

**BENCH-BAR COALITION (BBC)**  
**Quarterly Membership Meeting: Monday, July 25, 2022; 4:00 p.m. – 5:00 p.m.**  
**Zoom Meeting Room**  
**Room Opens at 3:55 p.m.**

**AGENDA**

- I. **Welcome/Introductions** (5 minutes)  
*Hon. Paul Bacigalupo & Mr. Michael Johnson, BBC Cochairs*
- II. **Update from the Judicial Council** (20 minutes)  
*Mr. Martin Hoshino, Administrative Director, Judicial Council of California;*  
*Mr. Cory Jaspersen, Director, Judicial Council Governmental Affairs*
- [Judicial Branch Budget Memo](#)
- III. **Bench-Bar Coalition Activities** (10 minutes)  
*BBC Leadership and Members*
- 2022 Nominations for open positions
  - 2022 BBC Survey results
- IV. **Legal Community Updates:** (15 minutes)  
*(Individuals appearing in **bold** have confirmed their availability to participate in today's call.)*
- State Bar of California,**  
*Ms. Leah Wilson, Executive Director, State Bar of California*  
*Ms. Elizabeth Hom, Office of Access & Inclusion, State Bar of California*  
*M. Doan Nguyen, Office of Access & Inclusion, State Bar of California*
- California Lawyers Association**  
*Mr. Jeremy Evans, President*  
*Mr. Oyango Snell, CEO and Executive Director*  
*Mr. Saul Bercovitch, Director, Governmental Affairs*
- Legal Services and the California Commission on Access to Justice**  
*Hon. Mark A. Juhas, Chair, California Commission on Access to Justice*  
*Mr. Jack Londen, Executive Director, California Commission on Access to Justice*
- California Judges Association**  
*Hon. Rupert Byrdsong, President*  
*Ms. Nicole Virga Bautista, Executive Director*  
*Mr. Mike Belote, Legislative Advocate*  
*Mr. Cliff Costa, Legislative Advocate*
- American Bar Association**  
*Ms. Ruthe Ashley, California Bench-Bar Coalition Liaison to the ABA*  
*Ms. Elizabeth Meyers, California representative on the ABA Board of Governors*
- Conference of California Bar Associations**  
*Mr. Matt Schechter, Chair*
- Calendar Review and Adjournment** (5 minutes) *(attachment)*
- **Monday, August 8, 2022:** 4:00-5:00 p.m., Ratification of Executive Committee, Virtual Meeting
  - **Monday, August 1, 2022:** Legislature reconvenes from summer recess.
  - **Friday, September 16, 2022:** 10:00 a.m. – noon, Annual BBC In-Person Fall Meeting, San Diego
  - **Monday, October 24, 2022:** 4:00–5:00 p.m., BBC Quarterly Membership Meeting

*For further information and resources please visit [www.courts.ca.gov/partners/bbc.htm](http://www.courts.ca.gov/partners/bbc.htm)*



## JUDICIAL COUNCIL OF CALIFORNIA

2860 Gateway Oaks Drive, Suite 400 • Sacramento, California 95833-4336

Telephone 916-263-7885 • Fax 916-263-1966 • TDD 415-865-4272

---

### MEMORANDUM

---

**Date**

June 28, 2022

**Action Requested**

For Your Information

**To**

Judicial Officers, Court Administrators, and  
Employees of the California Judicial Branch

**Deadline**

N/A

**From**

Martin Hoshino, Administrative Director  
Judicial Council

**Contact**

Zlatko Theodorovic  
Deputy Director, Budget Services  
916-263-1397 phone  
zlatko.theodorovic@jud.ca.gov

**Subject**

2022–23 Judicial Branch Budget

---

“This year’s budget represents an unprecedented investment in our judicial branch, and I thank the Governor and Legislature for their continued dedication to providing access to justice with sustainable funding for our courts.

