorney time by providing easy access to practice resources. The online guide is an important resource supporting the quality of practice in dependency cases as well as efficient and effective use of valuable court time. The guide is not a public resource, but children and families benefit from the quality of practice it supports.

Over 4,800 individual entries are available on the *California Dependency Online Guide*, including a comprehensive case law page with summaries and case text for California dependency and related state and federal cases; links to legal resources, including California Rules of Court, Judicial Council forms, California statutes, and state and federal regulations; sample briefs, motions, and writs; a calendar of upcoming conferences and trainings; distance-learning courses, including for-credit online courses that meet the eight-hour training requirement for new dependency attorneys; educational content, such as handouts from the Beyond the Bench conference and other conferences, articles, brochures, videos, reference charts, publications; expert witness listings, including links to other databases of experts; information about county-specific reunification and family maintenance service providers, in areas such as substance abuse treatment and therapy and domestic violence counseling, including links to county or regional databases of service providers serving most California counties; juvenile court–related links to resource libraries, directories, service and training organizations, courts, and government agencies; and child welfare news, including timely updates about new and pending statutes, cases, California Rules of Court, and Judicial Council forms.

**Proposed Allocation Funded from the Trial Court Trust Fund*****Children in Dependency Case Training***

*Proposed 2013–2014 Allocation – \$113,000; no change from 2012–2013*

**Description**

Funding in FY 2013–2014 will be awarded through a competitive process to a contractor who will provide training and technical assistance in trial skills to the providers of court-appointed dependency counsel throughout the state. The contractor will hold workshops across the state to train 100 mentor attorneys for every court or region. The contractor will also provide technical assistance to court-appointed counsel providers to develop a program that will match the mentor attorneys to attorneys in need of consultation, case review, and training. The contractor will also provide direct technical assistance to previously trained attorneys to strengthen their competency in mentoring new or less experienced dependency attorneys. As part of this program, staff will establish a database to track the training and skills improvement of these dependency attorneys.

The program will directly impact 100 mentor attorneys, 100 managers of court-appointed counsel providers, and the approximately 2,000 court-appointed dependency counsel in California who will work with the mentor attorneys.

### **Purpose**

Funding and overseeing court-appointed dependency counsel is a judicial branch function. Senate Bill 2160 (Stats. 2000, ch. 450) amended Section 317 of the Welfare and Institutions Code to require (1) the appointment of counsel for children in almost all dependency cases; (2) caseloads and training for appointed counsel that ensure adequate representation; and (3) Judicial Council promulgation of rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for children.

All court-appointed counsel are required to receive education in basic dependency law. Trial skills training results in a demonstrated improvement in lowered foster care caseloads, improved reunifications and placements with relatives, and a lower proportion of children reentering foster care.

Attorneys educated in advanced trial skills save court costs by improving hearing efficiency, avoiding continuances, and adhering to federal standards for timeliness. Attorneys educated in establishing an adequate record, identifying issues for appeal, and knowing the appropriate timelines for writs and appeals, save the appellate courts considerable time by providing adequate filings.

The mentorship model used in this program is significantly less costly than providing training to all attorneys in the state. In addition, the curriculum and content of the education sessions will be available online on CALdog, a website open to courts and child welfare professionals. Contractor training and technical support funded through this allocation saves training expenses for individual courts.

### ***Sargent Shriver Civil Counsel Pilot Program***

*Proposed 2013–2014 Allocation – \$9,500,000; no change from 2012–2013*

### **Description**

Funding in FY 2013–2014 continues to support implementation of a pilot program required by Government Code section 68651 (AB 590-Feuer). The funding supports seven pilot programs, which are each a partnership of a legal services nonprofit corporation, the court, and other legal services providers in the community. The programs provide legal representation to low-income Californians (at or below 200 percent of the federal poverty level) in housing, child custody, probate conservatorship, and guardianship matters. Since not all eligible low-income parties with meritorious cases can be provided with legal representation, the court partners receive funds to implement improved court procedures, personnel training, case management and administration methods, and best practices.

Project funds come from a restricted \$10 supplemental filing fee on certain postjudgment motions. \$9.5 million has been allocated to legal services agencies and their court partners. \$500,000 is set aside in the Budget Act for administration of the program. Of that, \$290,000 has been encumbered with an independent evaluation firm to work on the legislatively mandated evaluation. The remainder of the funding is being used to pay portions of salaries of staff who

work on administration and evaluation of the project, and a small budget is for travel expenses for administrative site visits. The scope of the legislatively mandated evaluation is quite broad and while much work has been contracted out, it is more cost-effective to do some of the work in-house.

Applications for seven pilots were selected through a competitive RFP process and approved by the Judicial Council. Pilot programs are located in Kern, Los Angeles, Sacramento, San Diego, San Francisco, Santa Barbara, and Yolo counties.

### **Purpose**

Government Code section 68651 (AB 590-Feuer) establishes pilot programs and requires the Judicial Council to conduct a study to demonstrate the effectiveness and continued need for the pilot program and report its findings and recommendations to the Governor and the Legislature on or before January 31, 2016. The Shriver Civil Counsel Act Implementation Committee was appointed by the Judicial Council to review applications and make recommendations about funding. Chaired by Justice Earl Johnson, Jr. (Ret.), the committee includes representatives from the judiciary, legal services providers, the Chamber of Commerce, State Bar, and others.

The pilots focus on providing representation in cases where one side is generally represented and the other is not. These are typically the most difficult cases for both the litigants and the courts. The intent is not only to improve access to the courts and the quality of justice obtained by those low-income individuals who would otherwise not have counsel, but also to allow court calendars that currently include many self-represented litigants to be handled more effectively and efficiently. The legislature found that the absence of representation not only disadvantages parties, but has a negative effect on the functioning of the judicial system. When parties lack legal counsel, courts must cope with the need to provide guidance and assistance to ensure that the matter is properly administered and the parties receive a fair trial or hearing. Such efforts, however, deplete scarce court resources and negatively affect the courts' ability to function as intended, including causing erroneous and incomplete pleadings, inaccurate information, unproductive court appearances, improper defaults, unnecessary continuances, delays in proceedings for all court users and other problems that can ultimately subvert the administration of justice.

### ***Equal Access Fund***

*Proposed 2013–2014 Allocation – \$ 294,602; no change from 2012–2013*

### **Description**

Funding from the state General Fund and the Trial Court Trust Fund in FY 2013–2014 will be used to support civil legal assistance for low-income persons in all 58 counties. The program assists low income persons in addressing their legal needs and assists the courts in handling cases with self-represented litigants.

The requirement for this program in the General Fund has been in each Budget Act since 1999. The TCTF portion of the funding was added in 2005. Ninety percent of the funds support civil legal assistance for low-income persons. The Business and Professions Code sets forth the criteria for distribution of those funds. Ten percent of the funds support partnership grants to eligible legal services agencies providing self-help assistance at local courts. Organizations must complete specific applications for these funds and have the approval of their courts. The Budget

Act allocates up to 5% for administrative costs. Two thirds of the administrative costs go to the State Bar and one third to AOC.

AOC administrative funds cover the costs of staffing to distribute and administer the grants, make site visits to each of the 101 legal services recipients every three years, provide technical assistance and training support for the legal services agencies and courts, as well as the costs of commission expenses, accounting, and programmatic review.

The program serves all 58 courts by providing support to legal services programs which assist litigants with their legal matters. Thirty-three partnership grant programs operate self-help centers in 28 courts.

### **Purpose**

For the last 13 years, the state Budget Act has contained a provision for the allotment of \$10 million to an Equal Access Fund “to improve equal access and the fair administration of justice.” In 2005, the Uniform Civil Fees and Standard Fee Schedule Act was approved by the Legislature and the Governor. That act established a new distribution of \$4.80 per filing fee to the Equal Access Fund in the Trial Court Trust Fund. The estimated revenue from filing fees for the fund is \$5.7 million per year.

The budget control language requires the Judicial Council to distribute the Equal Access Fund monies to legal services providers through the State Bar Legal Services Trust Fund Commission. The State Bar created the commission to administer the law regulating attorneys’ interest-bearing (IOLTA) trust accounts. The Budget Act further requires that

“The Judicial Council shall approve awards made by the commission if the council determines that the awards comply with statutory and other relevant guidelines. . . . The Judicial Council may establish additional reporting or quality control requirements. . . .”

The council established those requirements in 1999. Under the Budget Act, the Chief Justice, as chair of the Judicial Council, appoints one-third of the voting members to the commission: five attorney members and two public members, one of whom is a court administrator. The Chief Justice also appoints three nonvoting judges to the commission: two trial court judges and one appellate justice.

The funds support 101 organizations providing services in all 58 counties. Partnership grants directly assist the courts by providing funding for 33 self-help centers in 28 different counties. Parties who receive legal services – either fully or partly represented or helped in self-help centers – save the court valuable time and resources by helping litigants have better prepared pleadings, more organized evidence, and more effective presentation of their cases. Legal services programs also save significant time for courts by helping litigants understand their cases and helping them to settle whenever possible. Often a consultation with a lawyer is helpful for potential litigants to understand when they do not have a viable court case.

Programs provide assistance to litigants in cases involving domestic violence, guardianships, family law, landlords and tenants, expungement of criminal records, and general civil assistance. The nation’s first appellate self-help center has also been created through this program.

## ***Court-Appointed Dependency Counsel Collection***

*Proposed 2013–2014 Allocation – \$260,000*

### **Increase from 2012–2013 – \$50,522**

An additional \$50,522 in funding is requested for FY 2013–2014 for implementation of the guidelines, including communications, legal services, technical assistance, and other support requested by the courts. Distribution of the funds according to the Judicial Council guidelines will require staff to establish and maintain a system to track court data submissions and review amounts submitted. Staff must also work on development of the reimbursement model for distributing money to the courts according to the Judicial Council guidelines. Staff will visit courts that request on-site assistance in implementing the collections, conduct the required survey of courts at the end of the first year, assist with legal questions on implementing the guidelines, and develop any changes in rules, and forms and guidelines required in the first year of implementation. The final guidelines for this program will be reviewed by the Judicial Council at its August 2013 meeting.

### **Description**

Funding in FY 2013–2014 will be used to assist courts in collecting court-appointed dependency counsel reimbursements from parents and to allocate these funds to courts. In accordance with the guidelines specified in Assembly Bill 131 (Stats. 2009, ch. 413) and approved by the Judicial Council in FY 2012–2013 and FY 2013–2014, funding will support courts in implementing a program of assessment of all parents for ability to pay as well as court hearings on the assessment if requested, collection of reimbursement, and reporting. Administrative costs include legal and technical assistance for implementation. In addition, the staff maintain data on caseloads and attorney staffing around the state to support the allocation of collected funds to the courts. Staff also support a work group as it completes guidelines for allocating the funds collected.

Funding is allocated in accordance with the guidelines specified in AB 131. Current estimates of the funds that will be collected are in excess of \$2 million. There will be a process for courts to opt out of the program if funds collected do not exceed costs incurred. Unless courts opt out, they will participate in the collections program.

All funding will be distributed directly to the courts except for administrative costs.

### **Purpose**

The program implements AB 131, which requires the Judicial Council to establish a program to collect reimbursements from the person liable for the cost of appointed counsel in juvenile dependency proceedings. It further requires the trial courts to deposit money collected under the program in the manner specified in Government Code section 68085.1, and the Administrative Office of the Courts to transfer that money into the Trial Court Trust Fund. The process is being guided by the Dependency Counsel Reimbursement Working Group of the Trial Court Budget Working Group. The Budget Act authorizes administrative costs to be charged against the reimbursements that are collected.

The purpose of the project is to increase funding available to reimburse trial courts for the statutorily required expense of providing counsel to most children and parents in juvenile dependency proceedings and to reduce caseloads for counsel appointed to represent parents and

children in dependency proceedings in accordance with the caseload standard approved by the Judicial Council in 2007. Those courts with underfunded court-appointed counsel allocations will benefit through an increase in funding. In addition, all courts will benefit from a program that implements the statute in a way that no court is forced to incur unpaid costs.

Lower caseloads for court-appointed dependency counsel result in more timely hearings, more cases meeting federal timeliness standards, a demonstrated improvement in lowered foster care caseloads, improved reunifications and placements with relatives, shorter stays in foster care, and a lower proportion of children reentering foster care.

## **Center for Judiciary Education and Research (CJER)**

### **CJER Summary and Explanation of Proposed Total Allocation**

*Proposed 2013–2014 Allocation – \$1,263,000*

#### **Increase of \$70,000 from 2012–2013**

The budget requirements for CJER change from year to year for two primary reasons. First, the number of judicial appointments varies each year and consequently, the new judge education funding requirements (NJO, the College, and PAOs) differ from year to year. Second, because the CJER Governing Committee develops education plans on a two-year cycle, different programs are offered in different years. Judicial Institutes, for example, are typically offered every other year; some years, four Institutes are offered and in others, five Institutes are offered.

New Judge Education costs will increase by an estimated \$143,000 in FY13-14. CJER’s budget request significantly mitigates these additional costs by making reductions in other areas, resulting in an aggregate proposed restoration of \$70,000. The proposed allocations by subcategory are as follows, reflecting an increase of \$70,000 from the total amount allocated in FY 2012–2013.

CJER proposes that funding be allocated at the five subcategory levels to allow CJER to meet changing needs during the year while maintaining the Council’s intent of funding at different levels for different audiences. This would enable more timely flexibility to respond to changing needs and efficient use of the approved funds as final costs of individual programs often change due to varying attendance levels, faculty availability, and venue-related contract terms. For example, last year CJER requested and received permission to transfer \$20,000 from the Judicial Institute line item to New Judge Orientation line item to meet increased need. CJER would submit any requests for funding changes between categories for approval to the Judicial Council or, if the authority is delegated by the Council, to the Administrative Director of the Courts.

<b>Subcategory</b>	<b>Amount</b>
A. Mandated, Essential & Other Education for Judicial Officers	\$693,000
B. Essential & Other Education for CEOs, Managers, and Supervisors	\$31,000
C. Essential and Other Education for Court Personnel	\$130,000
D. Faculty and Curriculum Development	\$262,000
E. Distance Learning	\$147,000
<b>TOTAL</b>	<b>\$1,263,000</b>

Descriptions and the estimated funding need for the individual programs within each subcategory



are provided to facilitate allocation decisions at a more granular level if the Trial Court Budget Advisory Committee and Judicial Council opt to allocate funding at the program level instead.

### **A. Mandated, Essential & Other Education for Judicial Officers**

*Proposed 2013–2014 Allocation – \$693,000*

*\$113,000 increase from 2012–2013. Details described in specific program areas below.*

#### ***New Judge Education and Judicial Assignment Orientation Courses (Mandated)***

*Proposed 2013–2014 Allocation – \$494,000*

*\$143,000 increase from 2012–2013*

#### **Description**

Funds will be used to pay for participant lodging and business meals, meeting room rental, AV equipment and other such program related rentals, and participant materials production expenses for the following:

- a. New Judge Orientation (NJO): *\$95,000 (an increase of \$30,000)*. Nine NJO Programs are planned for this year with the expectation of a more typical rate of judicial appointments. The typical number of NJO programs in the past has been between eight and ten. Six NJO programs were held last year and some were provided with a larger than optimal number of participants due to unexpected judicial appointments. Most of the proposed additional funding amount is already encumbered on contracts for lodging at local hotels.
- b. B.E Witkin Judicial College: *\$160,000 (an increase of \$55,000)*. There are more (72 total) new judge participants at this year's Judicial College. Last year's participation of 54 judges was a historic low. Most of the proposed additional funding amount is already encumbered in the contract for the 2013 College, which will be delivered in August.
- c. Judicial Primary Assignment Orientation and Overview Courses: *\$239,000 (an increase of \$58,000)*. The items funded from this line item are the various orientation courses for new judges, judges new to an assignment and judges returning to an assignment. There are approximately eighteen different courses, some of which are offered multiple times during the year. There will be additional new judge participants in the coming year based upon a return to a more typical number of appointments (+\$30,000). Also, as noted above, the biannual nature of some programs calls for some additional program costs this year: An additional Advanced Felony Sentencing course is planned (\$8,000); the biannual CEQA Orientation course will cost an additional (\$12,000); the biannual Domestic Violence Institute Orientation Program developed by CFCC and supported in part by CJER will also be offered this year (\$8,000). The funding for domestic violence programming leverages a CFCC grant by funding items that cannot be paid from that grant.

#### **Purpose**

All newly elected or appointed judges and subordinate judicial officers are required by Rule of Court 10.462 (c)(1) to complete new judge education offered by CJER by attending the New Judge Orientation Program within 6 months of taking the oath of office, attending an orientation course in their primary assignment within one year of taking the oath of office, and attending the B.E. Witkin Judicial College within two years of taking the oath of office. By rule of court, CJER is the sole provider for these audiences.

These three programs which comprise the new judge education required under Rule 10.162(c)(1) have been determined by the CJER Governing Committee to be essential for new judges and subordinate judicial officers, and are specifically designed for that audience. The content of each program has been developed by the various curriculum committees appointed by the CJER Governing Committee; below are brief descriptions of each:

- a. The week-long New Judge Orientation Program is designed to assist new judges and subordinate judicial officers in making the transition from attorney advocates to judicial officers and includes the subject areas of judicial ethics, fairness, and trial management. Program participants focus on ethics, including demeanor (demeanor issues are the number one cause of discipline by the Commission on Judicial Performance), fairness, and courtroom control in this highly interactive program, as well as learning about the judicial branch, Judicial Council, and Administrative Office of the Courts. The concept at NJO is to give the new judge the opportunity, as they begin their careers, to focus on the core of what it means to be a judge and to come away with a commitment to maintaining high standards in their work. The number of programs required depends on the number of judicial appointments in a given year. Nine programs are planned for this fiscal year for approximately 108 participants. The programs are taught by four highly experienced faculty members for the entire week.
- b. The two week Judicial College offers new judges and subordinate judicial officers a broader educational experience than the orientation courses while still emphasizing their current position as new bench officers. Extensive courses in evidence and other basic civil and criminal courses are offered as well as a multitude of relevant elective courses, including mental health and the courts, self-represented litigants, and domestic violence. The college class is divided into seminar groups which meet frequently during the college to provide participants an opportunity to discuss the courses, and answer questions that arise during the program. The college design is premised on the belief that working professionals learn best from each other. The small group design of the college, as well as the presence of seminar leaders, is a means to encourage this type of learning. This also allows participants to bring sensitive issues with them which they might be reluctant to raise at their local courts. The statewide program provides an early opportunity for new judges to see a variety of approaches within different courts. As with NJO, the number of participants varies based on the number of judicial appointments. In the past, participation has ranged from approximately fifty-five to one hundred and forty judges and subordinate judicial officers.
- c. The Primary Assignment Orientation courses (PAOs) provide new judges and subordinate judicial officers with an intense immersion in their primary assignment (civil, criminal, probate, family, juvenile, traffic, probate) with a heavy emphasis on the nuts and bolts of the assignment, detailed procedures and protocols, as well as classroom exercises designed to test their skills in the assignment. These courses are also available to experienced judges who are moving into a new assignment for the very first time in their career.

In addition to the Primary Assignment Orientation programs, CJER offers advanced courses for experienced judges who are moving into new assignments which are substantively more complex than those covered by the PAOs above (e.g., felony sentencing, homicide trials, capital cases). These programs are designed for experienced

judges who are expected by the education rule to take a course in their new primary assignment or to fulfill other statutory or case-law-based education requirements. Planned courses can accommodate up to 680 participants per year.

All of the orientation courses are taught by judicial faculty who have been specifically trained for this education program and who are acknowledged experts in these assignments. Because these programs focus deeply on all of the major bench assignments, the Assigned Judges Program relies heavily on the PAOs to provide its judges with the education and training they need to be able to take on assignments which these retired judges may never have had during their active careers.

These programs are statewide programs, and provide judges and subordinate judicial officers from all over the state the opportunity to network with their colleagues and learn the different ways various courts do the work of judging. This ensures cohesiveness of the bench, as well as the fair administration of justice statewide. Educating judges to understand the rules and issues of ethics and fairness enhances public confidence in the judiciary, and ensures access to justice.

All judges, justices and court leadership (PJs, APJs, CEOs and Clerk Administrators) were surveyed in 2010 regarding the effectiveness of judicial education in California. 415 responses (24.2% response rate) were received. Question 1 of the survey asked whether requiring specific education for new justices or judges is reasonable and appropriate: 80% of justices agreed, 86% of judges agreed, and 96% of trial court leadership agreed. Question 2 asked whether requiring/expecting specific education programs for judges beginning a new role or assignment is reasonable and appropriate. 88% of justices agreed, 77% of judges agreed, and 85% of trial court leadership agreed. Based upon this feedback, the CJER Governing Committee concluded that these programs are highly valued by the courts.

As part of their 2012 Annual Agenda, the CJER Governing Committee appointed a workgroup to evaluate all new judge education programming offered by CJER to assess whether it was being provided in the most effective and efficient way. The workgroup concluded that, by and large, new judge education was provided appropriately and the Council approved their report and recommendation in June 2013.

