



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

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February 4, 2005

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Suite 3021
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Mr. Gregory P. Schmidt
Secretary of the Senate
State Capitol, Room 400
Sacramento, CA 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, CA 95814

RE: Annual Report of Special Funds Expenditures for Fiscal Year 2003–2004

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

Pursuant to the reporting requirements set forth in Government Code section 77209 (i), regarding the Trial Court Improvement Fund, and in the Supplemental Report of the 2000 Budget Act, Item 0450-101-0932---Trial Court Funding, pertaining to the Judicial Administration Efficiency and Modernization Fund, the Judicial Council respectfully submits the Annual Report of Special Funds Expenditures for fiscal year 2003–2004.

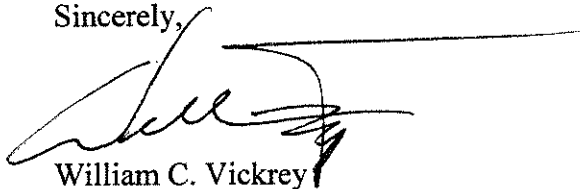
Funding provided by the Trial Court Improvement Fund and the Judicial Administration Efficiency and Modernization Fund represents an essential component of the judicial branch

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budget. These funding sources are the foundation to essential statewide services, ongoing technology programs and infrastructure needs, education and development programs, and provide the critical funding necessary to support innovative and model programs, pilot projects, and other special initiatives. The programs and initiatives detailed in this report highlight many of the judicial branch's efforts to ensure that all Californians have access to a fair system of open and equal justice.

Should you have any questions, please contact Ms. Christine Hansen, Director, Administrative Office of the Courts Finance Division, by phone at (415) 865-7951 or via e-mail at tina.hansen@jud.ca.gov.

Sincerely,



William C. Vickrey
Administrative Director of the Courts

WCV/ob

Attachments

cc: Alex MacBain, Consultant, Senate Committee on Budget and Fiscal Review
Steve Kawamura, Senior Consultant, Assembly Budget Committee
Greg Jolivette, Director, Legislative Analyst's Office
Koreen Hansen, Budget Analyst, Department of Finance
Members of the Judicial Council
Ronald G. Overholt, Chief Deputy Director, AOC
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Eraina Ortega, Senior Governmental Affairs Analyst, Office of Governmental Affairs, AOC

Report to the Judicial Council and the Legislature

**Annual Report of Special Funds Expenditures
for
Fiscal Year 2003–2004**

Pursuant to reporting requirements set forth in the
Government Code Section 77209(i)
(Trial Court Improvement Fund - 0159)
and
Supplemental Report of the 2000 Budget Act
(Item 0450-101-0932 -- Trial Court Funding)

January 28, 2005

**Administrative Office of the Courts
William C. Vickrey, Administrative Director of the Courts**

**Report to the Judicial Council and the Legislature:
Annual Report of Special Funds Expenditures for Fiscal Year 2003–2004
January 28, 2005**

Introduction

The Trial Court Improvement Fund (Improvement Fund) was created to improve court management and efficiency, case processing, and timeliness of trials. Government Code (GC) section 77209 (Chapter 1211, Statutes of 1997), subsection (g), authorizes the Judicial Council (council) to administer monies deposited in the Improvement Fund and allows the council, “with appropriate guidelines,” to delegate administration of the fund to the Administrative Office of the Courts (AOC). In accordance with GC 77209 (g), the council has approved internal guidelines to provide management and staff with general policies and procedures for allocating funds from the Improvement Fund and tracking expenditures on an annual basis. The Judicial Administration Efficiency and Modernization Fund (Modernization Fund), established by GC 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. Funding provided from the Modernization Fund is designated for use for projects that promote improved access to, efficiency of, and effectiveness in the trial courts.

Annual Report

Pursuant to GC section 77209(i), the council is required to annually report to the Legislature on the expenditures from the Improvement Fund. In addition, language in the Supplemental Report of the 2000 Budget Act (Item 0450-101-0932 -- Trial Court Funding) requested an annual reporting of expenditures from the Modernization Fund. In accordance with the statutory requirement and legislative intent identified in the Supplemental Report, the council submits this report to the Legislature.

Funding Sources and Restrictions (refer to Attachments A and B)

The Improvement Fund (Attachment A) is continuously appropriated and has a variety of funding sources, including annual deposits from the 2% Automation Fund, 50/50 Excess Fines Split, interest from the Surplus Money Investment Fund, and a transfer from the Trial Court Trust Fund (TCTF). The transfer of these funds has specific restrictions such as reserving at least one-half of the one percent transfer for a specified time-period unless allocated to a court or courts for urgent needs¹. The Modernization Fund (Attachment B) is appropriated annually in the state Budget Act.