In supporting access to justice, this budget will fund significant investments in technology, provide critically needed judgeships and courthouses, and expand remote access to court proceedings that played a key role during the pandemic.

As we emerge from the effects of the pandemic, this historic budget will benefit all Californians who depend on a functioning justice system.”

Tani G. Cantil-Sakauye

The Budget Act of 2022, signed into law by Governor Newsom on June 27<sup>th</sup>, along with changes anticipated to be approved later this week which reflects the budget agreement between the Governor and the Legislature, represents a historic budget for the judicial branch and reflects the tireless work by the Chief Justice to secure adequate, stable and sustainable funding. For the first time, trial court statewide average funding will exceed 92 percent of the estimated workload need. This is a remarkable achievement resulting from a series of incremental increases made since 2012-13 when trial courts were funded at a mere 55 percent of workload need. Comparing more recently, this budget marks a significant improvement over the 2020-21 average funding

level of 74.3 percent as the courts faced the COVID-19 pandemic. In short, this is the largest ongoing budget in branch history.

The budget addresses core structural funding issues including trial court workload, equity, operational cost increases, and civil assessments. These funding issues have been long standing priorities of the Chief Justice, Judicial Council and the courts in support of improved access for the public. Additionally, with these critical ongoing investments comes increased accountability reporting to the Legislature on various trial court operational and budgetary metrics.

Other key budget proposals include additional funding for branchwide technology modernization, data governance, 23 new judgeships, dependency counsel, legal aid programs, additional facilities maintenance/modifications, and new courthouse construction.

The budget provides a total of \$1.2 billion in new operational and facility funding for the judicial branch.

### Judicial Branch Funding for FY 2022–23

Judicial Branch Entity	Total Funding (\$ in millions)
Supreme Court	\$54.9 m
Courts of Appeal	\$276.0 m
Trial Courts	\$3,925.9 m
Judicial Council	\$371.7 m
Judicial Branch Facility Program	\$718.2 m
Habeas Corpus Resource Center	\$18.7 m
<b>Subtotal, Operational Budget</b>	<b>\$5,365.4 m</b>
Offset from Local Property Tax Revenue	-\$128.4 m
<b>Adjusted Operational Budget</b>	<b>\$5,237.0 m</b>
Less Nonstate Funds <sup>1</sup>	-\$180.7 m
Adjusted Operational Budget, State Funds	\$5,056.3 m
<b>Court Construction Projects<sup>2</sup></b>	<b><u>\$389.5 m</u></b>
<b>Total Funding</b> (Sum of Adjusted Operational Budget & Court Construction Projects) <sup>3</sup>	<b>\$5,626.5 m</b>

**Note:** Some totals will not be exact because of rounding.

<sup>1</sup> Includes federal funds and reimbursements.

<sup>2</sup> Includes additional funding for current projects.

<sup>3</sup> Includes General Fund; special, bond, federal, and non-governmental cost funds; and reimbursements, and is the total of Adjusted Operational Budget and Court Construction Projects funding.

## **Trial Courts**

**Support for Trial Court Operations:** \$184.2 million ongoing General Fund to address core structural funding needs for the trial courts. This amount includes \$84.2 million, associated with a 3.8 percent Consumer Price Index adjustment for trial court operational costs due to general inflationary pressures facing all government operations. The remaining \$100 million is proposed to be allocated by the Judicial Council to promote fiscal equity among the trial courts.

**Trial Court Operational and Budgetary Data Reporting:** As required by budget bill language, an annual report from the Judicial Council by February 1 of each year to the Legislature on the operations of each trial court with various operational and budgetary metrics, including but are not limited to, time to disposition and case clearance rates by case type, backlogs by case type, court hours of operations including public counter hours, staff vacancy rates by classification, fund balance detail from the prior fiscal year, the calculated funding level of each court and the percent of funding actually provided to each court, and the funding level of each trial court as measured by the Judicial Council—approved workload formula.