### ***Leadership Training - Judicial (Mandated)***

*Proposed 2013–2014 Allocation – \$50,000*

*\$5,000 decrease from 2012–2013*

#### **Description**

Funds will be used to pay for participant lodging and business meals, meeting room rental, AV equipment and other such program related rentals, and participant materials production expenses for the following:

- a. PJ/CEO Court Management Program: *\$35,000 (a decrease of \$7,500)*
- b. Supervising Judges Institute: *\$15,000 (an increase of \$2,500)*

The items funded in this line item include the PJ/CEO Court Management Program and the Supervising Judges Institute. A reduction is proposed based on actual prior year expenditures. Note that \$10,000 is required for off-site contracting purposes for the PJ/CEO Program which does not show as an actual expenditure until after the fact. In other words, the prior year

expenditures are not a fully accurate reflection of funding used for that program.

### **Purpose**

Two programs offer educational opportunities for trial court judicial leadership. Each of these programs provides participants a chance to learn management techniques, strategies, and best practices that are designed for the unique environment that is the courts. In each case the participants have the responsibility to support and manage people, calendars, and projects. The ability to bring court leaders together to focus on the specific and special nature of their responsibilities is essential to the smooth, efficient, and fair operations of the court. These programs enable judges to fulfill continuing education hours and expectations under rules 10.462 (c) (2) and 10.462 (c) (2) (a-c).

- a. The PJ/CEO Court Management Program brings together the top leadership in the trial courts for a multi-day education event which focuses on the challenges of managing trial courts (especially in the current financial environment) as well as focusing on the rewards of creating and building an effective partnership between the Presiding Judge and Court Executive Officer. This program is especially critical opportunity for new Presiding Judges to begin building a partnership with their CEOs. The program contains segments which break out the trial courts by size, appreciating that different size courts have unique issues and challenges. Finally, this program is intended to instill a sense of community and bonding among trial court leadership throughout the state. Courses on finance, human resources, strategic planning are frequently offered.
- b. The Supervising Judges Institute is the one education program that focuses on this very challenging and politically difficult leadership position. Supervising judges are charged with managing peer judges and calendar assignments. In the larger courts, Supervising Judges may also have responsibilities for an entire court facility. Smaller courts also benefit because they are less likely to be able to provide this type of training locally and rely on this program to develop their supervising judges. Course can include basic management, how to lead teams, and effective communication skills.

### ***Judicial Institutes (Essential)***

*Proposed 2013–2014 Allocation – \$110,000*

*\$25,000 decrease from 2012–2013*

### **Description**

Because Judicial Institutes are not offered every year, a different number of institutes of different sizes are offered in a given year. Because of this, the specific funding requirements differ from year to year. One fewer institute is planned this year and there will be three in total: the Probate and Mental Health Institute, Criminal Law and Procedure Institute and Cow County Institute. As noted earlier, \$10,000 is typically required for contracting purposes for each of these offsite programs that does not show as an actual expenditure after the fact. So, the prior year expenditures are not a fully accurate reflection of funding used in the prior year for judicial institute programs.

In FY 2013–2014, the Education Plan developed by the CJER Governing Committee includes the following institutes:

- a. Probate and Mental Health Institute – *\$40,000*  
Current funding covers lodging and group meals for approximately 110 participants at the 2 1/2 day program. Additional costs covered include participant materials production, meeting room rental and AV equipment rental.
- b. Criminal Law Institute – *\$40,000*  
Current funding covers lodging and group meals for approximately 90 participants at the 2 1/2 day program. Additional costs covered include participant materials production, meeting room rental and AV equipment rental.
- c. Cow County Institute – *\$30,000*  
The funding covers lodging and group meals for about 70 participants at the 2 1/2 day program. Additional costs covered include participant materials production, meeting room rental and AV equipment rental.

### **Purpose**

CJER offers an Institute in all of the major trial court bench assignments (civil, criminal, family, juvenile, probate) as well as specific programs for appellate justices, rural court judges (aka “cow county”), appellate court attorneys, and trial court attorneys. The bench assignment institutes are designed primarily for experienced judicial officers, but judges new to the assignment also benefit from attending. The specialized institutes are keyed for those audiences. All of these two day programs typically offer between 12 and 20 courses covering topics of current interest, legal updates, and so forth. Participants frequently comment that the learning environment is greatly enhanced by meeting statewide with their colleagues, because it provides an opportunity to learn about different strategies for dealing with the many challenges faced by judges in the same assignment or by the specific audiences attending the institute. By attending these programs, judges and subordinate judicial officers achieve education hours towards the continuing education expectations and requirements of California Rules of Court. These programs have had attendances ranging from 70 to 140.

Essential content is identified by Curriculum Committees appointed by the CJER Governing Committee and actually developed by workgroups. This content can include in-depth coverage of common, yet complex, issues which are not covered in sufficient detail at the Primary Assignment Orientations. In addition, there are many course offerings on advanced topics as well as courses on recent developments in the law. The primary benefit to the courts, and the branch as a whole, is that statewide programming for experienced judges provides uniformity in the administration of justice and the opportunity for them to network with other advanced judges. Additionally, when the content and program design is appropriate, sessions at institutes are videotaped by staff and posted online to Serranus, where they are available to all judges.

- a. Previous cuts reduced the Probate and Mental Health Institute from being offered every year to every other year. Judges who sit in probate have far fewer educational opportunities than their colleagues who sit in other assignments such as family and dependency. In addition, probate attorneys and probate examiners are also invited to this program because of their extremely close working relationship with their judges and these two audiences literally have no other educational venue which meets their unique professional needs. It is essential for these probate teams (Judge, Examiner, and Attorney) to meet collectively in order to assist each other in identifying the best practices for themselves and ultimately for the public they serve.

- b. Previous cuts reduced the Criminal Law Institute from being offered every year to every other year. The Criminal Law Institute is one of the most heavily attended CJER institutes, given the huge percentage of judges who sit in criminal. In addition, with the enactment of criminal realignment legislation, California's criminal justice system has undergone a dramatic restructuring, making this institute even more critical for judges who hear criminal matters. New procedures, new sentencing guidelines, and varying approaches to implementing criminal realignment throughout the state are but a few of the topic areas this institute hopes to cover this year and in the coming years. Even for judges who have a great deal of experience in the criminal assignment, this is a very different world for them and holding a statewide program for these judges is essential for them to continue to be effective in their assignments. No other area of judicial education has undergone as dramatic a revision as this in many, many years.
  
- c. The Cow County Institute is a 2 1/2 day program designed to cover a broad range of education that meets the unique needs of judges in rural counties. It is provided every year to rural court judges and is considered the major educational program provided to this group of judges. It is a critical educational opportunity for Cow County judges with their unique education needs. Nearly 50% of California's superior courts have 10 or fewer judges. This institute is designed specifically for these courts and the CJER Governing Committee now recommends offering it each year.

This institute is designed to address the unique needs of judges and commissioners in counties of 20 judges or less. The challenges faced by judges and commissioners in small counties which are not commonly found in larger courts include multi-disciplinary assignments and the sudden need to cover a colleague's calendar in an unfamiliar area of law; frequent service in court administrative roles; disqualification issues and other ethical quandaries due to living in small communities; and resource limitations such as lack of access to drug treatment facilities, mental health facilities, psychiatrists and other experts, other community based services, public information officers, judicial colleagues with expertise in a specific legal area, and research attorneys. A workgroup of judges from small counties define the course topics and work with staff and faculty to create lesson plans for each course that not only address each area of substantive law or court administration, but are also tailored to address these issues unique to isolated, rural courts.

Content covered in other courses and institutes are often focused on the large courts, as most of the judges attending these programs come from medium to large courts. Therefore, the needs of judges in rural courts can be overlooked in other CJER programs.

Courses in all disciplines are offered, thereby providing an efficient method for judges to become versed or updated in all areas of the law in a single forum, reducing the need to travel to multiple institutes in different substantive areas. Courses range from nuts and bolts overviews, to legal updates, and to in-depth treatment of complex areas of law. A recent example of a specially designed substantive law course is the Domestic Violence and Rural Courts: Selected Issues course. This course provided a multidisciplinary criminal, juvenile, and family law "nuts and bolts" look at how a rural location may present unique issues in domestic violence cases such as transportation during winter months for alleged victims and perpetrators, lack of available interpreters, conflicting tribal court orders, firearms restrictions in hunting communities, and innovative

approaches some rural courts have used to deal with these issues.

The opportunity to meet with other similarly situated judges and commissioners is also invaluable. To strengthen collegiality and build mentoring relationships that extend beyond the institute, courses are taught in roundtable discussion formats extensively. This fosters the sharing of ideas for handling problematic areas in the law and for sharing calendar management strategies. Faculty often field phone calls in their areas of expertise years after teaching at the institute. The benefits to participants are enormous, and these judges are particularly isolated in small courthouses, often in remote locations.

### ***Advanced Education for Experienced Judges***

*Proposed 2013–2014 Allocation – \$31,000; no change from 2012–2013.*

#### **Description**

Funds will be used to pay for participant lodging and business meals, meeting room rental, AV equipment and other such program related rentals, and participant materials production expenses. Courses planned for this year include: Complex Civil Litigation Workshop, Selected Issues in Domestic Violence - Immigration; Selected Issues in Sexual Assault: Sexually Violent Predators and two courses in Combined Civil and Criminal Evidence. As with the Domestic Violence Institute described above, the Domestic Violence and Sexual Assault courses are developed by CFCC and supported in part by CJER. The CJER funding for domestic violence programming leverages grant money by funding items that cannot be paid from the grant.

#### **Purpose**

In addition to Primary Assignment Orientation Courses, the CJER offers advanced courses for experienced judges. These are continuing education courses designed to address issues of advanced judging,

As with the New Judge Education programs and Primary Assignment Orientation programs these programs are statewide programs and provide judges and subordinate judicial officers from all over the state the opportunity to network with their colleagues and learn the different ways various courts do the work of judging. This ensures cohesiveness of the bench, as well as the fair administration of justice statewide.

### ***Regional and Local Judicial Education Courses***

*Proposed 2013–2014 Allocation – \$8,000; no change from 2012–2013*

#### **Description**

Funds will be used to pay for participant lodging and business meals, meeting room rental, AV equipment and other such program related rentals, and participant materials production expenses. A number of courses planned for last year were postponed and will be delivered this year. Some of the new regional courses planned for this year include: Parole Revocation Hearings; Criminal Evidence; Advanced Felony Sentencing - Gangs; and Basic Felony Sentencing.

#### **Purpose**

Regional and Local Judicial Education courses allow CJER to provide high-quality judicial education to the trial courts at lower cost. Statewide budget reductions over the past few years have necessitated that CJER develop and expand both of these programs because they offer a much less expensive alternative to statewide programming while preserving the quality of our

education. The courses and programs included in both the regional and local programming are considered and identified by the Governing Committee's curriculum committees and are taught by experienced CJER judicial faculty. Regional and local programs provide invaluable educational experiences and opportunities for interaction and discussions with colleagues across California.

#### Regional Judicial Education

Providing regional courses enables judges and commissioners to attend education events which are closer to their courts. They are also still able to connect with their colleagues from surrounding courts. These courses are able to be delivered inexpensively when compared to the traditional multi-day statewide events, such as institutes. Faculty is recruited regionally whenever possible, so their expenses and time away from court can be reduced. Regional courses address substantive law areas such as civil, criminal, family, juvenile, domestic violence and probate/mental health. These half-day or one-day courses are held in AOC facilities and at court locations that serve multiple courts. Regional programs provide additional opportunities to learn from outstanding CJER faculty and to interact with colleagues, but closer to home, thereby reducing the time and cost of travel. Once a regional course has been offered and has been evaluated as successful and well-received, it is added to the local court catalog, and presiding judges may request that course be delivered in their courts at their convenience. For domestic violence education courses, some funding is provided for participant costs not covered by CFCC grant funding. Approximately 24 regional courses are planned for this fiscal year. Typically between fifteen and thirty people attend each course.

#### Local Court Judicial Education

With the local education effort, courts are able to request and host judicial education classes at their court by selecting course(s) from the Judicial Education Course Catalog and contacting CJER with a proposed date. CJER recruits the faculty and works with the court to provide written materials for the course. Local courts will typically arrange for an appropriate classroom for the course and handle the participant attendance and registration aspects for the course, unless otherwise requested. As funds allow, the AOC pays for faculty travel expenses and course materials and will provide audiovisual support as requested. In addition, many of the classes offered locally were taken from classes offered in our statewide programs as well as from some trial court programs and they are uniquely appropriate for local delivery. The courses offer effective judicial education in substantive areas of law, as well as access, collaborative courts, computer training, court security, domestic violence, fairness, judicial ethics, and self represented litigants. The faculty members who teach the courses are very experienced in the areas they teach and they are trained in adult learning principles.

Courses are designed for approximately twenty participants. The number of local courses offered, and the resulting number of participants, is dependent upon how many courts request these courses in any given year.

### **B. Essential & Other Education for CEOs, Managers, and Supervisors**

*Proposed 2013–2014 Allocation – \$31,000*

*\$20,000 decrease from 2012–2013: Details described in specific program areas below.*

#### ***Manager and Supervisor Training***

*Proposed 2013–2014 Allocation – \$31,000 (decrease of \$20,000)*



## **Description**

Funds will be used to pay for participant lodging for Core 40 and Core 24 Courses, but not for the ICM courses. Courts or participants fund lodging for ICM participants. Funds are also used to pay for business meals, meeting room rental, AV equipment and other such program related rentals, and participant materials production expenses for all of the courses. Because some of the Core 40 and Core 24 courses originally planned for statewide delivery are being delivered effectively locally and regionally, there is a reduction in the need for funding participant lodging. Core 24 courses originally planned for last year were postponed and will be offered this year.

The estimated funding needs for each program are:

- a. Institute for Court Management (ICM) Courses: *\$15,000 (no change)*
- b. Core 40 Courses: *\$10,000 (decrease of \$20,000)*
- c. Core 24 Courses: *\$6,000 (no change)*

## **Purpose**

- a. The Institute for Court Management (ICM) courses comprise a series which lead to certification by the National Center for State Courts. The courses serve a dual purpose: (a) to provide relevant education courses for court leaders based on the core competencies identified by the National Association for Court Managers, and (b) to provide this education locally at a significantly reduced cost to courts and participants as compared to the national programs. The series of courses are the primary education offered by CJER which addresses essential functions of court managers. This program grew out of a multi-state consortium formed in 2008 between the California Administrative Office of the Courts (AOC), ICM, and six other states to enhance the existing ICM certification program and prepare court leaders with the skills and knowledge they need to effectively manage courts in the future. This effort has resulted in the AOC being certified to provide affordable delivery of management education for court managers and supervisors. In the past, the courts had to pay ICM to bring these courses to their location or send their staff to NCSC headquarters in Williamsburg, Virginia, and the cost was prohibitive for most courts. CJER's ability to offer these courses at the regional offices using California faculty has allowed all courts—small, medium, and large—to reap the benefits of this program.

Twelve courses have been developed which comprise the certification program: Fundamental Issues of Caseflow Management; Court Performance Standards (CPS): CourTools; Managing Court Financial Resources; Purposes and Responsibilities of Courts; Managing Human Resources; Managing Technology Projects and Technology Resources; Essential Components; Visioning and Strategic Planning; Court Community Communication; Education, Training, and Development; Leadership; and High-Performance Court Framework: Concluding Seminar.

The initial capital investment has yielded extremely positive results in advancing judicial branch education for court leaders. The ICM courses are taught and held within California, making attendance affordable and convenient. It is evident from the hundreds of participants taking these courses that the program is effective and remains a viable educational opportunity, promoting professional and personal development for court leaders. Funding will enable CJER to offer the twelve courses on the Education Plan for this year for up to three hundred and sixty participants.

- b. The week-long CORE 40 is an intensive one-week program for new trial court supervisors as well as managers (both new and experienced). It contains valuable and practical information that can be used to improve their leadership skills as well as enhance the overall performance of their staff. Classes are limited to 28 participants who are selected from applications received online. Topics include group development, employment law, and performance management. Three programs are planned for this year, for a total of ninety participants.
- c. The three-day CORE 24 program is designed for experienced managers and takes them through more advanced topics and areas, including topics such as leadership skills, fiscal/budget management and planning, presentation skills, business reengineering, communication, technology, and conflict management. This course is also intended to begin preparing experienced management for possible development for the next phase of their careers in the courts. Two programs are planned for this year, for a total of fifty participants.

### **C. Essential and Other Education for Court Personnel**

*Proposed 2013–2014 Allocation – \$130,000*

*\$27,000 increase from 2012–2013: Details described in specific program areas below.*

#### ***Court Personnel Institutes***

*Proposed 2013–2014 Allocation – \$120,000 (Increase of \$37,000)*

#### **Description**

Funds will be used to pay for participant lodging and business meals, meeting room rental, AV equipment and other such program related rentals, and participant materials production expenses for the Court Clerk Training Institute. A cyclical cost increases for the Trial Court Judicial Attorneys Institute program (TCJAI), offered on a biannual basis, is partially mitigated by decreases in other programs.

In FY 2013–2013, the Education Plan developed by the CJER Governing Committee includes the following institutes:

- a. Court Clerks Training Institute– *\$70,000 (a decrease of \$13,000)*  
Funding covers lodging and group meals for at total of 140 participants at two one-week programs. Additional costs covered include participant materials production, meeting room rental and AV equipment rental.
- b. Trial Court Judicial Attorneys Institute – *\$50,000 (an increase of \$50,000)*  
Funding for this 2 1/2 day program, last offered in 2011, covers lodging and group meals for approximately 150 participants. Additional costs covered include participant materials production, meeting room rental and AV equipment rental.

#### **Purpose**

- a. Court Clerk Training Institute  
This week-long program offers courtroom and court legal process clerks education in each area of the court (civil, traffic, criminal, probate, family, juvenile). Courts must have staff who are well trained and who are prepared to provide excellent customer service

along with accurate legal information. They must also be knowledgeable, familiar with the Rules of Court, and changes to the laws that affect their responsibilities and their customers' access to justice. Classes taught by experienced court staff include Criminal Misdemeanors, Criminal Felony, Civil Procedures, Traffic, Probate, Juvenile Dependency and Delinquency, and Family. CCTI was started by Orange Court in 1998 and was subsequently transferred to the AOC in early 1990s as a statewide program.

CCTI has a special relationship with the smaller courts, although all 58 courts have accessed this education for their staff. Smaller courts do not often have training departments and rely on CJER to provide a statewide perspective on the duties and responsibilities of courtroom and counter staff. It is the larger courts who often provide faculty for this program. CCTI has been an essential education program for courts for more than 25 years and continues to prepare court staff for the essential functions of their jobs consistent with the law and statewide practices. Letting staff go for a week of education is a burden to the courts, but one they are willing to bear as we have not added the cost of hotel rooms to their share of the costs. In addition to legal process and procedure, classes stress statewide consistency, ethical performance, and efficient use of public funds. Many of today's court managers and supervisors are graduates of CCTI and continue to send their staff for this opportunity to learn with clerks from all 58 counties.

Two programs are planned for this year, for a total of one hundred and forty participants.

b. Trial Judicial Attorneys Institute

The most recent 2 1/2 day Trial Court Judicial Attorneys Institute (TCJAI) is offered on a biannual cycle and was last offered in 2011 for 182 participants. TCJAI is typically attended by research attorneys employed by the trial courts throughout the state and offers a wide variety of education in the major judicial assignments of criminal, family, dependency, delinquency and civil law. This program is especially needed because, unlike attorneys employed at the appellate and supreme courts, trial court research attorneys are subject to the mandatory continuing legal education (MCLE) requirements promulgated by the California State Bar. This education requirement increases the responsibility trial court research attorneys have to obtain relevant legal education and the multi-day Trial Judicial Attorneys Institute is virtually the only major educational program CJER offers to this judicial branch audience.

***Regional and Local Court Staff Courses***

*Proposed 2013–2014 Allocation – \$10,000*

*\$10,000 decrease from 2012–2013: Details described in specific program areas below.*

**Description**

Funds will be used to pay for participant lodging and business meals, meeting room rental, AV equipment and other such program related rentals, and participant materials production expenses for the following:

- a. Court Personnel Regional and Local Courses: \$500 (an increase of \$500)
- b. Core Leadership and Training Skill Course: \$9,500 (a decrease of \$10,500)

The Core Leadership course originally scheduled for delivery in FY12-13 was postponed and moved to FY13-14. It will be delivered in August this year in addition to the two courses planned for this year. Because these courses are being delivered effectively locally and regionally, there is a reduction in the need to fund participant lodging.

### **Purpose**

- a. As with Regional and Local Court Judicial Education, Regional and Local Court Staff education allows the CJER to provide high-quality judicial education to the trial courts at a greatly reduced cost and with a greatly enhanced convenience to the courts. In fact, the regional and local education model originated in the area of court staff education, primarily because of the challenges involved in enabling court staff to take time out from their critical duties to attend statewide, multi-day education events. And now with severe statewide budget reductions over the past few years, this model of delivering education has become even more critical for court staff. The courses and programs included in both the regional and local programming are considered and identified by the Governing Committee's curriculum committees which are devoted to court staff education and are taught by experienced CJER faculty.

Courses cover a wide array of topics; human resources, traffic, case processing in the major court assignments of civil, criminal, probate, family, and juvenile, as well as broad topics relevant to all court staff, such as preventing sexual harassment. Thirty courses (ten courses offered three times each) are planned, which can accommodate as many as 900 total participants.

- b. The Core Leadership and Training Skills course, also offered regionally and locally, is designed for lead/senior clerks and assistant supervisors. Among other things, this two-day course teaches participants behaviors that contribute to effective leadership, discusses challenges to leading friends and former peers and identifies strategies to meet those challenges, and identifies approaches to building successful and effective work relationships at all levels of the organization. Three planned courses will accommodate approximately sixty participants.