For FY 2003–2004, expenditures from the special funds were made in the following categories:

¹ At its September 17, 2004 meeting, the Executive and Planning Committee temporarily extended this from March 15 to June 30 in order to create an emergency fund to address current year and budget year trial court budget needs.

Improvement Fund (refer to Attachment A, page 2)

• Ongoing funding for court base operations	\$42,470,374
• Ongoing statewide programs	11,957,711
• Trial court projects and model programs	5,908,260
• Emergency funding reserve	<u>242,290</u>

Total Expenditures by Category: \$60,578,635²

Modernization Fund (refer to Attachment B, page 1)

• Statewide technology projects	\$22,249,951
• Education and developmental programs	1,700,102
• Pilot projects, special initiatives and ongoing programs	<u>5,384,587</u>

Total Expenditures by Category: \$29,334,640

Fiscal Year 2003–2004 Expenditures

Improvement Fund (refer to Attachment A, page 2)

In FY 2003–2004, the council expended \$60.579 million from the Improvement Fund. Most of the projects funded by the Improvement Fund represent ongoing efforts or initiatives that support current trial court operations, programs that most courts would not otherwise be able to provide or absorb within their base operations. Since the passage of the Trial Court Funding Act of 1997 (Chapter 850, Statutes of 1997), the state has been responsible for fully funding trial court operations. Consonant with this change, the AOC has been responsible for developing and implementing a statewide infrastructure to provide services that were previously provided by the counties. The following represents critical efforts of statewide importance as well as direct support for the trial courts provided from the Improvement Fund:

Category 1: Ongoing funding for Court Base Operations: \$42.470 million (refer to Attachment A, page 3)

The purpose of this funding is to support unfunded trial court operations and various operational needs, including:

- Otherwise unfunded or underfunded trial court base operations and negotiated salary increases;
- 2% Automation (automated record keeping system improvements pursuant to GC 68090.8);
- Funding for courts with insufficient resources; and

² Total fund net expenditures amount to \$60,798,964. This takes into account \$603,248 in pro rata directly charged to the fund and an accrual adjustment of -\$382,919.

- Baseline Funding to address FY 1996–1997 under-reported operational court costs.

Category 2: Ongoing Statewide Programs: \$11.958 million (refer to Attachment A, page 4)
Funding originally provided for ongoing statewide programs in prior fiscal years continued in FY 2003–2004 for the support of several innovative programs that enhance the provision of justice throughout the state. Some of these initiatives include the following:

- *Litigation Management Program*

Section 811.9 of the California Government Code requires the Judicial Council to provide for the representation, defense, and indemnification of the state's trial courts, trial court judicial officers, and trial court employees. The council has established the Litigation Management Program and allocated funds to pay for defense and indemnification as required by the code. The funds are used to pay the costs of defense, including fees for attorneys from the Attorney General's Office and private counsel, and to pay settlements and judgments. Unspent funds carry over to the next year in order to cover pending obligations.

- *Commission on Judicial Performance (CJP) Defense Insurance*

In 1999, the Judicial Council approved the insurance program as a comprehensive loss prevention program. CJP Defense Insurance is for purposes of (1) providing cost effective, efficiently administered, and uniform insurance for all State of California justices, judges, and subordinate judicial officers as to CJP complaints; (2) protecting judicial officers from exposure to excessive financial risk for acts committed within the scope of the judicial duties; and (3) lowering the risk of conduct that could develop into increased complaints through required ethics training for judicial officers.

- *Trial Court Transactional Assistance Program*

This is a statewide program through which legal counsel is retained by the AOC's Office of the General Counsel. The program provides essential legal assistance (advice and representation) for the trial courts in a variety of transactional matters, including negotiating, drafting, and reviewing court-county memoranda of understanding (MOUs), technology-related and facilities-related contracts, and contracts to procure goods and services as well as legal assistance on judicial administration and other court operations matters. Before the Trial Court Funding Act of 1997 (TCFA), many of these services had been provided to the courts by their counties. Since enactment of the TCFA, counties no longer provide such services and, with regard to court-county MOUs, could not do so inasmuch as the counties have clear conflicts of interest with the courts. Providing these essential legal services through counsel that are centrally retained and managed increases

branchwide efficiency, improves the quality of legal advice, and enhances consistency among the courts in addressing similar issues.