**Criminal Remote Proceedings:** Effective July 1, 2022, pending criminal remote legislation allows a defendant to consent to a remote appearance in misdemeanor and felony proceedings, with the exception of trial and felony sentencing. The parties and the court may consent to a remote appearance by a witness in criminal proceedings except for felony trials, and attorneys may appear remotely when appropriate. The legislation sunsets on January 1, 2024.

**Trial Court Trust Fund Backfill:** \$151.5 million General Fund backfill for the Trial Court Trust Fund (TCTF) related to the continued decline in civil fee and criminal fine and penalty revenues expected in 2022–23.

**Civil Assessment Fee Revenue Backfill:** \$110 million General Fund in 2022-23 and \$100 million General Fund annually thereafter to backfill civil assessment fee revenue loss due to the reduction in the amount of the civil assessment from \$300 to \$100 and elimination of prior debt. Civil assessment revenues will be deposited into the General Fund rather than the TCTF.

**Community Assistance, Recovery, and Empowerment (CARE) Act Implementation:** \$39.5 million General Fund in 2022-23 and \$37.7 million General Fund annually thereafter to fund implementation of the proposed CARE Act. The resources would address costs to the judicial branch related to conducting additional hearings, expanding self-help centers, supporting program administration at the trial courts, and updating court case management systems.

**Additional Legal Aid Funding:** A total of \$45 million one-time General Fund to fund additional legal aid services, of which \$15 million is for a consumer debt protection and \$30 million is for eviction defense.

**Firearm Relinquishment:** \$40 million one-time General Fund, available for expenditure for three fiscal years, to support court-ordered firearm relinquishment pilot programs.

**Superior Court Judgeships:** \$39.9 million General Fund in 2022-23 and \$39.1 million annually thereafter for 23 additional superior court judgeships. The Budget also proposes funding to address the increased security needs placed on counties because of the additional judgeships.

**Dependency Counsel:** \$30 million ongoing General Fund and \$9 million reimbursements (Title IV-E federal funding) to address updated cost assumptions in the dependency counsel funding model.

**State Level Judiciary Employee and Judicial Officers Costs:** \$36.9 million in General Fund and \$234,000 increase in other funds to adjust retirement costs, and prior year salary and benefit costs for employees of the Supreme Court (\$1.5 million), Courts of Appeal (\$7.8 million), Judicial Council (\$7.1 million), Habeas Corpus Resource Center (\$562,000), Compensation for Superior Court Judges (\$19.5 million), and Assigned Judges (\$693,000).

**Court Appointed Special Advocate (CASA) Funding:** \$20 million one-time General Fund for support of CASA programs across the state.

**Trial Court Employee Costs:** \$20.9 million ongoing General Fund for increased trial court employee health benefits costs, based on updated trial court benefit and retirement costs.

**Filing Fees Waiver:** \$18 million ongoing General Fund to backfill branch funds related to an increase in the income threshold for automatic filing fee waivers in civil cases.

**Chapter 257, Statutes of 2021 (Assembly Bill (AB) 177) – Administrative Fees:** \$10.3 million ongoing General Fund to backfill revenues lost from the repeal of fees in AB 177.

**Incompetent to Stand Trial/Alienist Training Program:** \$5 million in reimbursement authority to develop a training program to improve the quality of evaluations that are utilized by the courts to make determinations regarding a defendant's competency status. These funds will be provided by the Department of State Hospitals (DSH), who will serve as a consultant partner with the Judicial Council in the development of the training.

**Legal Counsel in Tribal Child Welfare Cases:** \$300,000 ongoing General Fund for the Judicial Council to support the state's effort to provide legal counsel in tribal child welfare cases.

**Carry-over Pretrial Funding:** Budget bill language allowing trial courts to carry-over the unexpended balances of the \$70 million of ongoing pretrial related fund into 2022-23.