### **D. Faculty and Curriculum Development**

*Proposed 2013–2014 Allocation – \$262,000*

*No Change from 2012–2013: Details described in specific program areas below.*

#### ***Statewide Education Programs - Trial Court Faculty***

*Proposed 2013–2014 Allocation – \$236,000*

*No Change from 2012–2013*

#### **Description**

The funding covers lodging, group meals, and travel for pro bono faculty teaching trial court programs. The amount needed directly correlates with the amount of statewide, regional and local trial court programs and products developed and provided. Additional costs are expected this year associated with increased delivery of education for new judges, but they can be absorbed at the current funding level. Also, costs for lodging, business meals and travel associated with faculty for trial court satellite broadcast education will be absorbed by this line item and reduced in the Distance Education line item (below).

**Purpose**

Faculty who are asked to serve as volunteers are not likely to be able to offer their services if their expenses are not covered. Local courts would be hard pressed to support a judge or court staff faculty member's desire to serve as faculty if the cost of that service is passed to the local court.

***Faculty Development***

*Proposed 2013–2014 Allocation – \$25,000*

*No Change from 2012–2013*

**Description**

The funding covers the cost of lodging, group meals, and travel for participants at train the trainer and faculty development programs, some of which are foundational for new faculty and some of which are designed to support specific courses or programs. A number of programs postponed last year to reduce costs must be delivered this year to support new faculty. New faculty are always needed to bring diversity and replace others who retire or are unable to teach. Courses to be offered this year include NJO faculty training (offered in July), Judicial College Seminar Leaders training, Basic Faculty Development for judicial education and court manager education (including a course requested by the Los Angeles Superior Court), and workshops for judicial institute faculty, Primary Assignment Orientation faculty, and distance education broadcast faculty.

**Purpose**

Faculty development is a critical component of the effectiveness of the judicial branch education system, which is almost completely dependent on judges and court staff volunteering to teach their peers. Serving as faculty is a leadership function that requires subject matter expertise, knowledge, experience, and confidence in one's design and delivery skills. Competent subject matter experts must also possess the knowledge, skills, and abilities to design and deliver education effectively. By developing and supporting a wide and diverse faculty base, CJER has assured the branch that continuing education needs will be met by a collaborative, talented group of well trained faculty. These same faculty members often serve as local faculty bringing the education CJER provides home to their courts in the form of local court education.

Current CJER faculty development programs include a) program specific faculty development (e.g. NJO, the College, ICM); b) Design Workshops for new or updated courses in development (e.g. regional one-day and orientation/institute courses); and c) short lunchtime webinars for advanced faculty on discrete faculty development topics. As a result of the Faculty Development Fundamentals course, many new courses have been developed by the participants and offered statewide under the local court training initiative.

***Curriculum Committees and Education Plan Development***

*Proposed 2013–2014 Allocation – \$1,000*

*No Change from 2012–2013*

**Description**

Funds will be used to pay for business meals of committee members involved in curriculum development work associated with Domestic Violence Education. This meeting was postponed

last year.

### **Purpose**

Domestic Violence curriculum committee meetings are held in-person once a year with costs of travel and lodging covered under grant funding. This funding was established to pay for the cost of meals and breaks that cannot be covered by the grant funding.

### **E. Distance Learning**

*Proposed 2013–2014 Allocation – \$147,000*

*\$50,000 decrease from 2012–2013: Details described in specific program areas below.*

#### ***Distance Education - Satellite Broadcast***

*Proposed 2013–2014 Allocation from– \$137,000*

*\$50,000 decrease from 2012–2013*

### **Description**

Funds will be used to pay for transmission of statewide educational satellite broadcasts for trial court audiences, new satellite downlink site installation work in trial court facilities, and maintenance and repair work and fees associated with existing trial court satellite downlink sites. There has been a reduction in the cost of satellite broadcast transmission and in the number of new site installations. Also, costs for lodging, business meals and travel associated with faculty for trial court satellite broadcast education will be absorbed by the Trial Court Faculty line item (above).

### **Purpose**

The development of alternative methods for delivery of education was established by the CJER Governing Committee as a strategic goal in the mid 1990s. The intent of the Governing Committee was to meet an increasing need for education by judges, managers and staff by establishing cost effective delivery mechanisms that were an alternative to traditional statewide programs and written publications. Staff was directed to leverage new technologies to increase education for judges, enable new educational services for court staff and manager audiences, and provide mechanisms for continuing delivery of education even during tight budgetary times.

CJER has met the goal of providing distance education to all judicial branch audiences, and much of it is delivered via the educational satellite broadcast network. The satellite network serves as the core delivery method for staff and manager/supervisor education, providing a comprehensive and timely statewide approach to high-quality staff education that is for many courts the only source of staff education. Many of the broadcasts are also recorded and provided online or as DVDs to serve as resources for local training throughout the year and/ posted online. Training required statewide, including sexual harassment prevention training, is delivered regularly by satellite broadcast, and time sensitive training has been provided for judges on a number of occasions in response to new legislation, such as SB1407 and CRC 10.500. Broadcast education is also provided specifically for judges, presiding judges, and CEOs.

Education delivered via satellite to court staff includes such topics as:

- Criminal Justice Realignment
- Updates to the ADA

- The jury process
- Felony and misdemeanor appeals
- Certifying copies
- Customer service

Education delivered via satellite for Managers and Supervisors includes such topics as:

- Business Process Reengineering
- Handling disasters
- Coaching and communication
- Technology management
- Change Management
- Stress management
- Preventing and Responding Sexual Harassment

Education delivered via satellite for PJs and CEOs includes such topics as:

- ADA issues for Court Leaders
- Court Security
- Ethical Excellence

Education delivered via satellite for Justices and Judges includes such topics as:

- Criminal Justice Realignment
- AB939 Overview
- Judicial Canons Updates
- How a child enters the Juvenile Dependency system

### ***Distance Education - Online Video, Webinars, & Videoconferences***

*Proposed 2013–2014 Allocation – \$10,000; no change from 2012–2013*

#### **Description**

Funds will be used to pay for storage, encoding and transmission of trial court statewide educational video products delivered online. A new vendor must be selected this year and costs will increase.

#### **Purpose**

A natural evolution of the Satellite Broadcast initiative has been the development of online instructional videos, videoconferences, and webinars. These three lines of educational products further leverage the distance mediated technologies the AOC has acquired over the past ten years and enables CJER to develop multiple product lines to meet the educational needs of virtually every judicial branch audience it serves. The broadcast video production studio, which was originally created solely for the purpose of developing and transmitting broadcasts, is now used frequently to create instructional videos which are immediately uploaded to either the Serranus (judicial) or COMET (administrative) web sites. Funding is needed to enable streaming of judicial education videos to mobile devices like I-PADs as well as desktop computers, and to improve video quality to a standard that users have come to expect. Videoconferencing

technology provides an ideal venue for the appellate courts which are small in number and which are spread across the state. Videoconferencing is an immediate, live technology which enables CJER to design classroom style programming for this critical audience. Webinars, largely due to their enormous cost savings as compared to other models, have proliferated over the past two years and have largely replaces live meetings.

## **Court Operations Special Services Office**

### ***Trial Court Performance and Accountability***

*Proposed FY 2013–2014 Allocation – \$13,000; no change from 2012–2013*

#### **Description**

Funding for FY 2013–2014 would allow for one in-person meeting of the SB 56 Working Group – 16 member courts with approximately 25 people travelling.

The SB 56 Working Group is charged with evaluating and revising the trial court judicial and staff case weights with two goals: (1) to take into account changes in workload over time; and (2) to incorporate measures of performance into the case weights. In addition, Office of Court Research (OCR) staff to the SB 56 Working Group have taken on additional responsibilities related to the conversion of workload estimates into estimates of funding need. This work has involved additional coordination with members of the Trial Court Budget Advisory Committee, and will benefit from having at least one face-to-face meeting to begin work identified by the Judicial Council when it approved the Resource Assessment Study (RAS) model at its February, 2013 meeting. The work identified by the Judicial Council includes: evaluation of data quality; identification of performance standards; evaluation of the fit of the RAS model to small courts; and ongoing modifications and improvements to the RAS and judicial workload assessment models.

Approximately \$9,000 of Trial Court Improvement and Modernization Fund money would be used to fund travel of between 20 and 30 people to one meeting in FY 2013–2014, with the balance used for travel to meetings of subgroup members devoted to specific issues (e.g., data quality, performance standards).

#### **Purpose**

Government Code 69614 requires biennial updates to the Judicial Workload assessment which is overseen by the SB 56 Working Group. Government Code 77001.5 requires an annual report to the Legislature of “judicial administration standards and measures that promote the fair and efficient administration of justice,” which the SB 56 Working Group is also charged with overseeing. At the April 2013 Judicial Council meeting, the council adopted a new funding formula for the trial courts—the Workload-based Allocation and Funding Methodology (WAFM)—which is based on the RAS model, making the ongoing improvement and updating of the RAS model more important than ever.

### ***JusticeCorps***

*Proposed FY 2013–2014 Allocation – \$331,000*

#### **Increase from 2012–2013 – \$54,000**

1. Federal budget cuts and sequestration have reduced AmeriCorps funding nationwide. The JusticeCorps grant for the 2013–2014 program year will be reduced by \$150,000. Given reduced



grant funding, the courts are now responsible for additional key program costs. A restoration of \$54,000 in STCIMF to the full FY 2009–2010 level of \$331,000 will help offset just over one-third of the reduced JusticeCorps grant. The entirety of STCIMF funding is distributing proportionately to directly benefit the six partnering courts in the JusticeCorps program.

2. In addition to the overall reduction in the AmeriCorps grant there are also number of member training and meeting costs that are no longer covered by the AmeriCorps grant and must be covered by other sources. The courts value thorough and complete member training and the additional STCIMF resources will also support these costs.

3. Reduced fund balances for courts will affect their ability to front program costs prior to execution of a contract with the AOC for their AmeriCorps subgrant. Additional STCIMF funding of \$54,000 will benefit them, especially at the beginning of their program year.

### Description

JusticeCorps is one of the judicial branch’s key access to justice initiatives. JusticeCorps is funded through an AmeriCorps grant, with matching funds provided by the participating courts and the AOC. The courts’ matching funds are made up primarily of STCIMF allocations. STCIMF funding for FY 2013–2014 will support the 10th year of JusticeCorps program operations at six partnering courts (Los Angeles, San Diego, Alameda, San Francisco, Santa Clara, and San Mateo). Funding will be distributed directly via Intrabranh Agreements (IBAs) to the designated lead courts—Los Angeles, Alameda, and San Diego—to continue their successful efforts. These funds are largely used by these courts to support program operating expenses, including staff salaries, training expenses, and other member support costs.

AmeriCorps grant funding for the trial courts was reduced this year by \$150,000 over last year’s grant award to a total of \$801,000, owing to federal budget cuts and sequestration. We are respectfully requesting a \$54,000 increase compared to JusticeCorp’s 2012–2013 STCIMF allocation, for a total of \$331,000 in 2013–2014 STCIMF funding, which represents a restoration of funding to the FY 2009–2010 level. The requested restoration will mitigate both prior and current program funding reductions and will allow the courts to continue operating this vital program.

The following chart illustrates the proposed allocation of STCIMF funding, as well as funding and costs for each region relative to the entire statewide program:

Region	Total Combined IMF and Ameri Corps Grant funds (Proposed)	% Total Funds	IMF Fund Amount (Proposed)	% IMF Funds	Ameri Corps Grant Amount (Proposed)	% Grant	# of Ameri Corps Members
LA	\$626,000	55%	\$169,000	51%	\$457,000	57%	135
Bay Area (Alameda)	\$338,000	30%	\$122,000	37%	\$216,000	27%	77

<b>Superior Lead Court)</b>							
<b>San Diego</b>	<b>\$168,000</b>	15%	<b>\$40,000</b>	12%	\$128,000	16%	50
<b>Total</b>	<b>\$1,132,000</b>		<b>\$331,000</b>		<b>\$801,000</b>		262

**Purpose**

JusticeCorps represents a cost-saving solution to support mandated self-help centers that continue to be underresourced and are experiencing a high increase in volume and need due to the current economic crisis. The JusticeCorps program trains and places college students in service at court-based self-help centers to assist self-represented litigants. Working under the supervision of attorneys or other court staff, JusticeCorps members help litigants by identifying appropriate forms, helping to complete and file the forms properly and also providing information and referrals to related services.

The JusticeCorps program presents an innovative, cost-effective approach to increasing access to justice for self-represented litigants. Supported by statewide data collection and analysis, external program evaluations, and regular monitoring by funder representatives, the program has shown measureable results since it began in 2004.

In the 2012–2013 program year, 277 students provided assistance to over 100,000 litigants in more than 20 legal self-help centers statewide. We expect to match or exceed those goals in 2013–2014, even with a somewhat reduced total member complement of 262 students.

***Court Interpreter Testing, Recruitment and Education***

*Proposed FY 2013–2014 Allocation – \$140,000; no change from 2012–2013*

**Description**

The current level of requested funding (\$140,000) remains unchanged from FY 2012–2013. At the requested level of funding, the Court Interpreters Program (CIP) will be able to sustain the court interpreter pool and ensure quality interpretation in mandated cases by providing for the testing, orientation, and recruitment of new interpreters and interpreter candidates, as well as provide and develop educational activities for the over 1800 certified and registered California court interpreters used throughout the courts statewide.

In addition, requested funding would support efficiencies to best utilize the current pool of interpreters through the use of video remote technology for American Sign Language (ASL) interpreted events, and provide funds to continue to offer required workshops for newly certified or registered interpreters. Specifically, at the current level of funding, the CIP would be able to provide, at a minimum, all 58 courts with qualified court interpreters by continuing to provide the following:

- Outreach and recruitment of potential qualified candidates, both in spoken languages and ASL (to assist interpreter growth); development of outreach and promotional materials;
- Expansion of the use of video remote technology resources to leverage interpreter resources throughout the state in matters where ASL interpreters are needed;

- An adequate number of mandatory ethics workshops to increase the skills of current court interpreters and those new to the profession (delivered to approximately 150–200 interpreters per year);
- Administration of court interpreter certification and registration exams (written and oral exams administered to approximately 2100 candidates per year);
- Travel costs in order to conduct one annual in-person meeting for current members and advisors of the Court Interpreters Advisory Panel; and
- Court interpreter badges (for approximately 250 interpreters per year).

### **Purpose**

California is mandated by GC 68560-68566 to provide certified and registered interpreters for litigants with limited English proficiency in all mandated cases. The Judicial Council is responsible for certifying and registering court interpreters and for developing a comprehensive program to ensure an available, competent pool of qualified interpreters.

From 2004-2008, the state's courts provided more than 1 million service days of spoken language interpretative services. Additionally, there is a growing national and state interest in providing broader language access services in all points of the court process.

The current programs and projects, for which funding is requested, support the statutory mandates discussed above and directly benefit all trial courts by ensuring that certified and registered interpreters meet the standards set by the Judicial Council. Specific benefits that are realized from the proposed programs include:

- Maintaining statewide administration of testing by a Judicial Council-approved testing entity, which ensures consistency in the standards for test administration, test content, test scoring and reporting not only statewide, but nationally. It also supports the mandate under GC §68562(b). We currently partner with 44 National Center for State Courts (NCSC) member states. Partnership allows us to utilize a national registry of language experts and provides the ability to share costs of new test development. Local administration of testing by individual courts is not a feasible option. Allocated funds subsidize a contract with an outside vendor to administer approximately 2,100 tests per year and handle over 7,400 calls annually.
- Targeted outreach and recruitment activities result in a growing number of qualified individuals entering the court interpreter profession. Recruitment efforts are mandated under GC §68562(d). Continuing these activities will result in maintaining a pool of newly qualified spoken language and ASL interpreters available to the courts.
- Permitting the use of Video Remote Interpreting (VRI) for cases needing ASL interpreters. The use of VRI in courts that currently utilize the technology has resulted in reduced costs due to the savings realized by reducing the need to pay for transportation costs, as well as the costs associated with not having an onsite ASL interpreter available. The deaf or hearing impaired are entitled to an interpreter in both mandated and non-mandated proceedings. When mandated and non-mandated proceedings are taken into account, ASL is the second most common language used in California court proceedings, accounting for 3 percent (30,000) of all service days from 2004-2008.
- Sponsoring ethics workshops, which must occur annually for interpreters to meet the requirements of rule 2.890 of the California Rules of Court and GC §68562(e). They also meet the continuing education and compliance requirements required of all new interpreters.

These workshops directly benefit the courts in that new interpreters are aware of their duties to the profession and the codes of conduct expected of them while interpreting in the courtroom. These workshops are open to all interpreters, providing a review of the code of ethics to which all court interpreters must adhere.

- Supporting one in-person meeting of the Court Interpreters Advisory Panel (CIAP), which is established by GC§68565 and rule 10.51. The benefits realized from one in-person meeting of CIAP include the ability of members to work together without distraction and lay out well thought out plans that support the objectives of the annual agenda. In addition, a face-to-face meeting allows members to meet in person and make connections that foster continued participation and promote teamwork and synergy between the various members.
- Producing approximately 250 court interpreter identification badges per year, both to new interpreters and those requesting replacements, thus providing courts with a means for identifying qualified interpreters.

Supporting the Court Interpreters Program at the current level of funding will provide, at a minimum, the ability to maintain the mandated requirements set forth in Government Codes §68560-68565. With the increasing need for the expansion of language access services in the courts, as well as the mandate to provide certified and registered interpreters in all criminal and some civil proceedings, the current allocation level will allow the Court Interpreters Program to sustain deliver of vital services to the courts, ensuring a competent and available pool of qualified interpreters to serve the needs of those with limited English proficiency (LEP).

## **JUDICIAL COUNCIL AND COURT LEADERSHIP SERVICES DIVISION**

### **Legal Services Office**

#### ***Litigation Management Program***

*Proposed 2013–2014 Allocation – \$4.5 million; no change from 2012–2013*

#### **Description**

As it has been every year since the Litigation Management Program was established by the Judicial Council in December 1999, the funding will be spent to pay settlements, judgments (if any), and litigation costs, including attorney fees, arising from claims and lawsuits against the trial courts. In addition, at court request, the Legal Services Office will provide counsel to assist courts with responses to subpoenas or to assist judges with answers to disqualification statements. Over the past five years, the LSO has managed annually an average of 460 claims and lawsuits, including employment lawsuits, against the trial courts, and has provided counsel for, on average, 98 subpoenas and 68 judicial disqualifications per year.

#### **Purpose**

Government Code section 811.9 directs the Judicial Council to provide for representation, defense, and indemnification of claims and lawsuits against the judicial branch, including all trial courts. Rules 10.201 and 10.202 describe the procedures and responsibilities for managing and resolving claims and lawsuits. As anticipated by the Judicial Council, centralized management provides the benefit of consistency in defense strategy and permits the efficiencies of sharing legal research and pleadings in similar matters. The centralized program also enables the LSO to

identify and assist courts in addressing similar issues that arise in different parts of the state, such as challenges to electronic record access or issues concerning disability-related leaves of absence and reasonable accommodation. In addition, the courts do not have to bear the burdens of locating counsel, negotiating law firm contracts, directing outside counsel, editing briefs, and reviewing bills. Just as the trial courts benefit by having access to these services, the general public benefits because judicial officers and trial court staff can focus on providing access to justice, rather than defending against lawsuits.

### ***Judicial Performance Defense Insurance***

*Proposed 2013–2014 Allocation – \$920,539*

#### **Increase from 2012–13 – \$43,411**

The increased premium is based on an increase in the number and cost of claims in the past four years. The premium will increase for FY 2013–2014 in the amount of \$45,784.40, with \$43,410.30 of that increase being paid from the STCIMF as the proportionate amount attributable to trial court judges and subordinate judicial officers.

#### **Description**

The funding for this program is used to pay the insurance premium for trial court judges and subordinate judicial officers for a master insurance policy for the defense of judicial officers in proceedings before the Commission on Judicial Performance (CJP). The program, which began in 1999, is open to all justices, judges, commissioners, referees, and hearing officers. To obtain insurance coverage, judicial officers must agree to complete an ethics training program once every three years. All but six judicial officers are enrolled in the program.

#### **Purpose**

The program is not required by statute or rule of court. The program was developed as a result of a Judicial Council action in 1999 authorizing the Administrative Director to enter into an insurance policy contract to provide this coverage to all judicial officers.

The benefit derived from this program is that all judicial officers are covered by the insurance policy. Formerly, each court decided individually whether it would provide coverage for its judicial officers. Consequently, some judicial officers had coverage and others did not.

The general public benefits because judicial officers are not distracted by CJP investigations, which can be time-consuming. In 2012, approximately 70 percent of the investigations were closed without discipline. Instead of the judicial officers spending time responding to allegations, defense attorneys compensated under the policy represent them and respond to the CJP on their clients' behalf.

### ***Subscription Costs – Judicial Conduct Reporter***

*Proposed 2013–2014 Allocation – \$15,535*

#### **Decrease from 2012–13 – \$1,545**

The decrease is due to a discount offered by the publisher for a one-year subscription. Last year, after the Judicial Council approved an allocation of \$17,000 from the STCIMF, the publisher agreed to a one-time-only discount of 10%, which brought the total subscription cost down to \$16,380. Of that amount, \$15,535 was charged to the STCIMF. The publisher has agreed to offer the same discount this year on a one-time-only basis.