➤ *Self-Represented Litigants—Strategic Planning*

The Judicial Council adopted an objective as part of its operational plan that every trial court should have an action plan for serving self-represented litigants. It also adopted an objective that the number of self-help centers should be increased. Project funds enable courts to meet these objectives. The program for action planning and implementation of judicial branch assistance for self-represented litigants has been enormously successful in generating participation from local courts. Over the last three years, 55 courts serving over 99 percent of California's population have participated in the program, preparing action plans for serving self-represented litigants. Forty-three courts have been given additional grants to help them implement all or part of their action plans. Ten courts have been able to start self-help centers using these funds as seed money. Others have developed brochures, videos, and other informational materials for self-represented litigants. These materials are available online to be shared or adapted by all courts.

Several information technology infrastructure projects are also included as a significant component of the judicial branch's ongoing statewide initiatives (refer to Attachment A, Addendum 1). The majority of the funding in FY 2003–2004 was expended on the following projects:

➤ *Information Technology Infrastructure – Telecommunications and Telecommunications Maintenance*

This limited-term project addresses telecommunications infrastructure needs of the trial courts and the requirements for a statewide trial court telecommunications network. The objectives of the telecommunications project were to design and put into place an infrastructure that will provide the staff, hardware, software and technology management necessary to support the computing services and telecommunications required to meet the information technology needs of the branch. This project will also establish communication links that meet the needs of the judicial branch, its partners in the justice system, the public, and others with legitimate needs through implementation of outreach programs. Elements of the telecommunications infrastructure project include: LAN/WAN network design, network hardware, data network cabling, Wide Area Network Circuits, and security and network monitoring services and tools.

This project was divided into three phases. In FY 2001–2002, the basic requirements were defined, and 15 courts in the state were assessed, infrastructure upgrades were identified, and implementation begun. In FY 2002–2003, 39 courts in the Bay Area/North Coastal and Northern/Central Regions were assessed and projects initiated to provide a level of telecommunications infrastructure to meet

established minimum standards. Implementation in the courts continued through FY 2003–2004. In fiscal year 2003–2004, the assessment phase of the project began for the nine remaining courts in the Southern Region and the 10 courts in the Northern and Central Regions who did not participate in the prior phases. Implementation will begin in FY 2004–2005 as funding permits.

In order to ensure integrity of the judicial branch network, ongoing funding for maintenance, network monitoring and intrusion detection service (network security) is required.

➤ *Fiscal Management System*

The implementation of the Court Accounting and Reporting System (CARS) is a statewide project that spans multiple fiscal years. This project will allow the branch to standardize its accounting functions, and provide timely and comprehensive financial information to all required parties.

This statewide project will take approximately six years to complete and has been funded from both the Improvement Fund and the Modernization Fund. The first year of the project was spent developing and testing a basic financial system that can be used by all courts, regardless of size or complexity. Attention was given to ensure that the system was built to ensure courts were fully compliant with all statutes, rules, regulations and financial pronouncements. CARS will standardize the accounting functions within the judicial branch to provide timely and comprehensive financial information to all required parties. As the CARS rollout continues to all 58 superior courts, additional functionality will be developed to enhance the capabilities of this financial management system.

During FY 2002-2003, CARS was implemented in a pilot court (Stanislaus) in order to validate the system design and develop a template for the statewide rollout. During FY 2003-2004, CARS was implemented in a total of 6 courts: Siskiyou, San Luis Obispo, Placer, Tulare, Lake, and Madera. An additional 10 courts are being implemented in FY 2004-2005: Alameda, San Benito, San Bernardino, Kings, Merced, Modoc, Calaveras, Contra Costa, Tehama, and Yolo. The current rollout schedule includes 12-15 courts being implemented per year and anticipates completing the rollout of CARS by July 2008.

➤ *Statewide Planning and Deployment Support*

Beginning in FY 2001–2002, the AOC began working to develop a statewide technology plan with the assistance of trial court technology groups to assist the courts in planning their transition from the current environment to the end state. In FY 2002–2003, as directed by the council, the planning was initiated to implement the California Case Management System in a Technology Center. In addition, transition plans for the 58 courts were completed, with plans to review

and update annually. In FY 2003–2004, this funding was used to maintain the court transition plans and to provide project oversight for all statewide technology initiatives.

➤ California Case Management System (CCMS)

This allocation provided funding to support the California Case Management System (CCMS), a multi-year effort with two phases currently under way: development of a criminal and traffic module; and civil, probate, and small claims modules. CCMS will be designed to manage all case types for all California trial courts and will operate out of the California Courts Technology Center.

In January 2004, the AOC began design and development of the California Case Management System beginning with civil, small claims and probate cases. The criminal and traffic system initially developed by Ventura and Orange County Superior Courts was installed at the California Court Technology Center in July 2004. A product director was hired and a deployment services office established in Southern California. Deployment planning began in August while the six lead courts, Sacramento, Alameda, Ventura, Orange, Los Angeles and San Diego continued to move CCMS towards implementation of traffic and criminal at Alameda Superior Court in spring 2005.