**Court Reporter Budget Bill Language:** Amended budget bill language related to the expenditure of \$30 million ongoing court report funding. The amendments would allow the funds to be used for recruitment and retention purposes, filling existing vacancies, converting part-time positions into full time positions, increasing salary schedules, and providing signing

and retention bonuses to enable trial courts to compete with private employers in the labor market.

### **Judicial Entities at the State Level**

**Courts of Appeal Court-Appointed Counsel:** \$8.3 million ongoing General Fund to support the Courts of Appeal Court Appointed Counsel Program. This total amount includes a \$6.4 million ongoing General Fund for a \$15 rate increase for non-capital appeal appointments and \$1.9 million for a permanent 10.5 percent increase in the Project Offices annual contracts.

**Chapter 417, Statutes of 2021 (AB 1194) - Conservatorship:** \$1.3 million one-time in 2022–23 to support costs of conducting a comprehensive study of probate conservatorships in California and developing statewide recommendations, as required by Assembly Bill 1194.

**Public Access Staffing:** \$1.1 million ongoing General Fund to address the rapidly increasing volume and complexity of work related to requests for legal guidance on and support for public access requirements for judicial branch administrative records and proceedings.

**General Fund Support for the State Trial Court Improvement and Modernization Fund (IMF):** Budget bill language, which would authorize General Fund backfill to the IMF, to ensure critical trial court programs are funded. Because of declining fines and fees to the IMF, resources may be insufficient to support Judicial Council approved allocations. Budget bill language was also adopted to require additional reporting on IMF programs.

**Establishment of Judicial Council Climate Change Unit:** \$1.2 million ongoing General Fund to establish a unit within the council to provide ongoing training, technical assistance, and legal support to California’s trial courts on environmental and climate change issues.

**Rent Costs:** \$740,000 for rent increases in buildings occupied by the Supreme Court, Courts of Appeal, Judicial Council, and Habeas Corpus Resource Center.

### **Judicial Branch Technology Modernization**

**Branchwide IT Modernization:** \$34.7 million General Fund in 2022-23 increasing to \$40.3 million in 2025-26 and ongoing to support Judicial Branch modernization and stabilization efforts for the Supreme Court, Courts of Appeal, and trial courts. These investments will also support initiatives that promote public access to digital records and court proceedings by expanding electronic case filing, digitizing court documents, enabling online dispute resolutions, and enhancing remote proceedings. The funds will also be used to recruit managers, project managers, engineers, development architects, and security staff to support these investments.

**Judicial Branch Data Governance:** \$15 million General Fund in 2022-23 and \$3.8 million annually thereafter to implement a data and information framework to improve data collection

from trial and appellate courts. This investment will enhance the ability of all three branches of government to assess court programs.

**Chapter 526, Statutes of 2021 (AB 716) - Remote Access to Court Proceedings:** \$33.2 million General Fund for two years and \$1.6 million annually thereafter to implement and support remote access to courtroom proceedings pursuant to AB 716. Specifically, these resources will be used to provide a publicly accessible audio stream for every courthouse in the state

**Chapter 681, Statutes of 2021 (AB 887) – Domestic Violence Restraining Orders and Chapter 686, Statutes of 2021 (SB 538) – Gun Violence Restraining Orders:** \$2.6 million in 2022–23 and \$1.7 million annually thereafter to implement and support electronic filing interfaces for domestic violence restraining orders, domestic temporary restraining orders, and gun violence restraining orders for all trial courts as required by AB 887 and SB 538.

### **Judicial Branch Facilities**

**Trial Court Facility Modifications:** \$15.4 million ongoing General Fund for critical building repairs in the trial courts and Courts of Appeal, mitigating the overall risk of building system failures, and an additional \$4 million in reimbursement authority to reflect additional funding from counties.

**San Diego Hall of Justice:** \$29.7 million one-time General Fund to fund facility modifications related to the repair of existing elevators, escalators, and the air conditioning system at the Hall of Justice in San Diego County.