**Description**

This quarterly publication is provided to all judicial officers as part of the AOC's ethics education program. It is also distributed to Judicial Council members and certain judicial branch employees and is posted on Serranus. In view of the California judiciary's budgetary issues, the publisher has provided an electronic version of the publication for a flat fee of \$18,200 per year, \$17,080 of which is paid for with funds from the STCIMEF, with the remainder paid for from funds allocated to the appellate courts.

**Purpose**

There is no statute or rule that requires the Judicial Council to provide this publication. In 2000, the AOC made a decision to subscribe to the publication as part of the AOC's ethics education program. The specific benefit derived from this program is that the publication contributes to the ethics education of all judicial officers with all courts benefiting from its distribution. The general public benefits from the subscription because ethics education for judicial officers promotes the integrity of the judiciary and enhances public confidence in the judiciary.

***Trial Courts Transactional Assistance Program***

*Proposed 2013–2014 Allocation – \$685,000; no change from 2012–2013*

**Description**

The Trial Court Transactional Assistance Program (TCTAP) was established within the LSO in FY 2001–2002 to respond to trial court requests for legal services on transactional and business operational matters. Initially the TCTAP fund was used to provide transactional legal assistance to the courts through outside counsel selected and managed by the LSO. Subsequently, the Judicial Council broadened authorized uses of the TCTAP funds to include all legal services required by the trial courts relating to trial court operations. Currently, the TCTAP fund is primarily used to provide legal assistance to the trial courts through outside counsel on labor matters, including approximately 69 labor arbitrations arising under trial court/union collective bargaining agreements per year and approximately 17 administrative proceedings before the Public Employment Relations Board (PERB) per year.

In addition to providing legal assistance with trial court labor matters, and as a result of the reduced attorney staffing in LSO, it is anticipated that the TCTAP Fund will be used to engage outside counsel to assist trial courts in the following areas, if necessary: major transactions involving information services, finance, and significant transactional matters. The fund would also be used for tax and employee benefit-related legal advice, if necessary.

**Purpose**

As anticipated by the Judicial Council, centralized management of legal services provides the benefit of consistency in defense strategy and permits the efficiencies of sharing information, legal research, and pleadings in similar matters. The centralized program also enables LSO to identify and assist courts in addressing similar issues that arise in different parts of the state, such as challenges to disciplinary action, and to retain outside counsel with substantial experience in working with the courts under the Trial Court Employment Protection and Governance Act. With respect to transactional matters, courts receive assistance from counsel with specialized and unique skills not possessed by LSO or court counsel, and from outside counsel when demand for legal services exceeds workload capacity of LSO's reduced staff. Courts benefit by not having to hire their own in-house counsel or retain outside counsel and bear the burdens of negotiating law firm contracts, directing outside counsel, reviewing and editing legal briefs, and reviewing bills.

The general public benefits because judicial officers and trial court staff can focus on providing access to justice, rather than defending against labor-related claims and performing or purchasing legal services necessary to trial court operations.

### ***Jury System Improvement Projects***

*Proposed 2013–2014 Allocation – \$16,890*

**Decrease from 2012–2013 – \$1,110**

#### **Description**

The funding for this project comes from the royalties received from licensing and publishing the Judicial Council’s official civil and criminal jury instructions. (See Gov. Code, § 77209(i) (“Royalties received from the publication of uniform jury instructions shall be deposited in the Trial Court Improvement Fund and used for the improvement of the jury system.”.) Under rule 2.1050, the AOC requires commercial publishers to acquire a license before publishing the instructions and to pay royalties in exchange for permission to publish the instructions.

In 2013–14, the program funds will be used to (1) support the meeting expenses of the Advisory Committees on Criminal and Civil Jury Instructions; and (2) cover the expense of obtaining copyright protection for the official publication of the Judicial Council’s jury instructions.

- a) Advisory Committee Meeting Expenses (approximately \$16,500/fiscal year)

The two advisory committees play an integral role in updating the jury instructions. The advisory committees are charged with regularly reviewing case law and statutes affecting jury instructions and making recommendations to the council for updating, amending, and adding topics to the council’s criminal and civil jury instructions. (Cal. Rules of Court, rules 10.58 and 10.59.) Each committee produces at least two releases of new and revised instructions each year and presents them to the council for adoption. On adoption, the AOC prepares and transmits the manuscript to licensed publishers for publication in print and other media. Royalties from these publications make up the fund.

Each of the advisory committees meets in person once or twice a year and by videoconference and teleconference as needed throughout the year. Advisory committee subcommittees or working groups also meet by teleconference, videoconference, or in person during the year, as needed.

- b) Copyright of Jury Instructions (approximately \$390/fiscal year)

To protect the council’s copyright in the jury instructions, each time the council approves new or amended instructions, the AOC registers a copyright in them. Project funding will be used to pay for copyright application filing fees (\$65 per application). By doing the registrations in-house instead of using outside counsel, the branch will be saving approximately \$2610 per fiscal year.

#### **Purpose**

The program’s purpose is to support the development of the Judicial Council’s civil and criminal

jury instructions, protect the instructions approved by the council, and provide for continued royalties to fund this program and other programs “for the improvement of the jury system.” (Gov. Code, § 77209(i).) The “jury instructions approved by the Judicial Council are the official instructions for use in California.” (Cal. Rules of Court, rule 2.1050.) The goal of the instructions is “to improve the quality of jury decision making by providing standardized instructions that accurately state the law in a way that is understandable to the average juror.” (Ibid.)

### ***Alternative Dispute Resolution Centers***

*Proposed 2013–2014 Allocation – \$75,000; no change from 2012–2013*

#### **Description**

Historically, the ADR Program provided direct financial support to help courts plan, implement, maintain, and improve mediation and settlement programs for unlimited and limited civil cases and small claims, unlawful detainer, and civil harassment proceedings (civil cases). In fiscal year (FY) 2011–2012, the budget for the ADR Program was reduced from \$1,740,000 to \$75,000 for one year, to help address the \$20 million reduction to the Modernization Fund. The ADR Program budget was again reduced to \$75,000 for one year in FY 2012–2013, to address continuing budget cuts to the Judicial Branch.

If the ADR Program continues to receive \$75,000 in FY 2012–2013, the funds will be used, as they were in FY2011–2012 and FY 2012–2013, to contract for the development of materials to help support court-connected ADR programs across the state. Based on input provided by an ad hoc group of Court Executive Officers and ADR Program Administrators, these statewide materials may include: (1) a resource manual for courts to help self-represented litigants access and effectively participate in court ADR programs; (2) resources to help courts determine the optimum ADR program types and service models to efficiently use their limited resources; and/or (3) templates to help courts efficiently review and analyze responses to post-mediation surveys.

#### **Purpose**

The ADR Program helps to resolve cases more quickly, reduce court workloads, save litigants’ time and money, and improve user satisfaction with court services by promoting the availability, use, and quality of court- connected mediation and settlement programs for civil cases. The ADR Program also helps courts fulfill section 10.70(a) of the Standards of Judicial Administration, which provides that all trial courts should implement mediation programs for civil cases as part of their core operations, and implements Goal IV, Policy 6, of the 2006–2012 strategic plan for the California Judicial Branch, which is to: “Support and expand the use of successful dispute resolution programs.”

All courts with ADR programs for civil cases may directly benefit from the development of statewide materials, including videos, surveys, and training materials, to promote the use and quality of these programs and materials to help self-represented litigants access and effectively participate in court ADR programs. The ADR Program benefits civil litigants across the state by helping courts provide mediation and settlement programs, and information about how to effectively participate in those programs. The program also benefits litigants and the public by helping courts increase the options for resolving disputes, reduce the public and private costs associated with trials and hearings, reduce the time required to resolve disputes, and increase trust and confidence in the courts.



## ***Complex Civil Litigation Program***

*Proposed 2013–2014 Allocation – \$4,001,000; no change from 2012–2013*

### **Description**

The following describes use of funds under the current program structure, which has remained the same since the program's inception. If the TCBCAC would like to consider alternatives, such as distribution among a larger number of courts, or different allocations to the existing six program courts, staff will provide information about those alternatives.

Funding in FY 2013–2014 will be distributed to the Superior Courts of Alameda, Contra Costa, Los Angeles, Orange, San Francisco, and Santa Clara Counties. These funds are spent by the courts to maintain a total of 17 dedicated complex litigation departments in six superior courts with the following characteristics: assignment of each complex case to a single judge to handle all aspects of the litigation; judges who have experience, interest, and expertise in handling complex civil litigation; innovative case management techniques, technology designed for complex cases; and additional (beyond a typical civil department) experienced court personnel, including a dedicated research attorney for each department. The expenditures support the operation of courtrooms handling hundreds of complex cases with exceptional judicial management to avoid placing unnecessary burdens on the court (as a whole) or litigants and to expedite the case, keep costs reasonable, and promote effective decision making by the court, the parties, and counsel. Hundreds of parties benefit from the program.

### **Purpose**

Courts benefit from the focused and efficient case management techniques applied by experienced program judges to more expeditiously resolve complex cases. The program allows the most management-intensive cases to be removed from the pool of general civil cases where they would delay dispositions overall. This is explained by program courts in their responses to a 2012 survey. The Superior Court of Los Angeles County stated, "Experience has demonstrated that, when complex cases are mixed with a calendar of general jurisdiction cases, the litigation activity generated by even one 'unmanaged' complex case can occupy the law-and-motion calendar of a civil courtroom for days or even weeks. It is not an exaggeration to say that, in Los Angeles, it might take 9 months to a year to be able to calendar a motion in a general jurisdiction court if the [program] cases were spread among the general jurisdiction courts. The public, regardless of the size of their cases, would be severely adversely impacted." Thus, through the program, members of the public with complex cases, as well as non-complex cases benefit.

In April 2010, the council recognized that the efforts and expertise of judges and staff dedicated to the program have resulted in the effective resolution of thousands of complex cases and reduced the time to resolution for many of them, and honored the judges, staff, and participating courts for their contributions in ensuring access to justice for all Californians.

## ***Regional Office Assistance Group***

*Proposed 2013–2014 Allocation – \$1,460,000; no change from 2012–2013*

### **Description**

The ROAG was established within LSO in FY 2004–2005 to provide direct legal services to trial courts from regional locations. In FY 2013–2014, as in prior years, ROAG attorneys will provide legal services in the areas of labor/employment, legal opinions, and

transactional/business operations directly to trial courts. The following activities for FY 2012–2013 provide a measure of the anticipated scope/volume of direct legal services to courts in FY 2013–2014 provided by LSO attorneys including those in ROAG-funded positions.

*Labor and Employment:* Provided legal services on labor/employment issues, including wage/hour issues, leaves of absence, discrimination, harassment, unfair labor practices, workers' compensation, workplace safety, complaint investigation/resolution, and personnel policies/procedures. During FY 2012–2013, handled approximately 400<sup>1</sup> inquiries, 52 prelitigation matters, 63 labor arbitrations, and 16 matters filed with the Public Employment Relations Board.

*Legal Opinions:* Responded to requests for legal opinions/advice from trial courts on numerous issues, from use of public funds to ethics. In FY 2012–2013, received 335 requests for legal opinions/ advice from trial courts and provided guidance responding to 321 requests.

*Transactions and Business Operations:* Provided legal assistance/advice on court business operations and transactions including negotiating and drafting contracts/MOUs, as well as business and legal issues involving procurement, outsourcing, security, intellectual property, and risk management. With the Judicial Council's adoption of the *Judicial Branch Contracting Manual* on August 26, 2011, in response to the new California Judicial Branch Contract Law, LSO regional counsel continue to assist courts with interpretation and application of the new law to trial court procurement programs. Over 450 matters of varying complexity handled during FY 2012–2013.

### **Purpose**

The Judicial Council has charged LSO with providing comprehensive legal services to the trial courts. The ROAG is a cost-effective means to meet that mandate through in-house attorneys who are subject matter experts within their specialized areas of law and experienced counselors possessing valuable background information on the local operations and workings of the trial courts. The program achieves cost savings in numerous ways: (1) salaried LSO attorneys are less costly than purchasing similar services from outside counsel; (2) a dedicated attorney group focused on trial court operations legal issues that is available as a single legal resource to all 58 trial courts promotes efficiency; and (3) the ROAG model allows for sharing of legal services among trial courts with similar needs and issues. The ROAG offers legal assistance to all 58 courts in the areas of labor and employment law, legal opinions, and transactional law. The program benefits the general public by relieving the courts of the need to engage and manage outside counsel for these types of legal services.

## **Internal Audit Services**

### ***Audit Contract***

*Proposed 2013–2014 Allocation – \$150,000; no change from 2012–2013*

### **Description**

The audit contract funding has provided funding for external consulting firms to perform

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<sup>1</sup> The total number of inquiries for FY 2012–13 is currently not available. Report will be amended as soon as final statistic is developed.

comprehensive audits and special projects for the superior courts to ensure the superior courts are audited on a timely basis and with a regular audit cycle as approved by the Judicial Council. This program in concert with General Fund monies provides the resources to perform superior court audits, special reviews, consulting and advisory services, and special investigations.

### **Purpose**

The internal audit function, Internal Audit Services (IAS), was created “by the mandate of the Trial Court Funding Act of 1997 [Ch. 850, St. 1997], which gives the AOC fiscal oversight responsibilities of the trial courts.” The General Fund, TCIF, and State Court Facilities Construction Fund have provided the resources to perform audits, special reviews, consulting and advisory services, and special investigations of the superior courts. TCIF provides approximately 40% of the staff funding of IAS. TCIF also funds the costs of external consulting firms performing comprehensive audits and special projects for the superior courts to ensure the superior courts are audited on a timely basis and within a regular audit cycle as approved by the Judicial Council. In concert with the General Fund monies, this provides the resources to perform superior court audits, special reviews, consulting and advisory services, and special investigations.

The program as a whole, primarily the consultation services, has assisted the superior courts in saving tens of millions of dollars since 2001 and continues to assist the branch in visibly demonstrating its commitment to accountability (Goal II of The Strategic Plan for California’s Judicial Branch 2006–2012).

### ***Internal Audits***

*Proposed 2013–2014 Allocation – \$660,000; no change from 2012–2013*

### **Description**

Funding in FY 2013–2014 will be used for ongoing costs associated with staff supporting the branch’s ongoing internal audit program.

### **Purpose**

The internal audit program was initially approved by the Judicial Council in FY 2000–2001. Internal Audit Services conducts comprehensive audits (financial, operational, and compliance) encompassing court administration, cash controls, court revenues and expenditures, and general operations at each of the 58 trial courts approximately once every four years. These activities improve accountability regarding the judicial branch’s use of public resources, assist the branch in identifying opportunities to improve operational efficiency, and evaluate the branch’s adherence to its statutory and constitutional mandates.

## **JUDICIAL AND COURT ADMINISTRATIVE SERVICES DIVISION**

### **Fiscal Services Office**

#### ***Budget Focused Training and Meetings***

*Proposed 2013–2014 Allocation – \$50,000; no change from 2012–2013*

**Description/Purpose**

The proposed allocation will cover the costs of about four in-person meetings of the entire Trial Court Budget Advisory Committee (TCBAC), four in-person meetings of its subcommittees, a number of TCBAC and statewide budget conference calls, and the non-staff cost of providing training to courts by the AOC Office of Budget Management (e.g., Schedule 7A) .

**Treasury Services**

*Proposed 2013–2014 Allocation – \$238,000*

**Increase from 2012–2013 – \$14,000**

The allocation increase for FY 2013–14 is to bring last year’s \$224,000 allocated amount up to the actual FY 2012–13 expense of \$235,804 for salaries, benefits and rent, plus an estimated MSA increase in salaries of \$2,277 for one position that is not at its maximum.

**Description**

Funding in FY 2013–2014 will be used for ongoing costs associated with staff responsible for the accounting and distribution of civil fees collected by the trial courts. These two positions support the daily accounting and monthly distribution of Uniform Civil Fees (UCF) collected by the trial courts, enter the information into a financial system application which calculates the statutory distributions, executing the monthly cash distributions when due to the State and local agency recipients, and account for the function in the Phoenix financial and accounting system.

**Purpose**

With the centralized financial system application, all 58 trial courts need only to generate a monthly UCF collection report and provide to the AOC’s Treasury Unit that significantly reduces the maintenance and reporting workloads from all trial courts. Some courts may need specific support from these two funded positions for other cash management and treasury functions.

**Trial Court Procurement**

*Proposed 2013–2014 Allocation – \$244,000; no change from 2012–2013*

**Description**

Funding in FY 2013–2014 will be used for ongoing costs associated with staff that support the statewide master agreement program being utilized by the trial courts.

**Purpose**

The program solicits agreements for goods and services commonly used by the courts, thus relieving the courts of the work involved in soliciting bids and proposals and negotiating and executing agreements on their own. It has been in place since 2005. The agreements have been widely used by the courts, and each year has seen increased participation by the trial courts. In addition, because of economies of scale associated with statewide agreements, these master agreements have resulted in pricing that is significantly below what most courts could receive on their own. Also, the master agreements provide for a consistent set of terms and conditions that better mitigate risk for the courts.

## ***Enhanced Collections***

*Proposed 2013–2014 Allocation – \$625,000*

### **Decrease from 2012–2013 – \$75,000**

A decreased level of funding is requested this year due to the retirement of the previous unit manager, with day to day supervision and oversight now provided by existing Fiscal Services Office management staff (General Fund).

### **Description**

Funding in FY 2013–2014 will be used for ongoing costs associated with staff supporting the AOC’s Enhanced Collections Unit. The unit will work with the courts and counties on the discharge of uncollectable debt. The unit, in collaboration with the AOC Business Services unit and the Collections Informal Working Group, will prepare and release a Request for Proposals (RFP) for statewide collection services. In addition, the unit compiles and produces the annual report to the Legislature about the statewide performance of the collection of court ordered debt. The annual report to the Legislature is required by Penal Code section 1463.010. As reported to the Legislature, in fiscal year 2011–2012 the collection of delinquent court-ordered debt remained essentially flat with \$707 million collected (as compared to \$710 million from the prior fiscal year). The programs reported an increase in the amount of outstanding delinquent court-ordered debt from \$7.5 billion at the end of FY 2010–11 to \$7.9 billion at the end of FY 2011–12.

### **Purpose**

The Enhanced Collections Unit was established to provide program support to courts and counties in their efforts to develop or improve the collection of court-ordered delinquent debt.

## **Human Resources Services Office**

### ***Judicial Officer Assistance Program***

*Proposed 2013–2014 Allocation – \$68,000*

### **Decrease from 2012–2013 – \$17,000**

Prior year expenditures for the Judicial Officers Assistance Program have averaged to approximately \$59,987 per year – even with this proposed reduction, services will continue to be maintained at their current level for judicial officers statewide.

### **Description**

FY 2013–2014 funds will be used to provide various assistance and support to approximately 1,500 judicial officers and their families in dealing with a wide range of personal, family, and financial matters. These functions are outsourced to a vendor, and the vendor is tasked with providing the following services:

- Maintain a toll-free telephone access line 24 hours per day for participant access to JOAP services. Specialists will be available through the telephone access line to assess the caller’s problem and arrange for appropriate assistance;
- Link each participant who requests in-person counseling services to a counselor;

- Treatment compliance monitoring; will monitor the participant's compliance with a substance abuse treatment program, as needed; and
- Provide critical incident stress management services to employees to counter emotional distress caused by catastrophic or traumatic events and to foster sharing of reactions, normalizing of reactions, and education on appropriate coping strategies.

### ***Workers' Compensation Program Reserve***

*Proposed 2013–2014 Allocation – \$0*

#### **Decrease from 2012–2013 – \$1,835,298**

There are outstanding claims with the potential for payment for the following courts: San Francisco, Santa Clara, and Sacramento. Regarding a general statute of limitations for these types of claims, this issue has been researched (at length) in the past by outside counsel, Legal Services, and HR. However, no singular conclusion was ever reached; if the counties put in the effort to collect these funds, AOC will have to treat each request on a case-by-case basis and work with in-house and outside counsel to determine an appropriate course of action.

#### **Description**

This allocation is for the purpose of paying workers' compensation tail claims costs associated with trial courts leaving a county-administered workers' compensation program.

#### **Purpose**

Effective January 1, 2001, the Trial Court Employment Protections and Governance Act transferred trial court employees from employment with the county to employment with the court. Government Code section 71623.5(b) requires the court to provide workers' compensation coverage for trial court employees except where the County continues to provide such coverage pursuant to Government Code section 71623.5(b).

As a result of the establishment of the Judicial Branch Workers' Compensation Program (JBWCP) and the requirements above, this allocation was established to resolve outstanding liabilities with counties for workers' compensation claims handled by the counties from January 1, 2001 until the claims transferred to the JBWCP.

### ***HR Legal Counsel for Trial Court Benefits***

*Proposed 2013–2014 Allocation – \$0*

#### **Decrease from 2012–2013 – \$40,000**

Court usage of this program has been low; however, the AOC will continue to address courts' inquiries by referring them to available staff within the Legal Services Office (LSO).

#### **Description**

The AOC contracts with one law firm for the purpose of supporting all trial courts on matters pertaining to benefit questions arising in the courts.

#### **Purpose**

The contractor works directly with ASD/HR, and in consultation with OGC, in providing legal advice and information to the trial courts on various benefits issues, including, but not limited to: Health Plan Reform legislation and its legal application in the trial courts such as the dependent

coverage imputed taxation differences between state and federal law; COBRA temporary premium supplement payments and appropriate application to the employees of the trial courts; deferred compensation plan legal requirements and issues that have arisen regarding tax law requirements; cafeteria plan applications including discrimination testing as to highly compensated employees; HIPPA issues as to propriety of business associate agreements between the courts and insurance brokers.

