

BENCH-BAR COALITION (BBC)
Quarterly Membership Conference Call: Monday, January 24, 2022; 4:00 p.m. – 5:00 p.m.
Zoom Virtual 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

- Overview of Governor's proposed FY 2022-2023 State Budget (*attached*)

III. Bench-Bar Coalition Activities (15 minutes)

BBC Leadership and Members

- Chairs Update: *Hon. Paul Bacigalupo & Mr. Michael Johnson*
- BBC Workgroup Update: *Hon. Audra Ibarra*

IV. Legal Community Updates: (15 minutes)

(Individuals whose names are 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*

Ms. Ellen Miller, Interim Co-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

V. Calendar Review and Adjournment (5 minutes)

- **Monday, April 25, 2022:** 4:00–5:00 p.m., BBC Quarterly Membership Meeting
- **Monday, July 25, 2022:** 4:00–5:00 p.m., BBC Quarterly Membership Meeting
- **Monday, October 24, 2022:** 4:00–5:00 p.m., BBC Quarterly Membership Meeting



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MEMORANDUM

Date

January 10, 2022

Action Requested

For Your Information

To

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

Deadline

N/A

From

Martin Hoshino, Administrative Director
Judicial Council

Contact

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

Subject

2022–23 Judicial Branch Budget

The Governor’s proposed fiscal year 2022–23 budget provides a historic \$5.2 billion in operating and facility funds for the judiciary—the largest ever budget for the judicial branch of government. The proposal, which has \$890.6 million in new funding (\$759.2 million General Fund and \$131.4 million other funds), reflects the funding priorities of the Chief Justice to advance equal access to justice for all Californians.

Investment in core structural funding for the judicial branch includes an unprecedented infusion of ongoing funding to increase equal access for the public by: 1) promoting fiscal equity among the trial courts, 2) providing another Consumer Price Index adjustment for the second consecutive year for trial court cost increases, 3) creating 23 new superior court judgeships, 4) promoting branchwide information technology modernization and data governance, 5) increasing backfill for declining civil assessment revenues, and 6) continuing support for courthouse construction and facility modifications. Generally, in years of budget surpluses, many areas of government receive additional monies for one-time investments. The significant level of ongoing funding for the court system included in this year’s budget proposal supports sustainable improvement consistent with the judicial branch’s strategic goal for “adequate, stable, and predictable funding for a fully functioning branch.”

The breakdown of the proposed 2022–23 Governor’s Budget for all judicial branch entities is as follows:

Judicial Branch Entity	Proposed Total Funding Level
Supreme Court	\$54.9 m
Courts of Appeal	\$279.5 m
Trial Courts	\$3,796.9 m
Judicial Council	\$300.0 m
Judicial Branch Facility Program	\$622.5 m
Habeas Corpus Resource Center	\$18.7 m
Subtotal, Operational Budget	\$5,072.5 m
Offset from Local Property Tax Revenue	-\$128.4 m
Adjusted Operational Budget	\$4,944.1 m
Less Nonstate Funds ¹	-\$162.3 m
Adjusted Operational Budget, State Funds	\$4,781.8 m
New Court Construction Projects	\$262.9 m
Total Funding²	\$5,207.0 m

¹ Non-state funds include federal funds and reimbursements.

² Includes General Fund; special, bond, federal, and non-governmental cost funds; and reimbursements.

Specifics on the proposals that provide the foundation for budget discussions with the Legislature and the executive branch over the next several months are outlined below:

Operations for Trial Courts and Judicial Entities – \$482.6 Million

Trial Court Equity Funding: \$100 million ongoing General Fund to be allocated by the Judicial Council to expand equal access and promote greater fiscal equity, and materially reduce the funding gap between trial courts.

Consumer Price Index Adjustment: \$84.2 million ongoing General Fund to provide a 3.8 percent Consumer Price Index adjustment in recognition of trial court operational cost pressures due to inflation. These funds are intended to benefit all trial courts.

New Trial 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 due to the additional judgeships.

Trial Court Trust Fund Revenue Backfill: \$167.8 million General Fund backfill for the Trial Court Trust Fund. Of this amount, \$117.8 million General Fund is to address the continued decline in civil fee and criminal fine and penalty revenues expected in 2022–23. The remaining \$50 million General Fund is to backfill civil assessment fee revenue loss due to a reduction in the civil assessment from \$300 to \$150. The Administration will submit trailer bill language to effectuate this change.

Trial Court Employee Costs: \$28.7 million General Fund for trial court employee health benefits and retirement costs.

State Level Judiciary Employee and Judicial Officer Costs: \$36.9 million General Fund and \$234,000 in other funds to adjust retirement and salary and benefit costs previously approved in the Budget Act of 2021 for employees of the Supreme Court: \$1.5 million, Courts of Appeal: \$7.8 million, Judicial Council: \$7.1 million, the Habeas Corpus Resource Center: \$562,000, and compensation for superior court judges: \$19.5 million, and assigned judges: \$693,000.

Chapter 257, Statutes of 2021 (Assembly Bill (AB) 177) – Administrative Fees: \$13.4 million ongoing General Fund to backfill revenues lost from the repeal of fees in AB 177.

Courts of Appeal Court-Appointed Counsel: \$8.3 million ongoing General Fund to support the Courts of Appeal Court-Appointed Counsel Program. This amount includes \$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 General Fund in 2022–23 to conduct a comprehensive study of probate conservatorships in California and develop statewide recommendations, as required by AB 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 and support with public access requirements for judicial branch administrative records and proceedings.

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

General Fund Support for the State Trial Court Improvement and Modernization Fund (IMF): The Administration proposes budget bill language, which would authorize General Fund backfill to the IMF, to ensure critical trial court programs are funded. Due to declining fines and fees to the IMF, there may be insufficient resources to support Judicial Council-approved allocations.

Judicial Branch Technology Modernization – \$85.5 Million

Branchwide Information Technology 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 for additional 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, providing tools for court staff to increase consistency and reliability of statewide reported data. This investment will enhance the ability of all three branches of government to assess court programs and resource needs.

Chapter 526, Statutes of 2021 (AB 716) – Remote Access to Court Proceedings: \$33.2 million General Fund each year 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 (Senate Bill (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 – \$322.3 Million

State Court Facilities Construction Fund: \$40 million one-time General Fund in 2022–23 to backfill the Fund and maintain existing service levels. This construction fund, which covers a range of costs including facility modifications, repairs, and debt service, has a structural deficit due to a decline in fine and fee revenues.

Trial Court Facility Modifications: \$15.4 million ongoing General Fund for critical building repairs in the trial courts and an additional \$4 million in reimbursement authority to reflect additional funding from counties.

Court Construction: \$135.8 million General Fund and \$127.2 million Public Buildings Construction Fund in 2022–23 for funding new projects and continued funding of previously approved projects:

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

Additional Funding for Previously Approved Projects

- Mendocino County – New Ukiah Courthouse – \$127.2 million for Design-Build
- Butte County – Juvenile Hall Addition and Renovation – \$3.2 million for Construction
- San Bernardino County – Juvenile Dependency Courthouse Addition and Renovation – \$721,000 for Working Drawings

Next Steps on Judicial Branch Budget

This proposed budget sets the stage for the next phase of the state’s budget development cycle for the 2022–23 fiscal year that begins on July 1, 2022. This will include further discussions with the Administration, legislative hearings, meetings with legislators and their staff, a May Revision to the Governor’s Budget, and an intensive period of legislative activity to pass a balanced budget by the June 15 constitutional deadline.

The proposed 2022–23 Governor’s Budget may be reviewed in its entirety at: www.ebudget.ca.gov.