**New Judgeships Facility Modification:** \$24.3 million one-time General Fund for facility modifications to accommodate new judgeships in existing or leased trial court facilities. Seventeen new judgeships and associated support staff will be accommodated to improve service to the public in seven superior court jurisdictions (Fresno, Kern, Madera, Placer, Riverside, San Bernardino, and Stanislaus).

**San Diego East County Regional Center:** \$15.3 million one-time General Fund to fund facility modifications that correct fire, life, and safety deficiencies at the East County Regional Center in San Diego County.

**Courthouse Lactation Facilities:** \$15 million one-time General Fund to expand lactation facility access in the courts.

**Orange County - Central Justice Center:** \$11.3 million one-time General Fund to support facility modification projects that resolve deficiencies by expanding the fire, life, and safety systems at the Central Justice Center in Orange County. This request is for an augmentation to 2021-22 funding to complete this project in full.

**State Court Facilities Construction Fund (SCFCF) Solvency:** Budget bill language to allow for a General Fund backfill, to the extent revenues decline and are not sufficient to support SCFCF obligations.

**Court Facilities Trust Fund Reimbursement Authority Increase:** An ongoing increase of \$4.4 million in reimbursement authority to accommodate increases in utilities and maintenance expenditures in shared facilities.

## **Capital Outlay**

The Judicial Branch Capital Outlay budget appears as a separate line item in the Budget Act.

**Court Construction:** \$165.6 million General Fund and \$220 million Public Buildings Construction Fund in 2022-23 for funding new projects and continued funding of previously approved projects and \$3.9 million General Fund for various reappropriations:

### New projects:

- Los Angeles County – New Santa Clarita Courthouse – \$41.7 million for Acquisition and \$11.3 million for Performance Criteria
- Plumas County – New Quincy Courthouse – \$4.0 million for Acquisition and \$3.1 million for Performance Criteria
- Solano County – New Solano Hall of Justice (Fairfield) - \$16.5 million for Acquisition and \$4.9 million for Performance Criteria
- Fresno County – New Fresno Courthouse - \$21.2 million for Acquisition
- San Luis Obispo County – New San Luis Obispo Courthouse - \$29.2 million for Acquisition
- New Judgeship Courtroom Buildouts — \$29.6 million General Fund for the build out of shelled courtrooms and support spaces for new judgeships in existing trial court facilities. Five new judgeships and associated support staff will be accommodated among four superior court jurisdictions (Kings, Sacramento, San Joaquin, and Sutter).

### Previously approved projects:

- Mendocino County – New Ukiah Courthouse – \$136.3 million for Design-Build
- Butte County – Juvenile Hall Addition and Renovation – \$3.4 million for Construction
- San Bernardino County – Juvenile Dependency Courthouse Addition and Renovation - \$0.7 million for Working Drawings
- Lake County - New Lakeport Courthouse \$77.2 million for Design-Build
- Stanislaus County - New Modesto Courthouse – \$6.5 million for Construction including the cost to build out a courtroom for a new judgeship.