This program was initially created in response to inquiries received regarding the statewide trial court benefits program. Since the program's termination, the program evolved into a resource for courts to address and resolve benefits-related legal inquiries.

### ***HR – Trial Court Investigation***

*Proposed 2013–2014 Allocation – \$100,000*

#### **Increase from 2012–2013 – \$50,000**

In April 2013, AOC initiated a one-time transfer from the Workers' Compensation Reserve of \$57,000 to cover the increased costs for these services to the trial courts. In fiscal year 2012–2013 the original allocation was \$50,000, however the budget allocation, with the transfer, was increased to \$107,000. Invoices related to these investigations are in the process of payment and currently total \$103,454.71. HRSO projects that investigation requests will continue well into FY 2013–2014 and at a similar level to FY 2012–2013. The need to provide these critical services to the trial courts must take priority especially as courts face tight budgets and reduced allocations.

#### **Description**

The Trial Court Investigations Program provides investigative services by a contracted licensed attorney. Each request for assistance is evaluated by the labor and employment relations unit (LERU) team in cooperation with the Labor and Employment Unit (LEU) in the Office of the General Counsel (OGC). Generally investigative services are provided by AOC staff in LERU. However, in some situations LEU and LERU have determined that completion of the investigation would be best served by a third party investigator. This generally occurs when AOC staff is fully committed to other assignments or a particular situation requires objective review by an outside third party investigator.

#### **Purpose**

The Labor and Employee Relations Unit (LERU) provides key labor and employee relations support to the trial courts and the state judicial branch. Investigative services are one of the key services provided to the trial courts. A great majority of the time LERU staff conduct the formal investigation; however, there are times when the matter needs immediate attention or is sensitive in nature. In those cases, it is best advised to utilize an external resource. The Human Resources Services Office has maintained contracts with two law firms to ensure that services are available when needed.

In prior years, spending on trial court investigations had been limited. Historically the requests for investigatory assistance have totaled 20-25 per year with the LEU staff handling 75-80% of the investigations. However, more recently, the requests for assistance have increased significantly with 41 requests for investigatory assistance in fiscal year 2012–2013. The external investigative services were utilized for 11 of the 41 requests with the remaining 30 investigations

completed by in-house staff.

### ***Labor Relations Academy***

*Proposed 2013–2014 Allocation – \$30,000*

#### **Increase from 2012–2013 – \$7,000**

In FY 2012–2013, HRSO met the needs of the southern CA courts and offered the Labor Academy I in Ontario and had 32 participants for this two day course introducing labor relations to members of management. This addition resulted in an increased cost of about \$7,874, with the year end financials at \$30,874. The courts have continued to request these academies and, to be consistent with program efforts in FY 2012–2013, additional funds are needed to fund a similar level of course offerings in FY 2013–2014.

#### **Description**

FY 2013–2014 funds will be spent on two statewide academy events, with monies covering trial court attendee costs related to travel expenses, hotels, meals, copying/ mailing pamphlets, and supplies such as certificates, educational material, and other incidentals as needed.

During the financial crisis this program has served as a conduit for sharing critical labor information between trial courts while also providing guidance on best labor relations practices. More than 75% of the trial courts send a representative to at least one of the labor meetings. In FY 2009–2010 the program was funded at \$36,150, in FY 2010–2011 the program was reduced to \$30,004, and in FY 2012–2013, the program was reduced to \$23,004. In order to meet these reductions and still provide the valuable services to the trial courts, programs were reduced in duration and in FY 2011–2012 the budget was exceeded by \$265.

#### **Purpose**

The Labor and Employee Relations Unit develops and hosts annual Labor Relations Academies to assist trial court professionals in understanding and effectively working in a labor environment. The academies provide varying levels of discussion, education, and training that is based upon the needs of the trial courts each year and based upon their input. The forums provide a venue for courts to have an open dialogue between AOC staff and court staff on current events related to labor relations issues. During the academies and forums, labor relations experts from both the AOC and the courts share updates, best practices, and potential hazard areas with the participants. The academy provides court administrators and HR professionals with baseline, consistent strategies in managing expectations (and potentially costs) during negotiations, at no cost to each court.

The Labor Academies and Forums were developed to address two legal mandates:

- a) The Trial Court Employment Protection and Governance Act (TCEPGA), effective January 1, 2001, mandates that the trial courts become the employers for the approximately 19,000 trial court employees, most of whom are union-represented. Under this mandate, the trial courts must accomplish all of the attendant human resources responsibilities of an employer, including all labor and employee relations functions, by January 1, 2003.
- b) The Trial Court Interpreter Employment and Labor Relations Act ("TCIELRA" or "the Act") (Stats. 2002, Ch. 1047), effective January 1, 2003, created a new employment system for court interpreters under Government Code Section 71800 et seq. To more



efficiently allocate scarce interpreter resources, the Act required trial courts to employ spoken language interpreters as court employees rather than as independent contractors on or after July 1, 2003 based upon specified criteria. Ultimately, this Act created new human resources responsibilities for the trial courts, adding four new regional labor agreements and approximately 800 union-represented employees.

- c) With labor relations becoming increasingly challenging over the past three years the need for a labor forum is critically important. Additionally there are new challenges which have created a need for an increased allocation, the first of which is the lack of a sufficient sized meeting space in the Burbank AOC offices, resulting in the need to have the academies at a southern California hotel. Secondly, the southern California courts have expressed the need for a Labor Relations Academy I, which has been eliminated due to the reductions to the budget.

## **Information Technology Services Office**

### ***California Courts Technology Center (CCTC) – Operations***

*Proposed 2013–2014 Allocation – \$9,465,071*

#### **Increase of \$821,071**

#### **Description**

This augmentation is needed to maintain the baseline services for the program, including upgrade of the end-user application access and security system, and to pay monthly invoices as obligated by the existing CCTC vendor contract. The existing end-user application access and security system is no longer supported by the vendor, and any outage may cause significant impacts to the courts' access to applications hosted at the CCTC.

The CCTC provides consistent, cost effective, and secure hosting services, including ongoing maintenance and operational support; data network management; desktop computing and local server support; tape back-up and recovery; help desk services; email services; and a dedicated service delivery manager. Today, the CCTC hosts service for all 58 California Superior Courts.

CCTC also provides a comprehensive disaster recovery program for court management systems, including Phoenix Financial and Human Resources Systems (SAP), California Courts Protective Order Registry (CCPOR), Court Case Management, (V2, V3), Interim Case Management Systems (ICMS), and the Computer-Aided Facilities Management System (CAFM). The CCTC also provides a complete suite of IT services to five hosted Superior Courts (Madera, Modoc, San Benito, Lake, and Plumas).

Funding from the State Trial Court Improvement and Modernization Fund (STCIMF) and the Trial Court Trust Fund (TCTF) for FY 2013–2014 will be expended on maintaining core services and court requested services. These services allow the courts to rely on the skills and expertise of the maintenance and support within the CCTC to remediate defects, implement legislative updates, configure and install software and hardware upgrades, and address other minor and critical issues. Core services include:

- Data center application hosting services
- Local court server monitoring and remote site backup
- Data Center and local network management

- Help desk services
- Desktop and local server management and support services
- Hosted email services for 6 trial courts
- Disaster Recovery

None of the funding is distributed directly to the courts.

### **Purpose**

In alignment with Judicial Council directives to affirm development and implementation of statewide technology initiatives, the CCTC program provides a Judicial Branch Technology Center for use by all courts. Benefits to the courts through the CCTC include enterprise-wide hardware and software license agreements, including bulk volume discounts in purchasing. Centralized changes (e.g., hardware and software patches) are more efficient to install. Centralized help desk support provides the courts a single point of contact and minimizes the impact of major incidents.

In the event of a significant interruption of court services, the disaster recovery program ensures that infrastructure and network services and trial court applications hosted in the CCTC can be safely and securely backed-up, redirected, and restored. Disaster recovery exercises routinely test the strength of the CCTC recovery strategy and ensure that vital court services, as well as data and communications, can be restored at a designated location.

This program supports Judicial Council objectives to allow the courts to take advantage of operational efficiencies and cost effective services, eliminating redundant expenditures, and providing a coordinated approach to addressing statewide technology initiatives.

The program provides public benefit by utilizing technology to achieve efficiencies in the superior courts. It provides ongoing cost-effective maintenance and support for programs which allows the consistent and accessible administration of justice throughout the state.

### ***Telecommunications Support***

*Proposed 2013–2014 Allocation – \$15,608,480*

#### **Increase of \$6,868,480**

#### **Description**

The goal of the current refresh cycle is to replace 633 network switches by FY 2014-2015 and 223 routers by FY 2015-2016 at 52 courts. This augmentation is required to complete the refresh of switches at the largest trial courts in the branch. In FY2011-2012, no funds were allocated to support the technology refresh program for the trial courts, followed by a smaller than normal allocation in FY 2012-2013 which only allowed for 144 switches to be refreshed at 23 courts.. This augmentation of \$6,868,480 is required to replace 548 network switches at 16 courts in FY 2013-2014 and keep the project on schedule. Failure to fund the refresh at the requested level will impact the scheduled replacement of hardware and may result in hardware failure and lost connectivity to courts' local networks as well as the California Courts Technology Center (CCTC). If failed hardware is no longer supported, court outages may occur until the court acquires and installs new hardware and maintenance agreements. The refresh of the routers and remaining network equipment will be targeted the following two fiscal year, pending approved allocations.

This program develops and supports a standardized level of network infrastructure for the California superior courts. This infrastructure provides a foundation for local and enterprise system applications such as Phoenix and case management systems, via shared services at the CCTC, which eases deployment and provides operational efficiencies, and secures valuable court information resources.

The network technology refresh program has been offered each year to courts that participated in the initial telecommunications LAN WAN Initiative. The core objective of the program is to maintain the investment made in the original telecommunications project by updating local network equipment that is no longer supported due to aging technology. The project forecasts the refresh cycle by working with our service integrators and hardware vendors to create an annual technology roadmap identifying the technology requiring replacement while reviewing both existing and new technologies available to the branch.

### **Network Maintenance**

The network maintenance component affords trial courts critical vendor support coverage for all network and security infrastructure. Contracts for maintaining equipment have been negotiated to leverage the volume of the entire branch, resulting in savings that allowed the program to cover these charges, relieving individual courts of this burden and allowing them to redirect funding to other operational needs. The program negotiated a branch-wide agreement that saves the branch 31% over five years. Fifty-four trial courts currently participating in the network technology refresh are covered by this program.

The Network Security Services program maintains network system security and data integrity of court information by offering three managed security services: managed firewall and intrusion prevention, vulnerability scanning, and web browser security. These network security tools mitigate the risk of court data being erroneously exposed without proper authority and ensure continuous court operations to the public. Currently, 55 trial courts subscribe to at least one of the security services, while 10 courts benefit from all three services. All 55 courts subscribe to the managed firewall and intrusion prevention system, and five courts are scheduled to add another service this fiscal year.

The Network Technology Training program affords court IT staff the opportunity to attend foundational and specialized network training courses via state-of-the-art training centers and comprehensive on-line courses. This ensures that the courts have the necessary skill sets to operate, maintain, and expand their infrastructure in response to local and enterprise needs. To date, 61 staff members from 26 courts have attended network training courses. We anticipate that 10 – 15 courts will participate in training courses next year.

In the ad hoc network consulting program, independent consultants are engaged to provide expert network engineering and program management as part of the network technology refresh project. These consultants are commonly utilized by the individual trial courts to offer local engineering services for court projects and issues outside of technology refresh projects.

The Network Equipment Trade-in program provides an avenue for the courts to dispose of outdated network technology. This option allows the branch the opportunity to reinvest old technology in order to maximize the branch purchasing power of future court technology refresh projects.

In addition to the amount funded in FY 2012–2013, the AOC is recommending the additional funds of \$7.7 million to allow 16 medium to large courts to participate in the network technology

refresh program for the replacement of network devices. The network technology refresh program, suspended in FY 2011–2012, was offered each year to courts that participated in the initial telecommunications LAN/WAN initiative. The core objective of the program is to maintain the investment made in the original telecommunications project by updating equipment that is no longer supported due to aging technology. The project forecasts the refresh cycle by working with our service integrators and hardware vendors to create an annual technology roadmap identifying the technology requiring replacement while reviewing both existing and new technologies available to the branch.

### **Purpose**

The program provides a secure, robust and scalable network infrastructure aligned with emerging needs of enterprise court services. The LAN WAN initiative was responsible for providing the trial courts with the infrastructure required to physically separate from their county partners. The network technology refresh component continually refreshes equipment and technology to ensure the courts have the infrastructure required to offer the public reliable and continuous court access. Fifty-six courts have benefited from this program since its inception in 2003.

The branch is able to leverage better hardware and service discounts and benefit from a pool of expert network engineering resources. The same efforts would cost the courts much more in resources and funding if done from an individual court basis. The current support model allows us to pool resources, funding and ensures a standard network infrastructure and security architecture across the branch.

### ***Telecommunications Network Infrastructure Upgrade Project for Superior Court of California, County of Orange***

*Proposed 2013–2014 Allocation – \$609,000*

### **Increase of \$609,000**

### **Description**

This program develops and supports a standardized level of network infrastructure for the California superior courts. This upgrade project focuses on the network infrastructure supporting the Superior Court of California, County of Orange. This is the first year the program has engaged with this court for the initial telecommunications initiative, therefore these are new funds for the project totaling \$609,000.

The network technology refresh program has been offered each year to courts that participated in the initial telecommunications LAN WAN Initiative. The core objective of the project is to refresh of aging network equipment at Orange in three phases and bring it to the same branch standards already implemented at 55 of 58 trial courts.

The goal of the first phase of the Orange upgrade is to refresh the core switches by June 2014. These core switches will no longer be supported by the manufacturer and is the core backbone of the entire court infrastructure and its information systems such as e-mail, CMS, financial systems, telephony, etc. The remaining network equipment is targeted for refresh by 2016 for the same purpose pending future funding.

### **Purpose**

The program provides a secure, robust and scalable network infrastructure aligned with emerging needs of enterprise court services. The LAN WAN initiative was responsible for providing the trial courts with the infrastructure required to physically separate from their county partners. The network technology refresh component continually refreshes equipment and technology to ensure the courts have the infrastructure required to offer the public reliable and continuous court access.

The branch is able to leverage better hardware and service discounts and benefit from a pool of expert network engineering resources. The same efforts would cost the courts much more in resources and funding if done from an individual court basis. The current support model allows us to pool resources, funding and ensures a standard network infrastructure and security architecture across the branch.

### ***Judicial Branch Enterprise Licensing and Policy***

*Proposed 2013–2014 Allocation – \$5,122,720*

#### **Decrease of \$135,280**

#### **Description**

This budget primarily funds the Oracle Branch-wide License Agreement (BWLA), which includes four components: enterprise database; advanced security; BEA WebLogic Suite; and identity manager with additional options. In addition, this budget funds the ITSO enterprise architecture (EA) and enterprise methodology and process (EMP) programs. The decrease in the proposed allocation from FY 2012-2013 is due to the end of the contract for a project management consultant assigned to develop and implement standard processes for the EMP program.

The Oracle BWLA provides the entire branch with the identified Oracle products and unlimited use of these licenses. The enterprise architecture program identifies interdependencies between branch-wide data and systems to improve investments in technology, while the enterprise methodology and process program is dedicated to improving the organization's project management discipline and delivery, by developing a standard set of project artifacts, implementing project management best practices and standards, and maintaining a centralized information repository. This program does not directly distribute funds to the trial courts.

#### **Purpose**

The Oracle BWLA provides the entire branch with unlimited use of the covered Oracle software licenses, which frees local courts from having to burden resources with complex software asset management and costly annual maintenance renewals for the four components. Instead, local courts may access and install these Oracle products at no charge in any environment, whenever needed, without the expense of license administration. Enterprise architects provide support to guide the development and implementation of statewide applications and ensure compatibility with CCTC infrastructure, communications and security protocols. The EMP develops and promotes standardized, repeatable processes to reduce complexity and increase efficiencies throughout the solution development lifecycle (SDLC), on both application and infrastructure efforts.

The efforts of the Enterprise Architecture (EA) and EMP programs align with Judicial Council

Goal 3, Modernization of Management and Administration and Goal 6, Branch-wide Infrastructure for Service Excellence. In addition, the EMP program promotes standardized, repeatable processes throughout the system development lifecycle that were requested by the Bureau of State Audits and the California Technology Agency in their review of the CCMS program, and recommended to be applied to all future technology projects.

The products included in the Oracle BWLA are key components to the courts' current and future application infrastructure throughout the branch, for both production and non-production environments. These Oracle products are an intrinsic part of CCMS V2 and V3, Phoenix, the Computer-Aided Facilities Management program (CAFM), Appellate Courts Case Management System (ACCMS), and the California Courts Protective Order Registry (CCPOR). The licenses are also widely used by applications that are hosted at local superior court facilities. Courts may also request consultation from enterprise architects to assist with their local initiatives.

With responsibility for optimizing the scope and accessibility of accurate statewide judicial information, and the technical delivery of key branch-wide systems, ITSO supports and coordinates the application of technology throughout the judicial branch and manages centralized statewide technology projects. The Oracle BWLA, EA and EMP programs support a sound technological infrastructure and effective case management, facilities, finance, human resource, and other court systems to meet the needs of the public.

### ***Data Integration***

*Proposed 2013–2014 Allocation – \$3,906,882*

#### **Decrease of \$484,118**

Funds were allocated in FY 2012-2013 for the replacement of obsolete hardware. A similar refresh of hardware will not be required in FY 2013-2014 resulting in a decreased allocation request of \$137,656.

#### **Description**

The Data Integration (DI) program currently provides services that enable the secure and efficient exchange of information between the courts and their justice and integration partners. Funding enables the technical infrastructure and support necessary to facilitate this integration. Funding is not distributed directly to the courts.

The technical infrastructure includes hardware and software hosted at the CCTC that comprises the Integration Services Backbone (ISB). The ISB is used to exchange information between systems, both internal and external to the branch.

The technical infrastructure includes sophisticated hardware and software hosted at the CCTC to facilitate communication with the California Department of Justice's (CA DOJ) and the California Law Enforcement Telecommunications System (CLETS) infrastructure. Many of the applications hosted at the CCTC rely on the ISB infrastructure, including California Courts Protective Order Registry to function with external justice and integration partners.

The technical support provided by the Data Integration program is necessary to ensure the hosted technical infrastructure is adequately maintained and enhanced. Technical support is provided in the following ways:

- Hardware maintenance is funded for the refresh of aging and out of support hardware.
- Software maintenance is funded for TIBCO products (the foundation of the ISB); the Omnixx product, which supports DOJ access through CLETS; and the DMVQUERY and DMVGATEWAY products, which facilitate ad hoc DMV access. For all of these products, the maintenance allows for product support necessary to obtain version upgrades, patches and vendor support for production issues.
- TIBCO development services maintain and support the ISB infrastructure and the production interfaces, as well as, the common services that are used to simplify interface development and support.
- Datamaxx services provide updates and enhancements for the Omnixx infrastructure as needed in support of CLETS access.
- Concepts2000 services provide steady-state support for the DMVQUERY and DMVGATEWAY products.

In addition to the reductions in FY 2011–2012, additional savings were realized in the FY 2012-2013 budget as well. These savings were achieved through reduction of TIBCO developer annual support by moving from TIBCO professional services to direct contractors. Review of current and future scope for development and support of interfaces allowed for the reduction of the overall number of developers for additional savings.

### **Purpose**

The ISB infrastructure provides a central communications hub that reduces the complexity and cost of maintaining numerous point to point interfaces between centrally hosted systems, court systems, and their justice and integration partners.

The number of courts benefitting from data integration steady state support of the following products and production ISB interfaces are identified below:

- DOJ California Restraining and Protective Order System interface in support of 23 courts using CCPOR.
- Warrants/FTA (Failure to Appear), Justice Partner web portal, and credit card payment interfaces for three courts.
- Phoenix HR and Financial interfaces for five courts and seven integration partners.
- Support for different partners and systems are funded by DI, not by individual programs, in a leveraged model, where personnel and system resources are shared among various programs; costs are not easily attributable to specific programs.
- Web portal for submitting JBSIS information, supporting 37 courts.
- Document Management System (DMS), index, file service and Employment Development Department interfaces for three V3 courts.
- The Omnixx product and Datamaxx services support seven courts that currently access CLETS directly, as well as the 23 courts and their local agencies using CCPOR.
- DMVQUERY and DMVGATEWAY products, which facilitate ad hoc DMV access, support 12 CCTC-hosted courts that use the Sustain and V2 case management systems.

### ***Interim Case Management System***

*Proposed 2013–2014 Allocation – \$1,650,515*

## **Decrease of \$1,162,485**

### **Description**

The budget for the ICMS program for FY 2013-2014 is being reduced by \$1,161,883. The cost reductions are related to continued deferment of various SJE projects while primarily focusing on those maintenance and operations projects that are required, along with incorporating minimal enhancements, while the SJE Court Consortium evaluates alternatives to replacing the SJE application. Additionally, efficiencies continue to be realized by having an AOC consultant who has a more favorable billing rate than the Sustain vendor perform tasks (e.g., such as writing business requirements, making SJE configuration changes and testing) needed to incorporate legislative updates into the SJE application.