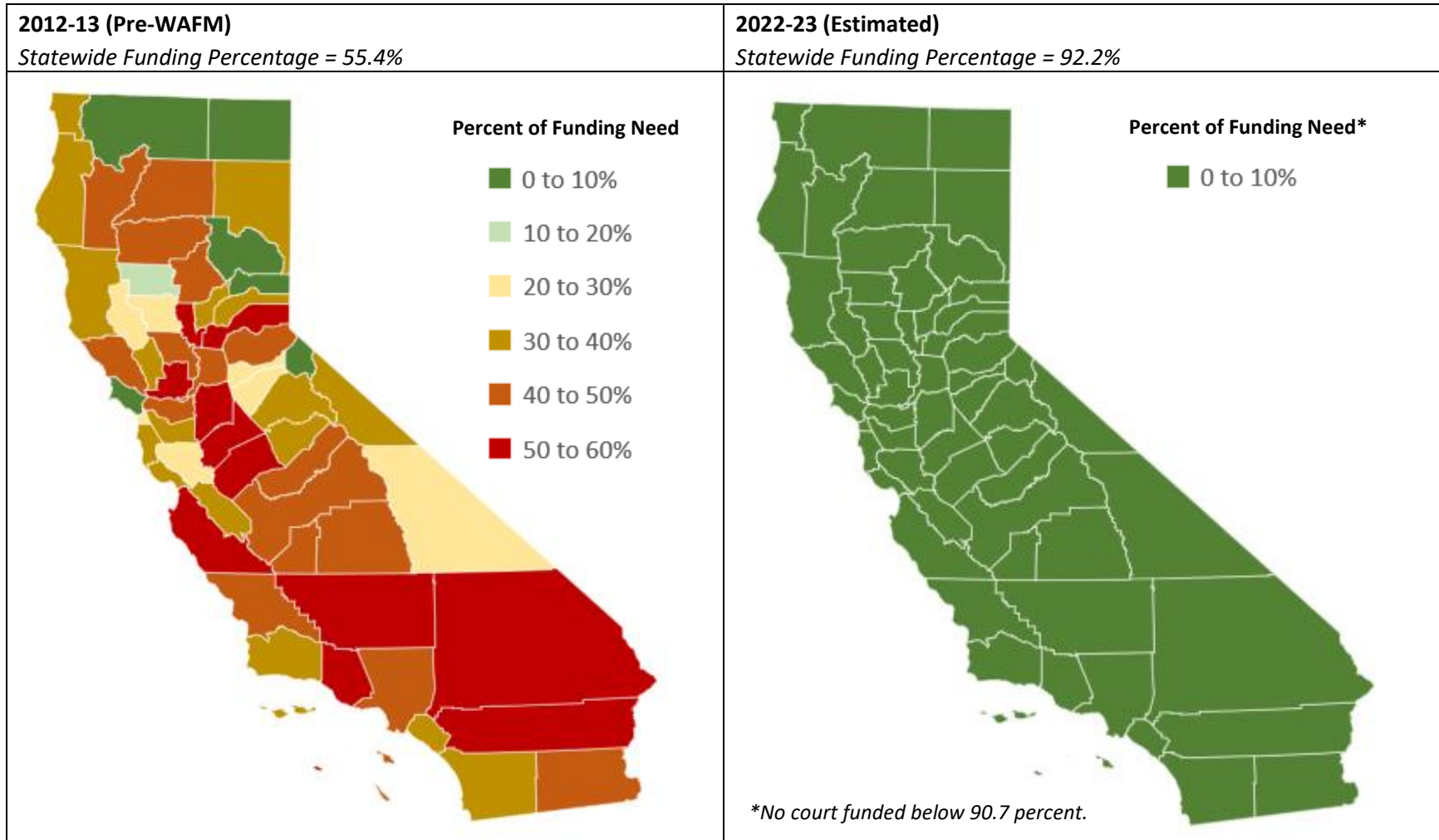


Various Reappropriations:

- Butte County – Juvenile Hall Addition & Renovation (\$328,000 for Working Drawings)
- Monterey County – New Fort Ord Courthouse (\$3,101,000 for Performance Criteria)
- San Bernardino County – Juvenile Dependency Courthouse Addition & Renovation (\$479,000 for Preliminary Plans)

MH/zt

# Judicial Council of California Workload Formula Funding Comparison



*History of trial court funding:*

- Trial Court Funding Act of 1997 which shifted funding for courts from the county level to the state.
- 2012-13 – Before implementation of the Judicial Council-approved Workload-Based Allocation & Funding Formula (WAFM).
- 2013-14 – Implementation of the five-year WAFM funding plan.
- 2018-19 – Implementation of the current Workload Formula.
- 2022-23 – Reflects proposed funding included in the 2022-23 Governor’s Budget; includes \$110 million civil assessment backfill.