The ICMS Unit provides program support to trial courts running the Sustain Justice Edition (SJE) case management system. The ICMS budget is used to fund project management support and technical expertise for the CCTC-hosted courts as well as the Sustain User Group. Support includes maintenance and operations activities such as implementation of legislative updates, application upgrades, production support, disaster recovery services, CCTC infrastructure upgrades and patch management. Locally hosted SJE courts use ICMS program resources, as needed, for legislative updates and SJE support. A benefit available to SJE courts is the volume discount on licensing, provided by the vendor for courts hosted at the CCTC. The greater the number of users, the lower the licensing cost per user.

Funding for FY 2013–2014 will support:

- Production support
- Patch management
- Database stack upgrade including hardware refresh
- Legislative updates (e.g., Uniform Bail Schedule)
- Application enhancements (e.g. Merced eCourt interface)
- Disaster Recovery Exercises
- Infrastructure support and hosting services
- Support for testing and training

The ICMS unit also provides support, upon request, to courts with failing legacy case management systems. Staff is assigned to work with the courts to perform high-level assessments and to assist in identifying a stabilization strategy. In addition, the ICMS team has been assigned to support the SJE Path Forward Court Consortium in developing a go-forward strategy for courts currently deployed on Sustain Justice Edition.

ICMS costs that are reimbursed by the trial courts are funded from the TCTF while all other costs are funded from the STCIMF. STCIMF funds approximately 55% of the CCTC hosting cost for those trial courts who have SJE hosted at the CCTC. The remaining 45% is funded by the TCTF and reimbursed by the trial courts. There are no funds distributed directly to the courts from this program.

### **Purpose**

Sustain Justice Edition (SJE) is deployed in 16 courts across 40 court locations. The SJE courts include the Superior Courts of Humboldt, Imperial, Lake, Madera, Merced, Modoc, Monterey,



Plumas/Sierra, San Benito, Trinity, Napa, Placer, Santa Barbara, Tulare, and Tuolumne counties. Nine courts are hosted in the California Courts Technology Center while six are hosted locally. The Sierra court processes their traffic citations using the Plumas Court's SJE instance.

The nine SJE Sustain courts hosted at the CCTC are deployed on a common architecture. Among other benefits, this common architecture enables a single solution for interfaces to justice partners such as the Department of Motor Vehicles (DMV). Because interfaces such as DMV and DOJ are common among the nine SJE courts, enhancements can be leveraged for the benefit of all the courts. Locally hosted courts require separate efforts for their interfaces, including connectivity to the DMV.

The Interactive Voice Response (IVR) and Interactive Web Response (IWR) functions provide key benefits to the courts. The interfaces which support these functions were developed to provide the public an electronic mechanism for payment of fees and infractions. The IVR and IWR interface provides the public the ability to submit payments electronically 24/7, with the exception of downtime needed for hardware maintenance. Currently, 10 of the 16 courts are using the IVR and IWR function.

### ***Enterprise Test Management Suite***

*Proposed 2013–2014 Allocation – \$582,463*

#### **Decrease of \$245,537**

#### **Description**

In FY 2012-2013, the number of licenses for several of the tools in the Enterprise Test Management Suite were significantly reduced. As a result, the ETMS allocation is decreasing by \$245,537 for FY 2013-2014.

The Enterprise Test Management Suite (ETMS) is a program that provides a suite of software quality assurance tools, staff and testing expertise. Funding in FY 2013–2014 will be used to operate the ETMS software on AOC servers, purchase software maintenance for the programs that comprise the ETMS, fund a technical analyst to provide systems administration/technical support for the software, and extend some of the functionality available to the Criminal and Traffic CMS and to the Civil, Probate and Mental Health CMS. ETMS Software license fees for FY 2013–2014 were slashed by more than 30%, reducing the number of licenses for some software and replacing software with alternatives having a reduced maintenance burden.

#### **Purpose**

The ETMS program helps the courts receive more reliable AOC-developed software. Its value is in identifying priorities for fixing defects, documenting steps taken to remedy the defect, measuring the resolution of defects, and is specifically beneficial to custom developed software under AOC oversight.

ETMS provides a centralized repository for detailed descriptions of defects, service requests and requested enhancements. This facilitates prioritization, provides a repository for documenting actions, and allows the team to record the steps to test and ensure that defects have been fixed and enhancements are working properly. From this repository, release notes are generated for every major release of software and reviewed with court staff before installation and court testing. Reports from the repository are used to track the numbers of defects, service requests and

enhancements over time, look for trends, and help the AOC proactively identify areas which need further improvement.

Included in the testing suite are tools to help automate the testing process, enabling quality assurance staff to run a greater number of tests. This helps to ensure a higher standard of reliability and fewer defects in software delivered to the courts, with fewer resources. These tools are part of the larger quality assurance program, which develops and uses continuously improving processes to improve the quality and reliability of software. Software benefitting the trial courts that utilize the ETMS tools includes: the California Courts Protective Order Registry (CCPOR); Civil, Probate and Mental Case Management System (V3), Criminal and Traffic Case Management System (V2), Computer-Aided Facilities Management (CAFM), Contact and Position System (CAPS), Serranus, and the California Courts Web site.

### ***California Courts Protective Order Registry***

*Proposed 2013–2014 Allocation – \$675,717*

#### **Increase of \$12,717**

#### **Description**

FY 2013–2014 funds will be used to host the CCPOR application at the CCTC, to cover support costs for licensed software, and to fund staff to support system users. The \$12,717 increase in the proposed allocation from FY 2012–2013 will be used to implement infrastructure updates and additional storage at the CCTC necessary to support the additional counties being on-boarded to the system via grant funds.

The CCPOR team, funded from multiple funding sources, provides primary production support for this centralized application, and develops court-requested enhancements and defect fixes, as well as system updates required by legislative changes and corresponding modifications to the Department of Justice California Restraining and Protective Order System (CARPOS).

The CCPOR program does not directly distribute funds to the courts, only services.

#### **Purpose**

CCPOR creates a statewide repository for restraining and protective orders that contains both data and scanned images of orders that can be accessed by judges, court staff, and law enforcement officers. CCPOR was developed by the trial courts and the AOC, based on a recommendation to the Judicial Council submitted by the Domestic Violence Practice and Procedure Task Force to provide a statewide protective order registry.

CCPOR provides major improvements to victim safety and peace officer safety in domestic violence cases and cases involving violent crimes. CCPOR counties depend on the CCPOR system for operational cost savings and improvements to victim and officer safety. Without CCPOR these counties would need to print and file the currently 80,000-plus restraining and protective order files currently managed in CCPOR, reverting to a manual business processes.

The courts have committed significant staff resources for training and use of the CCPOR system, in some cases deferring other vital projects. They have convinced their law enforcement partners to do the same because of the difference CCPOR makes in their counties. Law enforcement also

benefits by using CCPOR by having the ability to retrieve the electronic copy of an order in seconds to ensure the mandated hit confirmation occurs, thus reducing the manual process of retrieving the hardcopy orders.

Issuance of restraining and protective orders is authorized in statutes Pen. Code, § 136.2 and 136.3; Pen. Code, § 646.91 and 646.91a; Gov. Code, § 77209(b)(f) (g) and (j); and Fam. Code 6380, 6404. CCPOR facilitates the entry of these orders into CARPOS, which is a specific court responsibility. In addition, by promoting victim safety and perpetrator accountability, CCPOR supports the Judicial Council's strategic plan Goal IV, Quality of Justice and Service to the Public, and the related operational plan objective (IV.1.e) for "[i]mproved practices and procedures to ensure fair, expeditious, and accessible administration of justice for litigants in domestic violence cases."

Currently, 30 courts and their law enforcement partners depend on CCPOR for restraining and protective order processing. Due to budget reductions in FY 2011–2012 and FY 2012–2013, planned deployments to additional counties were canceled, and support for the application was reduced to a minimum level. The program received an NCHIP grant from the DOJ for FY 2013–2014 to deploy CCPOR to an additional 12 counties by November 1, 2013. This project is proceeding well with 10 of the 12 counties successfully deployed. The California DOJ, working with the AOC, is currently seeking additional grant funding through another NCHIP grant to onboard additional counties in calendar year 2014. These grant funds are restricted to deployment activities.

CCPOR provides judges with critical information necessary to prevent issuance of multiple protective orders with conflicting terms and conditions. It also provides law enforcement with complete images of these orders, including handwritten notes and enforcement warnings that are not captured by any other system. By creating a system that is shared by courts and their law enforcement partners, CCPOR bridges communication gaps and improves inter-agency cooperation. These benefits work together to safeguard victims of crime, and peace officers in the field.

### ***Jury Grant Program Support***

*Proposed 2013–2014 Allocation – \$600,000; no change*

#### **Description**

All trial courts are eligible to apply for the jury grant funding to improve their jury management systems. The number of courts receiving grants varies according to the number and size of grant requests received from the trial courts. In FY 2012–2013, jury grant applications were received from 26 trial courts, which included 42 different projects, and totaled \$1,183,382. Of the 26 trial courts submitting jury grant applications, 20 received some level of grant funding to assist with 25 of the 42 submitted projects. Funded projects ranged from keeping existing functionality intact by replacing aging hardware or upgrading jury management systems to implementing newer technology such as a juror self check-in module and a short message service (SMS) module that sends jury reminders via text/phone messages

#### **Purpose**

Funding for the jury grant program started in FY 2000–2001 for trial courts to improve their jury management systems. The impetus for providing technology funding was implementation of one-day or one-trial juror service in all superior courts, which required courts to summon and

process many more jurors than the earlier practice of two-week availability for service common throughout the state. When the program began, courts were working with outdated DOS versions of jury management systems that were vendor- or in-house developed. These systems had reached the end of their useful life and required upgrading as they could not adequately support the new requirements of one-day or one-trial.

All 58 trial courts have an opportunity to participate and take advantage of this program and, to date, 55 of 58 courts have received some level of funding.

As a result of this program, system improvements have provided benefits to potential jurors, jurors, and the courts. Courts have been able to meet Judicial Council goals of modernization and service to the public by receiving funding to implement their jury system improvement projects.

The public has benefited by being able to use technology to streamline communication with the court as a potential juror. Potential jurors are able to use either a computer or telephone to change their address, postpone, or decline service as permitted. Courts that have implemented IVR, for example, report that when they formerly summoned a large pool, the jury office voice mailbox would quickly fill up. Jurors no longer encounter that obstacle to communicating with the court. Jurors no longer have to listen to long telephone messages the night before reporting, but are able to go directly to their own record by keying in their bar code on their telephone or personal computer.

The courts have benefited by being able to free up staff from dealing with routine, repetitive tasks that occur when a new pool is summoned. Data entry has been greatly reduced, with accuracy improved by direct entry of personal data by the juror. Courts report that IVR systems pick up between 50 and 75 percent of routine callers, far exceeding typical IVR projects in other businesses that normally pick up 30 to 40 percent of callers. Staff is now available to deal with more complex matters in the jury office, or can be reassigned to other court operations.

The Branch has benefited by receiving more accurate statistical information about jury service. Courts have reported high levels of satisfaction with their completed projects. This program provides courts the ability to introduce new, more efficient solutions for managing their jury programs.

### ***Uniform Civil Fees***

*Proposed 2013–2014 Allocation – \$385,000; no change.*

#### **Description**

The current UCFS allocation funds two full-time ISD contractors performing ongoing maintenance and support. UCFS has not been allocated any full-time staffing support and relies solely on contractors. FY 2013–2014 funding for UCFS will support the following activities:

- Support for legislated and mandated changes to distribution rules to ensure accurate and timely civil fee distributions to appropriate entities within the mandated timeframes.
- Full support that provides a high level of system availability and reliability in order to help trial courts avoid penalties to state, county, court, and third parties for late reporting and distribution of funds.
- Support for system improvements to address changes to the business process.

UCFS provides services to the following business units:

- Trial Court Trust and Treasury Services
- Trial Court Budget & Technical Support Services
- Internal Audit Services

### **Purpose**

UCFS was originally intended to be a temporary application (6-12 months) until the required functionality was incorporated into Phoenix or CCMS. This application has now been in place for seven years and modified many times to keep up with changing legislation and business processes.

UCFS supports the distribution and mandated reporting of uniform civil fees collected by all 58 superior courts, with an average of \$52 million distributed per month. In July 2005, the Legislature, through section 68085.1(b), required that the 58 trial courts submit a schedule of AB 145 remitted civil fees by code section at the end of each month to the AOC. Under section 68085.1, the AOC is responsible for the reporting and remittance of Uniform Civil Fees (UCF) cash collections. Accordingly, the Uniform Civil Fees System (UCFS) was developed to support the centralized reporting and distribution of UCF cash collections. A failure to distribute fees to the appropriate entities within 45 days after the end of the month would result in the state assessing penalties up to \$24,000 per day that the distribution is late. The UCF System is used to calculate the correct distribution of 192 categories of fees collected by the 58 superior courts. The fees are distributed to up to 22 different funds or entities, such as the Trial Court Trust Fund's children's waiting room program, or a county law library. The distributions vary depending on the court, the fee, and the fund or entity receiving the funds. The system generates reports for the State Controller's Office and various entities that receive the distributed funds. Calculations are used by the AOC Finance Division to distribute funds to various entities as required by law.

UCFS benefits the public by minimizing the amount of penalties paid to the state for incorrect or late distributions and ensuring that the entities entitled to a portion of the civil fees collected, as mandated by law, receive their correct distributions.

### ***Justice Partner Outreach/E-Services (JPO&E)***

*Proposed 2013–2014 Allocation – \$572,000*

#### **Increase of \$4,000**

#### **Description**

FY 2013–2014 funds will be used to continue to support analyzing and assessing e-services statewide, including e-filing priorities and needs of the trial courts, and ongoing communication and information exchange with state and local justice and integration partners. The increase is for an adjustment to support costs. In FY12–2013, a survey conducted by the Judicial Council Technology Committee indicated that e-filing is a priority for the trial courts. As a result, the JC Technology Initiatives Committee created an E-Filing Workstream as one of its four priority areas to examine and develop and implement deliverable and future action items. JPO&E provided support to the E-Filing Workstream and continues to provide recommendations to the Judicial Council Technology Committee, the Court Technology Advisory Committee (CTAC), and the Judicial Council on statewide e-service initiatives.

JPO&E is leading the First District Court of Appeal's efforts to implement a vendor funded e-filing system. JPO&E drafted the requirements, issued the RFP, arranged for vendor demonstrations and developed vendor scoring. They were engaged in vendor selection, contract negotiation, SOW development, and participate in gap analysis. JPO&E staff are providing two senior business analysts for project management, and senior staff support (requirements, configuration, etc.) This initiative is being executed as a pilot program for the First District Court of Appeal with the long term goal of deployment to all appellate districts and the Supreme Court.

This program also provides representation for the Judicial Branch at key partner forums, including: the Data Sharing Task Force, chaired by the California Sheriff and Chief of Police Associations; Traffic Records Coordinating Committee (TRCC), and strategic planning subcommittee providing direction on OTS grant funding and reporting to the feds on national highway traffic safety (NHTSA); and numerous local, state and national associations and technology forums.

Funding for FY 2011–2012 and FY 2012–2013 were significantly reduced. However, funding was reinstated late in FY12–2013 to the budget recognizing the future priorities of the Branch for e-filing. The JPO&E has no funds directly distributed to the courts.

### **Purpose**

The program purpose is to implement the Judicial Council's objectives for court e-services and e-filing initiatives by supporting the planning and implementation of electronic filing of court documents, as well as electronic service of court documents, to all 58 California Superior Courts, the Courts of Appeal, Supreme Court, and local and state justice/integration partners.

JPO&E promotes and supports the Judicial Council's recommendations of creating statewide business and technology solutions for e-services as an approach to drive operational and technical efficiencies, resulting in cost savings for the branch and its 58 superior courts. Benefits include:

- Provide a foundation to develop a plan for a uniform, secure, standardized statewide portal platform to provide simple e-filing capability for courts statewide that would be extensible to all court case management systems and e-filing service providers (EFSP), specifically benefiting trial courts with no e-filing or limited capabilities.
- Create access to simple court processes and training statewide for court staff, thereby allowing staff to better focus on customer support.
- Promote and enhance judicial branch e-filing and information sharing initiatives through involvement in partner forums.
- Provide a mechanism for ongoing information sharing and communication to justice/integration partners, and EFSPs.
- Promote and support e-services and e-filing priorities of the Judicial Council.

### ***California Law Enforcement Telecommunications System (CLETS)***

*Proposed 2013–2014 Allocation – \$515,16*

**Increase of \$351,162**

**Description**

Funds in FY 2013–2014 will be used to provide ongoing support for continuing operations and expansion of access to CLETS, for both direct access by the courts and for the California Courts Protective Order Registry (CCPOR). This staff provides support for requirements gathering, California Department of Justice (CA DOJ) approval, implementation, training, and system updates. Support is also provided for security policy compliance and audit related activities for the benefit of both the AOC and the Courts.

The CLETS program has no funds directly distributed to the courts; however, the program does pay for the associated licensing costs on behalf of the courts.

**Purpose**

The CLETS Program supports access to the statewide law enforcement network provided by the California Department of Justice (CA DOJ). This access provides trial court judicial officers with criminal justice information from California and various national databases to support complete and timely adjudication. CLETS access is also used by CCPOR as its sole method to provide and update restraining and protective orders to the CA DOJ and the NCIC (FBI) databases.

Working closely with the CA DOJ, the purpose of the CLETS Program is to provide staff support and consultation to the trial courts, as well as the CCPOR team, regarding setup, access approval, and security policy compliance relating to the access to CLETS. A timely response to issues that arise is critical to the court's efficiency and timeliness in preparing court calendars and case preparation; compliance with audit requirements; and accommodating employee transfers, turnover or reduction in staff.

Currently superior courts in eight counties, Fresno, Madera, Merced, Monterey, Plumas, San Francisco, Tulare and Yolo, utilize the AOC-sponsored CLETS Access Program through the services resident within the California Courts Technology Center (CCTC) One additional court, Placer Superior Court, is in the process for approval by the CA DOJ and subsequent CLETS access deployment. The Superior Courts of Mendocino and Nevada counties are in the initial preparation phase leading to approval and deployment via the CCTC. In addition, CLETS access support is currently provided to courts and / or local law enforcement agencies in 26 counties, who utilize the CCPOR application for the timely submission of restraining and protective orders to the CA DOJ and subsequently to NCIC (FBI). Expansion of CCPOR to additional courts and their local partners occurred in FY 2012-2013, which included additional submissions of orders through CLETS, and will continue in FY 2013-2014 with an additional two counties implemented by September 2013.

Penal Code 11105 and others provide specific authority for the courts to access databases for general and specific purposes. The courts are required to complete a review of selected data prior to issuing restraining and protective orders, supported by CCPOR and the CLETS Program. The courts have the ability to also utilize CLETS to directly submit restraining and protective order to the CA DOJ.

Benefits to the courts and the public derived from the CLETS Program include:

- Facilitating access to state and national databases with minimal direct cost to the trial courts. Infrastructure, licensing, training, consulting, deployment, and software support service agreements are provided and managed by the program on behalf of the supported courts.
- Providing direct access to the databases, ensuring more efficient, accurate, and complete research and providing information needed by the bench to make timely and informed decisions, often with a direct impact on public and officer safety.
- Providing the necessary staffing, methodology, and relationship management with the CA DOJ to facilitate the on-boarding process. Services provided by the program reduce the need for the courts to add and dedicate staff as CLETS subject matter experts.
- Hardware maintenance is funded for refresh of aging and out of support hardware.

### ***Courts Linked by Information and Knowledge (CLIK)***

*Proposed 2013–2014 Allocation – \$1,164,876*

#### **Increase of \$1,164,876**

No budget was allocated for CLIK in FY 2012-2013. There is an urgent need to begin the re-write of the CAPS/Assigned Judges system before the system develops issues due to aging technology. Changes to the older application are on hold to reduce risk to production users.

#### **Description**

The primary objective of the CLIK (Courts Linked by Information and Knowledge) program is to replace and enhance the existing Contact and Positions System (CAPS) and the Assigned Judges Tracking System (ATS). CAPS is used to manage the judicial branch's contact/directory information as well as serve as the central repository of information related to judges and their roles in the judicial branch. CAPS is the foundation for many other systems providing contact and demographic data for key personnel both within and external to the Judicial Branch. ATS supports the Assigned Judges Program (AJP) by facilitating the matching process between a court's request for critical judicial assistance and the judges qualified to provide assistance. The system used to manage the nomination process for judicial committees, task forces, and work groups is very tightly coupled with CAPS. As the costs of integrating the new CAPS system with the current nominations system would equal the costs of replacing it, the nominations system is also included within the scope of this project.

The requirements phase of the CLIK project was completed in September, 2011. The program was not funded in FY 2012–2013 and placed on hold. The funds being requested in FY 2013–2014 will be used to resume the CLIK software development project, including acquisition of contractors to complete the design phase and begin the implementation phase of the CAPS portion of the system. Also included in the FY 2013–2014 request are funds needed to acquire and install the necessary system software to support the development and operation.

#### **Purpose**

The CAPS system is used extensively throughout the AOC. The system is available to all AOC staff. There are currently 428 CAPS users. CAPS maintains over 24,000 contacts.

The Assigned Judges Tracking System supports the management and processing of over 3,500 assignment requests per year for active and retired judges, providing the equivalent of 136 full-time judgeships in the last fiscal year. There are approximately 400 retired judges participating in the Assigned Judges Program (AJP). Trial courts represent 90% of the AJP judicial assignments, and appellate courts represent 10% of the AJP judicial assignments.

Since the inception of CAPS in 2001 and ATS in 2005, the programs have provided significant



benefits to the AOC in terms of centralized data management, program support, effective communications, and support for AOC business processes. However, as technology and business requirements have evolved, ATS and CAPS are now outdated and at risk of failure. CAPS and ATS operate with an obsolete and unsupported technical architecture. CAPS and ATS cannot accommodate changes to business requirements and legislative changes, are subject to general dissatisfaction from users and gradual, continual degradation of system performance.

The primary goals of the CLIK program are to replace the current systems to ensure continued and uninterrupted operation of these critical systems, to enhance the systems to support current program policies, business processes and legislative requirements, and to incorporate design standards that will make the systems more robust and easier to enhance in the future. Benefits to the courts derived from the CLIK Program would include:

- Improved accuracy and availability of judicial contact and organization information, such as the directories.
- Improved accuracy and availability of judicial committee, task force and work group information, such as rosters.
- Improved accuracy in using correct titles, salutation, and name spellings for reports, rosters and labels.
- Improved and effective communications through electronic delivery, such as email functionality, within the judicial branch and external entities through enhanced email capabilities.
- Greater efficiency and reduced timelines for producing AJP work orders; processing travel and compensation claims; and issuing payments.
- Improved AJP program impartiality.
- Improved AJP program integrity.

## **Proposed Allocation Funded from the Trial Court Trust Fund**

### ***Civil, Small Claims, Probate and Mental Health (V3) Case Management System*** *Proposed 2013–2014 Allocation – \$5,593,966*

**Decrease of \$2,598,040**

#### **Description**

Savings and technology efficiency initiatives were implemented that have reduced estimated costs for FY 2013–2014 by \$1,810,259. This reduction was achieved through infrastructure cost reductions and contractor staff reductions. The V3 team continues to pursue opportunities for further reductions in expenditures.

Starting in 2006, the civil, small claims, probate and mental health interim case management system (V3) was deployed in six superior courts (Los Angeles, Orange, Sacramento, San Diego, San Joaquin, and Ventura). Five of the six courts rely on this production application for daily case management processing, with a total of 2,705 users statewide. As of June 2012, the Los Angeles Superior Court no longer enters new transactions into the V3 Court, using V3 for inquiry purposes only.

The V3 case management system (CMS) was previously developed and supported by a software development vendor, Deloitte Consulting, LLP. In 2009, following the success of

the V2 transition, the AOC developed a business case for transitioning maintenance and support from Deloitte to an internal AOC team. In July 2011, support for V3 was transitioned to the Information Services Division at the AOC. Projected savings are \$5.7 million dollars through FY13-14.

The requested allocation of \$5,593,966 for FY 2013-14 will support the following:

- Hardware and software maintenance.
- Infrastructure support and hosting services for all environments: development, test, training, staging and production.
- Software product support including ongoing technical support to the California Courts
- Technology Center (CCTC) and locally hosted courts.
- User support.
- Product releases including court enhancement requests, judicial branch requirements, and bi- annual legislative changes.
- Future product enhancements as directed by the Court Technology Committee.

### **Purpose**

The civil, small claims, probate and mental health interim case management system (V3) processes 25 percent of all civil cases statewide. V3 functionality enables the courts to process and administer their civil caseloads, automating activities in case initiation and maintenance, courtroom proceedings, calendaring, work queue, payment and financial processing. All V3 courts are now using the latest version of the V3 application. This model allows for a single deployment and common version of the software, avoiding the cost of three separate installations.

E-filing has been successfully deployed at the Orange County court, saving time and resources. Sacramento Superior Court has also deployed e- filing for their Employment Development Department cases. San Diego is targeting deployment of e-filing in FY 2012-13. Sacramento and Ventura integrate V3 with public kiosks. E-filing and public kiosks are recognized as providing public and justice partners with increased ease of use and efficiencies. The Superior Court of Los Angeles County previously used V3 for processing a limited number of small claims, but the court no longer processes small claims using V3. They now use V3 for inquiries only.

The V3 team has the ability to control product development and functionality to meet ongoing changes requested by the courts, legislature, public and justice partners that may not be available in a vendor controlled, off the shelf product.

### ***Criminal and Traffic (V2) Case Management System***

*Proposed 2013–2014 Allocation – \$3,156,714*

**Decrease of \$412,025**

### **Description**

Savings and technology efficiency initiatives reduced estimated costs for FY 2013-14 by \$152,303 from the FY 2012-2013 budget. These savings were achieved through infrastructure cost reductions, and without a negative impact to users. The V2 team continues to pursue opportunities for further reductions in expenditures.

V2 is a case management system for criminal and traffic cases currently operating in Fresno Superior Court. The court, needing to replace its failing COFACS criminal and traffic case management system, took the lead as the V2 pilot court, resulting in deployment of V2 in 2006. When the AOC embarked on development of a single comprehensive case management system, the decision was made to limit deployment of V2 to the Fresno Superior Court. In 2008, the AOC developed a business case that demonstrated the opportunity for cost savings, by moving V2 maintenance and support from the vendor, Deloitte Consulting, to an AOC team, managed by the Information Services Division. Maintenance and support was successfully transitioned to the AOC in September 2009. The project broke even in June 2010 and the projected cost avoidance is \$10.7 million through FY 2013-14. Fresno Superior Court is satisfied with the system performance and is supportive of the ISD maintenance and support team. During FY 2013–2014, V2 maintenance and operations funding will support:

- Hardware and software maintenance.
- Infrastructure support and hosting services at the California Courts Technology Center (CCTC).
- Help desk support for the court.
- Day to day operational application support and service requests.
- Ongoing product releases to address court requests and judicial branch requirements, including biannual legislative changes.

### **Purpose**

V2 enables the Fresno Superior Court to process and administer its criminal and traffic caseload, automating activities in case initiation and maintenance, courtroom proceedings, calendaring, payment, and financial processing. The daily fund distribution report generated by V2 calculates distributions for monies collected from fees and fines, an operation that was previously done manually. With the courtroom functionality, a defendant is able to walk out of a hearing and immediately receive a transcript of the hearing, including any actions or instructions delivered at the hearing. Justice Partners such as the District Attorney’s office have inquiry access from their offices to authorized case information.

Automated interfaces to justice partner systems include: 1) Department of Motor Vehicles for updates and inquiries on traffic violations; 2) Web Pay for online payment of bail, fines, and fees; and 3) the Fresno County Sheriff’s Office for warrants issued or revoked. Collection of information for the Judicial Branch Statistical Information System (JBSIS) is automated. The public is able to view authorized case information on V2 at kiosks. For example, a case participant is able to view the location and time of their hearing using a kiosk. V2 supports 650 court users and 2,800 justice partner users.

### ***California Courts Technology Center (CCTC)***

*Proposed 2013–2014 Allocation – \$1,654,000*

**Decrease of \$35,325**

### **Description**

The CCTC provides consistent, cost effective, and secure hosting services, including ongoing maintenance and operational support, data network management, desktop computing and local

server support, tape back-up and recovery, help desk services, email services, and a dedicated service delivery manager.

CCTC also provides a comprehensive disaster recovery program for court management systems, including Phoenix Financial and Human Resources Systems (SAP), California Courts Protective Order Registry (CCPOR), Court Case Management, (V2, V3), Interim Case Management Systems (ICMS), and the Computer-Aided Facilities Management System (CAFM). The CCTC also provides a complete suite of IT services to five hosted Superior Courts (Madera, Modoc, San Benito, Lake, and Plumas).

Funding from the State Trial Court Improvement and Modernization Fund (STCIMF) and the Trial Court Trust Fund (TCTF) for FY 2012–2013 will be spent on maintaining core services and court requested services. These services allow the courts to rely on the skills and expertise of the maintenance and support within the CCTC to remediate defects, implement legislative updates, configure and install software and hardware upgrades, and address other minor and critical issues. These core services include:

- Data center application hosting services
- Local court server monitoring and remote site backup
- Data Center and local network management
- Help desk services
- Desktop and local server management and support services
- Hosted email services for 6 trial courts
- Disaster Recovery

None of the funding is distributed directly to the courts.

### **Purpose**

In alignment with Judicial Council directives to affirm development and implementation of statewide technology initiatives, the CCTC program provides a Judicial Branch Technology Center for use by all courts. Benefits to the courts through the CCTC include enterprise-wide hardware and software license agreements, including bulk volume discounts in purchasing. Centralized changes (e.g. hardware and software patches) are easier and more efficient to install. Centralized help desk support provides the courts a single point of contact and minimizes the impact of major incidents.

In the event of a significant interruption of court services, the disaster recovery program ensures that infrastructure and network services and trial court applications hosted in the CCTC can be safely and securely backed-up, redirected, and restored. Disaster recovery exercises are conducted routinely to test the strength of the CCTC recovery strategy and to ensure that vital court services, as well as data and communications, can be restored at a designated location.

CCTC costs that are reimbursed by the courts are funded from TCTF, while all other costs are funded from STCIMF. The portion of costs by CCTC function that are reimbursed by the courts versus those paid from the STCIMF is listed below (Please note that these percentages are approximate):

- Data center network – Courts fund 48% while the CCTC funds 52%
- Help desk – Courts fund 4% while the CCTC funds 96%
- Desktop and local servers – Courts fund 44% while the CCTC funds 56%
- Remote site backup – Courts fund 16% while the CCTC funds 84%
- Hosted email services – Courts fund 74% while the CCTC funds 26%

The costs are reimbursed at a rate that was agreed upon with the courts at the time of implementation. Currently the AOC does an annual review of the help desk users with all courts, and a more in-depth review with hosted courts prior to the Schedule C distribution to the courts.

This program supports Judicial Council objectives to allow the courts to take advantage of operational efficiencies and cost effective services, eliminating redundant expenditures, and providing a coordinated approach to addressing statewide technology initiatives.

The program provides public benefit by utilizing technology to achieve efficiencies in the superior courts. It provides ongoing cost-effective maintenance and support for programs which allows the consistent and accessible administration of justice throughout the state. Today, the CCTC hosts service for all 58 California Superior Courts.

### ***Interim Case Management System (ICMS)***

*Proposed 2013–2014 Allocation – \$1,027,615*

#### **Decrease of \$248,106**

##### **Description**

The decrease in funding from the previous fiscal year allocation reflects the Monterey Court transitioning to a locally hosted version of the Sustain Justice Edition (SJE) application. Monterey Court no longer contributes funding through Schedule C to cover the cost of hosting the SJE application at the CCTC.

The ICMS Unit provides program support to trial courts running the Sustain Justice Edition (SJE) case management system. The ICMS budget is used to fund project management support and technical expertise for the CCTC-hosted courts as well as the Sustain User Group. Support includes maintenance and operations activities such as implementation of legislative updates, application upgrades, production support, disaster recovery services, CCTC infrastructure upgrades and patch management. Locally hosted SJE courts use ICMS program resources, as needed, for legislative updates and SJE support. A benefit available to SJE courts is the volume discount on licensing, provided by the vendor for courts hosted at the CCTC. The greater the number of users, the lower the licensing cost per user.

Funding for FY 13/14 will support:

- Production support
- Patch management
- Database stack upgrade including hardware refresh
- Legislative updates (e.g., Uniform Bail Schedule)
- Application enhancements (e.g. Merced eCourt interface)
- Disaster Recovery Exercises

- Infrastructure support and hosting services
- Support for testing and training

The ICMS unit also provides support, upon request, to courts with failing legacy case management systems. Staff is assigned to work with the courts to perform high-level assessments and to assist in identifying a stabilization strategy. In addition, the ICMS team has been assigned to support the SJE Path Forward Court Consortium in developing a go-forward strategy for courts currently deployed on Sustain Justice Edition.

ICMS costs that are reimbursed by the trial courts are funded from the TCTF while all other costs are funded from the STCIMF. STCIMF funds approximately 54% of the CCTC hosting cost for those trial courts who have SJE hosted at the CCTC. The remaining 46% is funded by the TCTF and reimbursed by the trial courts.

### **Purpose**

Sustain Justice Edition (SJE) is deployed in 16 courts across 40 court locations. The SJE courts include the Superior Courts of Humboldt, Imperial, Lake, Madera, Merced, Modoc, Monterey, Plumas/Sierra, San Benito, Trinity, Napa, Placer, Santa Barbara, Tulare, and Tuolumne counties. Nine courts are hosted in the California Courts Technology Center while six are hosted locally. The Sierra court processes their traffic citations using the Plumas Court’s SJE instance. The nine SJE Sustain courts hosted at the CCTC are deployed on a common architecture. Among other benefits, this common architecture enables a single solution for interfaces to justice partners such as the Department of Motor Vehicles (DMV). Because interfaces such as DMV and DOJ are common among the nine SJE courts, enhancements can be leveraged for the benefit of all the courts. Locally hosted courts require separate efforts for their interfaces, including connectivity to the DMV.

The Interactive Voice Response (IVR) and Interactive Web Response (IWR) functions provide key benefits to the courts. The interfaces which support these functions were developed to provide the public an electronic mechanism for payment of fees and infractions. The IVR and IWR interface provides the public the ability to submit payments electronically 24/7, with the exception of downtime needed for hardware maintenance. Currently, 10 of the 16 courts are using the IVR and IWR function.

## **Trial Court Administrative Services Office**

### ***Phoenix Financial and Human Resources Services***

*Proposed 2013–2014 Allocation – \$8,336,885 (TCAS)*

#### **Decrease from 2012–2013 – \$368,745**

The proposed 2013–2014 STCIMF allocation for TCAS was decreased by \$368,745 from prior year to assist with the overall projected fund deficit. This amount is attributed to an anticipated one-time salary savings in current year. An additional \$4,944,093 originally allocated to TCAS was transferred to the Information Technology Services Office (ITSO) budget in support of the Phoenix Program’s ERP staff and fiscal management systems.

### **Description**

Funds are primarily used to fund required licensing, hardware, maintenance and operations

(M&O), technology center support costs, and end user training in direct support of the trial courts. In addition, this funding supports AOC staff in the Phoenix Program's ERP Unit. The unit performs the following support functions:

- Addressing system fixes
- Performing minor system enhancements
- Providing basic support and patching
- Maintaining hardware
- Maintaining software for the various environments

There are also three distinct Information Technology Services Office units performing Phoenix-related activities:

1. Staff critical for maintenance and operations of the 37 Phoenix interfaces, their support and troubleshooting as well as external vendor support for ING, Bank of America, CalPERS and court health and benefit providers. Additionally, this unit supports the complete security and role maintenance of the all 58 courts and the TCAS and supporting organizations. This supports the ITSO technical team's management of court relationship for Phoenix-to-court technical leads, the relationship management to the CCTC, and all the various supporting application vendors. The supervising staff manages cost and expenses, and performs budget forecasting for ITSO. Additionally, this staff prepares all Phoenix ITSO reports to the Judicial Council and AOC executive management, and provides leadership in the technical roadmap for Phoenix including the patching, refresh, Disaster Recovery, update application for tax rules and regulations, and constant monitoring and tuning of all Phoenix environments both at the AOC and the Tempe and Omaha CCTC environments.
2. This unit provides end user steady state support for desktops, laptops, printers, software, and other computing infrastructure used by TCAS, as well as project support including system and application deployments, refreshes and upgrades.
3. This unit supports the development team for Phoenix and the trial courts. This supports requests from courts to support changes in regulations, research and resolution of errors for courts and court staff, and maintenance of workflow for processing purchase orders and those approvals, as well as the development of reporting tools for the courts and TCAS support staff. Additionally, this staff provides business analysis and project management for the roll out and support of new vendor and interfaces, including the CCMS and UCFS systems, the roll out of new tools and the management of the security and encryption software for all 58 courts and AOC users. The technical application development lead serves as a liaison to vendor partners for knowledge transfer and has the primary ownership for code reviews, technical and functional specifications.

### **Purpose**

The purpose of the Phoenix Program is to provide daily centralized administrative services to the trial courts including accounting and financial services, trust accounting services, purchasing services, a centralized treasury system, human capital management services, and core business analysis, training and support. Program staff also design, test, deploy, maintain, and manage the Phoenix System which enables the courts to produce a standardized set of monthly, quarterly,

and annual financial statements that comply with existing statutes, rules, and regulations. The objectives of the system are to:

- Standardize accounting and business functions;
- Ensure uniformity of financial record keeping and maintenance;
- Provide consistency of data and quality of management information;
- Provide judicial partners with timely and comprehensive financial information on a regular and timely basis;
- Maximize investment opportunities and timely use and disbursement of cash; and
- Provide comprehensive payroll services and solutions to trial courts.

The branch benefits from an integrated, state-administered program promoting statewide consistency in court administrative practices. The Phoenix Program was established in response to the Judicial Council's directive for statewide fiscal accountability and human resources support as part of the council's strategic plan, specifically, then-Goal IV: Branchwide Infrastructure for Service Excellence.

The financial component of the Phoenix System has been implemented in all 58 courts and allows for uniform process, accounting, and reporting. The human capital management component of the Phoenix System has been implemented in 8 courts to date, providing human resources management and payroll services. The general public is not a direct recipient of the benefits provided by the Phoenix Program.

### ***Phoenix Financial and Human Resources Services***

*Proposed 2013–2014 Allocation – \$3,597,400 (ITSO)*

#### **Decrease of \$1,346,693**

In FY 2012, 2013, the Judicial Council approved allocation for Phoenix ITSO was originally in the TCAS budget. After the JC approved those funds, TCAS transferred \$4,944,093 from their allocation to ITSO. For FY 2013-14, ITSO is requesting \$3,597,400 which is a decrease of \$1,346,693. A large portion of that decrease is due to a one-time cost savings that was achieved in FY 2012-2013.

#### **Description**

Funds are primarily used to fund required licensing, hardware, maintenance and operations (M&O), technology center support costs, and end user training in direct support of the trial courts. In addition, this funding supports AOC staff in the Phoenix Program's Enterprise Resource Planning Unit. The unit performs the following support functions:

- Deployment and management of technology projects, including Phoenix-specific projects, and ITSO enterprise technology projects
- Configuration of new development and enhancements.
- Management and system support for upgrades, patches and enhancement packs
- Configuration and support for courts' tickets
- Management for six Phoenix environments, 46 servers, and related hardware.
- Development and maintenance of 37 interfaces: vendor; financial institution; court and county



- Maintain SAP application software and nine complementary tools and applications.

Three distinct Information Technology Services Office areas perform Phoenix-related activities:

- Staff critical for maintenance and operations of the 37 Phoenix interfaces, support, troubleshoot, and provide external vendor support for ING, Bank of America, CalPERS and court health and benefit providers. Additionally, this unit supports the complete security and role maintenance for all 58 courts, and for TCAS and supporting organizations. This supports the ITSO technical team's management of court relationship for Phoenix-to-court technical leads, the relationship management to the CCTC, and all the various supporting application vendors. Supervising staff manage cost and expenses, and perform budget forecasting for ISD. This staff prepares all Phoenix ISD reports to the Judicial Council and AOC executive management, and provides leadership in the technical roadmap for Phoenix, including patching, refresh, disaster recovery, update application for tax rules and regulations, and constant monitoring and tuning of all Phoenix environments, both at the AOC, and CCTC Tempe and CCTC Omaha data centers.
- The second area supports the development team for Phoenix and the trial courts including requests from courts with respect to changes in regulations, research and resolution of errors for courts and court staff, and maintenance of workflow for processing purchase orders and those approvals, as well as the development of reporting tools for the courts and TCAS support staff. This staff provides business analysis and project management for rollout and support of new vendor interfaces, implementation of new tools, and management of security and encryption software for all 58 courts and AOC users. The technical application development lead serves as a liaison to vendor partners for knowledge transfer and has primary ownership for code reviews, and technical and functional specifications.
- This third ITSO area provides end user steady state support for desktops, laptops, printers, software, and other computing infrastructure used by TCAS, as well as project support including system and application deployments, and refreshes and upgrades.

### **Purpose**

The purpose of the Phoenix Program is to provide daily centralized administrative services to the trial courts, including accounting and financial services, trust accounting services, purchasing services, a centralized treasury system, human capital management services, and core business analysis, training and support. Program staff design, test, deploy, maintain, and manage the Phoenix System which enables the courts to produce a standardized set of monthly, quarterly, and annual financial statements that comply with existing statutes, rules, and regulations. The objectives of the system are to:

- Standardize accounting and business functions.
- Ensure uniformity of financial record keeping and maintenance.
- Provide consistency of data and quality of management information.
- Provide judicial partners with timely and comprehensive financial information on a regular and timely basis.
- Maximize investment opportunities and timely use and disbursement of cash; and
- Provide comprehensive payroll services and solutions to trial courts.

The branch benefits from an integrated, state-administered program promoting statewide consistency in court administrative practices. The Phoenix Program was established in response to the Judicial Council's directive for statewide fiscal accountability and human resources support as part of the council's strategic plan, specifically, then-Goal IV: Branchwide Infrastructure for Service Excellence.

The financial component of the Phoenix System has been implemented in all 58 courts and allows for uniform process, accounting, and reporting. The human capital management component of the Phoenix System has been implemented in 8 courts to date, providing human resources management and payroll services. The general public is not a direct recipient of benefits provided by the Phoenix Program.

## **Proposed Allocation Funded from the Trial Court Trust Fund**

### ***Phoenix Financial and Human Resources Services***

*Proposed 2013–2014 Allocation – \$1,307,000*

#### **Decrease from 2012–2013 – \$126,827**

The proposed 2013–2014 TCTF allocation for TCAS was decreased by \$126,827 from prior year primarily due to salary savings. Approximately 74 percent of the Phoenix Program's overall current budget is dedicated to staffing costs. The program's non-staff budget, largely funded from the State Trial Court Improvement and Modernization Fund, will be primarily used to fund required licensing, hardware, maintenance and operations (M&O), technology center support costs, and end user training in direct support of the trial courts and is contractually obligated in support of these items. The TCTF reimbursements are for direct processing services delivered to the courts.

#### **Description**

The TCTF funds the Phoenix Human Resources Services component of the Phoenix Program through trial court reimbursements. The Phoenix HR System:

- Provides a consistent tool to maintain human resources data;
- Integrates human resources and finance systems; and
- Eliminates non-value-added operational functions, such as duplicate data entry.

The trial courts on the Phoenix HR System utilize the following system components:

- HR Structure
- Personnel Administration
- Organizational Management
- Benefits
- Time Management
- Payroll
- Employee and Manager Self-Service

#### **Purpose**

The purpose of the Phoenix Program is to provide daily centralized administrative services to the

trial courts including accounting and financial services, trust accounting services, purchasing services, a centralized treasury system, human capital management services, and core business analysis, training and support. Program staff also design, test, deploy, maintain, and manage the Phoenix System which enables the courts to produce a standardized set of monthly, quarterly, and annual financial statements that comply with existing statutes, rules, and regulations. The objectives of the system are to:

- Standardize accounting and business functions;
- Ensure uniformity of financial record keeping and maintenance;
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State Trial Court Improvement and Modernization Fund -- Fund Condition Statement<sup>1</sup>

		FY 2011-12 <sup>2</sup>	FY 2012-13 (Year-end Estimate)	FY 2013-14 (TCBAC Recommended) <sup>3</sup>
		A	B	C
1	Beginning Balance	41,298,062	48,128,575	44,827,741
2	<b>Prior-Year Adjustments</b>			
3	Liquidation of Prior-Year Encumbrances and Adjustment for Revenue and Expenditure Accruals	4,622,852	11,911,866	-
4	Refund from Deloitte Consulting LLP related to prior-year contracts	-	776,472	-
5	Repayment of loan	-	2,500,000	-
6	<b>Adjusted Beginning Balance</b>	<b>45,920,914</b>	<b>63,316,913</b>	<b>44,827,741</b>
7	<b>Revenues</b>			
8	50/50 Excess Fines Split Revenue <sup>4</sup>	35,443,013	31,920,133	31,920,133
9	2% Automation Fund Revenue	16,748,471	15,753,200	15,753,200
10	Jury Instructions Royalties	526,189	518,617	518,617
11	Interest from SMIF	243,979	201,201	201,201
12	Other Revenues/SCO Adjustments	2,190,394	(8,495)	-
13	<b>Transfers</b>			
14	From State General Fund	38,709,000	38,709,000	38,709,000
15	To Trial Court Trust Fund	(20,000,000)	(23,000,000)	(20,000,000)
16	To TCTF (GC 77209(k))	(31,563,000)	(13,397,000)	(13,397,000)
17	Transfer from TCTF	19,696,630	-	-
18	To TCTF (Improvement Fund AOC staff savings)	-	(594,000)	(594,000)
19	To TCTF (Improvement Fund portion of Deloitte refund)	-	(3,629,000)	-
20	<b>Net Revenue/Transfers</b>	<b>61,994,676</b>	<b>46,473,656</b>	<b>53,111,151</b>
21	<b>Total Resources</b>	<b>107,915,590</b>	<b>109,790,569</b>	<b>97,938,892</b>
22	<b>Expenditures/Encumbrances/Allocation</b>			
23	Program and Project Expenditure/Encumbrance/Allocation	59,340,976	64,799,934	67,093,200
24	Pro Rata	446,039	162,894	162,894
25	<b>Total Expenditures/Encumbrances/Allocation</b>	<b>59,787,015</b>	<b>64,962,828</b>	<b>67,256,094</b>
26	<b>Fund Balance<sup>5</sup></b>	<b>48,128,575</b>	<b>44,827,741</b>	<b>30,682,798</b>
27	Net Revenue/Transfers Over or (Under) Expenditure	2,207,661	(18,489,172)	(14,144,943)
28	<b>Appropriation Authority<sup>6</sup></b>	<b>N/A</b>	<b>89,982,000</b>	<b>89,982,000</b>
29	<b>Appropriation Balance</b>	<b>N/A</b>	<b>25,019,172</b>	<b>22,725,906</b>

**Note:**

- SB 1021, effective in FY 2012-13, combined the Judicial Administration Efficiency and Modernization Fund and the Trial Court Improvement Fund into the State Trial Court Improvement and Modernization Fund.
- Combines the FY 2011-12 fund condition statements of the Judicial Administration Efficiency and Modernization Fund and the Trial Court
- The revenue amount is based on the estimates for FY 2012-13 year-end financial statements.
- The estimated amount is based on the 50-50 excess split revenue calculation forms submitted by the 53 counties as of 8/15/2013. The counties have not yet provided the estimate are Modoc, Nevada, Plumas, Tehama, and Trinity.
- The unrestricted FY 2012-13 and FY 2013-14 fund balance would be \$1.464 million less due to unspent jury instructions royalty revenue from FY 2003-04 through FY 2012-13 as this revenue can solely be used for improvement of the jury system.
- Per the Budget Act of 2013, the appropriation authority in 2013-2014 for local assistance is \$71.309 million and for support is \$9.145 million, which can be increased up to \$18.673 million for the recovery of costs for administrative services provided to the trial courts by the AOC.

## Trial Court Trust Fund -- Fund Condition Statement

#		Actual 2011-2012 A	Estimated 2012-2013 B	2013-2014		
				Utilize All Expenditure Authority C	Estimated Unused Expenditure Authority D	Estimated Use of Expenditure Authority E = (C+D)
1	Beginning Balance	72,918,702	105,535,205	82,804,139		82,804,139
2	Adjustment for Prior Year	41,831,467	21,573,102			
3	<b>Revenue</b>					
4	Civil Filing Fees	367,079,562	401,174,171	397,857,198		397,857,198
5	Sanctions & Contempt Fines	1,825,133	1,494,932	1,538,093		1,538,093
6	Escheat - Checks & Warrants		270,521	270,521		270,521
7	Misc. Revenue	439,795	507,794	363,436		363,436
8	Parking Penalty Assessment	24,760,785	25,194,026	25,383,225		25,383,225
9	Court Operations Assessment	166,992,224	156,455,686	158,626,771		158,626,771
10	Civil Assessment	143,928,228	150,003,211	144,233,643		144,233,643
11	Interest from SMIF	159,820	218,659	166,671		166,671
12	Expenditure Maintenance of Effort	498,600,331	498,600,086	498,600,086		498,600,086
13	Revenue Maintenance of Effort	159,991,769	160,293,447	160,450,416		160,450,416
14	Telephonic Appearances	7,397,628	7,114,970	7,178,476		7,178,476
15	RDA Writ Cases Reimbursement	n/a	2,000,000	-		-
16	Court-Appointed Counsel Revenue Recovery	329,604	206,900	657,623		657,623
17	<b>Transfers / Charges</b>					-
18	General Fund Transfer	888,857,988	263,691,000	741,691,000		741,691,000
19	TCIF Transfer	31,563,000	13,397,000	13,397,000		13,397,000
20	SCFCF	70,000,000	59,486,000	5,486,000		5,486,000
21	ICNA	143,000,000	-	-		-
22	Mod Fund	20,000,000	27,223,000			-
23	IMF			20,594,000		20,594,000
24	1% Reserve (to Improvement Fund)	(19,696,630)				
25	SCO Charges	(520,860)				
26	Current-Year Revenue	2,504,708,377	1,767,331,402	2,176,494,158		2,176,494,158
27	<b>Total</b>	<b>2,619,458,546</b>	<b>1,894,439,709</b>	<b>2,259,298,297</b>	<b>-</b>	<b>2,259,298,297</b>
28						
29	<b>Expenditures/Accruals/Encumbrances</b>					
30	Program 30 Support	14,604,341	-	-		-
31	Program 30.05 Support	n/a	3,692,277	6,310,000	(1,936,400)	4,373,600
32	Program 30.15 Trial Court Operations	n/a	19,918,086	29,134,000	(10,100,700)	19,033,300
33	Program 45.10 Trial Court Operations	1,967,578,383	1,347,799,007	1,743,233,166	(7,320,075)	1,735,913,091
34	Program 45.15 Trial Court Security	82,545,988	-	-		-
35	Program 45.25 Judges Salaries	306,283,062	304,004,469	306,416,000	(4,000,000)	302,416,000
36	Program 45.35 Assigned Judges	25,412,993	24,624,238	26,047,000		26,047,000
37	Program 45.45 Court Interpreters	90,116,672	84,483,339	92,794,000	(5,000,000)	87,794,000
38	Program 45.55 Local Assistance	9,619,560	9,963,931	9,829,000		9,829,000
39	RDA reimbursement	n/a	221,186	1,862,315		1,862,315
40	Workers' Compensation Transfer	17,762,343	16,929,037	16,106,834		16,106,834
41	<b>Total, Expenditures/ Accruals / Encumbrances</b>	<b>2,513,923,341</b>	<b>1,811,635,571</b>	<b>2,231,732,315</b>	<b>(28,357,175)</b>	<b>2,203,375,140</b>
42						
43	<b>Ending Fund Balance</b>	<b>105,535,205</b>	<b>82,804,139</b>	<b>27,565,982</b>		<b>55,923,157</b>
44						
45	<b>Fund Balance Detail</b>					
46	<b>Restricted</b>					
47	Court interpreter	8,026,315	15,026,315	15,026,315		20,026,315
48	Dependency collections	1,888,722	2,346,345	3,200,000		3,200,000
49	<b>Unrestricted</b>	<b>95,620,168</b>	<b>65,431,478</b>	<b>9,339,667</b>		<b>32,696,842</b>

## **Trial Court Improvement Fund Internal Guidelines**

### **1.0 Overview**

The Trial Court Funding Act of 1997 (Chapter 850, Statutes of 1997) revised provisions governing the Trial Court Improvement Fund (Improvement Fund). Government Code section 68502.5 was amended to provide for the allocation of funds in the Improvement Fund to ensure open and equal public access to the trial courts, to improve trial court operations, and to address trial court emergencies. In addition, Government Code section 77209 was added to provide for an annual appropriation to the Improvement Fund consisting of one percent of the annual appropriation for the trial courts. The section states that the Improvement Fund shall be used as specified and expenditures may be made to vendors or individual trial courts that have the responsibility to implement approved projects. Any funds unencumbered at the end of that fiscal year are reappropriated to the Improvement Fund for the following fiscal year.

Government Code section 77209(g) allows the Judicial Council (Council), with appropriate guidelines, to delegate the administration of the Improvement Fund to the Administrative Director of the Courts (Administrative Director).

### **2.0 Purpose**

In order to meet the critical needs of the courts and enable staff to commit funding on a timely basis, this policy establishes the guidelines by which the Council's Executive and Planning Committee (Executive Committee) is authorized to act on behalf of the Council with regard to the administration of the Improvement Fund, and the administration of the Improvement Fund is delegated by the Council to the Administrative Director, pursuant to Government Code section 77209(g) and the California Rules of Court (rule 10.11(d), effective January 1, 2007).

### **3.0 Guidelines and Procedures**

In accordance with rule 10.11(d), the Executive Committee is hereby authorized to act on behalf of the Council regarding administration of the Improvement Fund, and the Council hereby delegates the administration of the Improvement Fund to the Administrative Director or his/her designee in accordance with the following guidelines:

#### **3.1 General Allocation of the Improvement Fund**

The Improvement Fund contains funding from the following sources: Funds required to be allocated to the Improvement Fund from the Trial Court Trust Fund by Government Code section 77209(b) (One Percent Transfer); funds representing the state's fifty percent

share of the increase in fee, fine, and forfeiture revenue required to be deposited in the Improvement Fund by Government Code section 77205; funds representing interest earned on money in the Surplus Money Investment Fund from the Improvement Fund; funds retained in the Improvement Fund from previous years; and funds representing two percent of the fines, penalties, and forfeitures in criminal cases that is required to be deposited in the Improvement Fund by Government Code section 68090.8 (Two Percent Automation Fund). Except as noted below, the funds in the Improvement Fund may be used as provided in these guidelines.

- A. The One Percent Transfer required to be allocated to the Improvement Fund from the Trial Court Trust Fund by Government Code section 77209(b) must be allocated from the Improvement Fund as provided by in that section.
- B. In accordance with the above code section, one-half of the One Percent Transfer is to remain unallocated prior to March 15 of each year unless allocated to a court or courts for urgent needs is subject to the following:
  1. A court seeking funding for urgent needs must submit a request in writing to the Administrative Director through the Director of the Administrative Office of the Courts (AOC) Finance Division as soon as the urgent need is determined.
  2. An urgent need is defined as an unanticipated critical financial obligation beyond the local court's prudent management of its resources that cannot be reasonably eliminated, deferred or funded from within the local court's budget and that requires a one-time allocation of funds within the fiscal year in which the urgent need arises; and
  3. Approval of requests for urgent needs must be made in conformance with these guidelines and *Finance Memo TC 2003-005 Emergency Funding Requests - TCIF* adopted by the AOC.
- C. In accordance with the above code section, up to one-quarter of the One Percent Transfer may be allocated for trial courts that meet any additional criteria established by the Council.
- D. In accordance with the above code section, up to one-quarter of the One Percent Transfer may be allocated for statewide projects or programs for the benefit of the trial courts.
- E. The Two Percent Automation Fund must only be used for automated record keeping purposes as provided by Government Code section 68090.8.
- F. Pursuant to Government Code section 77209(k), a required amount of \$31,563,000 shall be transferred from the Trial Court Improvement Fund to the

Trial Court Trust Fund for allocation to trial courts for court operations and administrative infrastructure needs on behalf of the trial court.

### **3.2 Approved Budget Categories and Projects; Guidelines for Changes**

- A. The Administrative Director must seek input from the Council, at its annual planning meeting, on future direction and program priorities, and consider that input in preparing the proposed budget required by this section.
- B. As soon as practical after passage of the annual state budget act each fiscal year, the Administrative Director or his/her designee must present to the Executive Committee for review and approval a proposed budget of potential programs and projects to be paid for from the Improvement Fund. Consistent with statutory requirements, the proposed budget must be divided into three categories:
  1. Ongoing statewide programs (e.g., Litigation Management Program, Trial Court Transactional Assistance Program, the CJP insurance program, and technology programs);
  2. Trial court projects and model programs, such as the mentor unified family courts, ADR, and the complex litigation pilot programs; and
  3. The emergency funding reserve referred to in section 3.1.B above.
- C. After approving the proposed budget as presented or as modified by the Executive Committee, the Executive Committee may thereafter amend the budget, including, but not limited to, approving new projects and programs that create an ongoing obligation on the Improvement Fund.
- D. After the Executive Committee's approval of the proposed budget, the Administrative Director or his/her designee may:
  1. Approve new projects and programs during the fiscal year within the approved funding level of each of the three budget categories set forth in section 3.2.B;
  2. Approve changes to, defer, or eliminate programs or projects in the approved budget, including, but not limited to, changing the amount allocated to the program or project, if the changes, deferrals, or eliminations do not result in a transfer of money from any budget category to another in excess of that permitted by section 3.2.D.5 below provided that any change, deferral, or elimination of an item in category 3.2.B.1 may be made only upon approval by the Council;
  3. Approve one-time emergency funding requests from the reserve;
  4. Transfer up to 20 percent of the budget from categories one and two in section 3.2.B to any other category; and



5. Transfer any funding that is unexpended as of May 1 to any program or project that may be funded by the Improvement Fund except for unexpended money in emergency funding reserve. Money in the emergency-funding category that is unexpended as of March 31 may be transferred pursuant to this paragraph.
- E. The Administrative Director or his/her designee may approve new projects and programs or take the other actions provided for in section 3.2.D above only if:
1. The new project will benefit one or more courts by implementation, testing, promotion or replication of a program that is intended to improve the administration of the justice;
  2. The new project or other action will be implemented in the most efficient and cost-effective manner;
  3. The new project or other action is consistent with and is intended to further the Council's strategic plan, budget priorities, or operational plan; and
  4. The new project or other action is not prohibited by statute or California Rules of Court.

### **3.3 Reporting on Prior Year Allocations**

As soon as practical after the end of each calendar year, the Administrative Director or his/her designee must prepare, and submit to the Executive Committee for review and approval, an annual report to the Council and the Legislature on prior fiscal year project expenditures paid for from the Improvement Fund. This report must include, by category, the amount allocated, a description of major projects, and the progress towards meeting the outcomes of the approved projects and programs.

### **3.4 Audits**

The Administrative Director may request performance or financial audits of programs or projects paid for from the Improvement Fund.

### **3.5 Delegation Timeframe and Limitation**

The delegation of authority in these guidelines to the Administrative Director will remain in effect unless revoked. The Council may revoke the delegation at any time. The categories in section 3.2.B may only be changed by the Council.

## **Judicial Administration Efficiency and Modernization Fund Internal Guidelines**

### **1.0 Overview**

The Judicial Administration Efficiency and Modernization Fund (Modernization Fund) established by Government Code section 77213 as part of the Trial Court Funding Act of 1997 (Stats. 1997, ch. 850), was created to support statewide initiatives for ensuring the highest quality of justice in all of California's trial courts. Monies in the Modernization Fund are to be used for projects that promote improved access, efficiency, and effectiveness in the trial courts.

Government Code section 77213(b) allows the Judicial Council (Council), with appropriate guidelines, to delegate the administration of the Modernization Fund to the Administrative Office of the Courts (AOC).

### **2.0 Purpose**

In order to meet the critical needs of the courts and enable staff to commit funding on a timely basis, this policy establishes the guidelines by which the Council's Executive and Planning Committee (Executive Committee) is authorized to act on behalf of the Council with regard to the administration of the Modernization Fund, and the administration of the Modernization Fund is delegated by the Council to the AOC pursuant to Government Code section 77213(b) and the California Rules of Court (rule 10.11(d)), effective on January 1, 2007

### **3.0 Guidelines and Procedures**

In accordance with rule 10.11(d), the Executive Committee is hereby authorized to act on behalf of the Council regarding administration of the Modernization Fund, and the Council hereby delegates the administration of the Modernization Fund to the Administrative Director of the Courts (Administrative Director), as director of the AOC, or his/her designee, in accordance with the following guidelines:

#### **3.1 Approved Budget Categories and Projects; Guidelines for Changes**

- A. The Administrative Director must seek input from the Council, at its annual planning meeting, on future direction and program priorities, and consider that input in preparing the proposed budget required by this section.
- B. As soon as practical after passage of the annual state budget act each fiscal year, the Administrative Director or his/her designee must present to the Executive

Committee for review and approval a proposed budget of potential programs and projects to be paid from the Modernization Fund. Consistent with statutory requirements, the proposed budget must be divided into three categories:

1. Statewide technology projects, such as case management, human resources, and fiscal management systems;
2. Education and developmental programs; and
3. Pilot projects, special initiatives and ongoing programs.

C. After approving the proposed budget as presented or as modified by the Executive Committee, the Executive Committee may thereafter amend the budget, including, but not limited to, approving new projects and programs that create an ongoing obligation on the Modernization Fund.

D. After the Executive Committee's approval of the proposed budget, the Administrative Director or his/her designee may:

1. Approve new projects and programs during the fiscal year within the approved funding level of each of the three budget categories set forth in section 3.1.B above;
2. Approve changes to, defer, or eliminate programs or projects in the approved budget, including, but not limited to, changing the amount allocated to the program or project, if the changes, deferrals, or eliminations do not result in a transfer of funding from any budget category to another in excess of that permitted by section 3.1.D.4 below;
3. Transfer up to 20 percent of the budget from any of the three budget categories in section 3.1.B to any other category; and
4. Transfer any funding that is unexpended or unencumbered as of June 1 to any program or project that may be funded by the Modernization Fund.

E. The Administrative Director or his/her designee may approve new projects and programs or take the other actions provided for in section 3.1.D above only if:

1. The new project will benefit one or more courts by implementation, testing, promotion or replication of a program that is intended to improve the administration of the justice;
2. The new project or other action will be implemented in the most efficient and cost-effective manner;
3. The new project or other action is consistent with and is intended to further the Council's strategic plan, budget priorities, or operational plan; and

4. The new project or other action is not prohibited by statute or California Rules of Court.

### **3.2 Reporting on Prior Year Expenditures**

As soon as practical after the end of each calendar year, the Administrative Director or his/her designee must prepare, and submit to the Executive Committee for review and approval, an annual report to the Council and the Legislature on prior fiscal year project expenditures paid for from the Modernization Fund. This report must include, by category, the amount expended and encumbered, a description of major projects, and the progress towards meeting the outcomes of the approved programs and projects.

### **3.3 Audits**

The Administrative Director may request performance or financial audits of programs or projects paid for from the Modernization Fund.

### **3.4 Delegation Timeframe and Limitation**

The delegation of authority in these guidelines to the Administrative Director will remain in effect unless revoked. The Council may revoke the delegation at any time. The categories in section 3.1.B may only be changed by the Council.