Category 3: Trial Court Projects and Model Programs: \$5.908 million (refer to Attachment A, page 5)

Funding was provided for various ongoing, limited-term and one-time projects that support trial court operations as well as improve court management and efficiency, case processing, and timeliness of trials. Examples of some of these projects and programs include the following:

➤ Complex Civil Litigation Pilot Program

The Complex Civil Litigation Pilot Program to improve the management of complex cases began in January 2000, and operates 15 departments in the following six counties: Alameda, Contra Costa, Los Angeles, Orange, San Francisco and Santa Clara. Currently, the program is funded from the Modernization Fund. The funding is used to provide additional resources to courts, such as dedicate research to attorneys and technology improvements. The program's goal includes prompt, cost-effective, and fair resolutions of complete cases. The program includes specialized judicial education and use of the "*Deskbook on the Management of Complex Civil Litigation.*"

In August 2003, the Judicial Council received the National Center for State Courts' report "Evaluation of the Centers for Complex Litigation Pilot Program" and forwarded it to the Legislature and Governor. The lengthy report included information on the number of complex cases filed; the impact of the complex

litigation departments on case and calendar management; the impacts on trial courts, attorneys, and parties; and recommendations to the Legislature and the Governor concerning the continued operation of complex litigation departments.

➤ *Workers' Compensation Program Implementation Reserve*

This reserve is to support the establishment of a trial court workers' compensation program resulting from changes included in Senate Bill (SB) 2140 (Trial Court Employment Protection and Governance Act, Chapter 1010, Statutes of 2000). As specified by SB 2140, counties are no longer required to provide workers' compensation coverage for court employees and thus a statewide workers' compensation plan for court employees has been developed. The reserve to support this program was originally funded in FY 2002–2003 with seed money totaling \$2 million. The council subsequently committed to increasing the reserve by \$18 million (\$8 million in FY 2003–2004, \$5 million in FY 2004–2005, and \$5 million in FY 2005–2006.) This funding is to be utilized for the initial funding of the risk pool and to address tail claim costs which are currently the subject of negotiations with the counties. This will help to mitigate the impact on local courts by enabling them to transition into the statewide program and to ease the additional monetary burden of paying fully for their claim costs to the AOC, while having to continue to pay into their county-based programs for existing claim cost for outstanding liabilities. Since costs related to a statewide risk management program are generally expected to stabilize as the program is developed, the initial investment is key to mitigating any long-term cost inefficiencies in the program.

➤ *Family Law Interpreter Program*

The Family Law Interpreter Program provides funding to support interpreter services for litigants in family law cases where domestic violence protective orders have been issued or are being sought. In FY 2003–2004, 39 court systems received funding through this program. Participating courts may use the funds to cover the costs of providing certified or registered interpreters and to pay for interpreter coordinator services.

For FY 2003–2004, the Judicial Council of California streamlined the eligibility requirements for the grant program. In prior years, there were two eligibility requirements: 1) a Domestic Violence Protection Act (DVPA) order was issued in the case, or was currently being sought; and 2) one of the parties was indigent. The indigency requirement proved to be very staff intensive for the courts to manage, and many litigants refused to complete the fee waiver form. A number of courts implemented a study to determine whether the indigency requirement could be eliminated. The results of the survey demonstrated that, on average, an extremely high percentage (approximately 75 percent) of litigants who had or were seeking a DVPA order were also indigent.

➤ Uniform Model Family Court Projects

The goal of these projects is to create and support unified court systems that coordinate family, juvenile and related case types. The coordinated systems are meant to improve court procedures and outcomes for California's children and families and make better use of strained court resources. Through unified or coordinated family court systems, the model courts seek to improve access to the California justice system, expedite appropriate resolutions, provide safety and protection for victims, reduce and eliminate duplication of court and court-connected services, ensure system accountability and integrity, increase efficiency and cost savings, and enhance public trust and confidence. Courts receiving funding to implement approaches to unification and coordination include Del Norte, Butte, and Glenn as a collaborative, Los Angeles, Napa, Placer, San Joaquin, and Yolo. Additionally, in FY 2004–2005, San Francisco Superior Court intends to hire a case manager to improve coordination of family and juvenile matters and provide data to the AOC on case management system needs; and Inyo plans to implement a coordinated family and juvenile parenting program. Each of these courts participated in the original planning grant process that provided a basis for many courts to consider how to more effectively coordinate family and juvenile matters. As part of the evaluation of these approaches, AOC researchers are collecting information from judges, court staff, and litigants and documenting how courts are approaching these matters differently and what that has meant for the courts and for litigants. By coordinating these cases and providing case managers to assist with coordination and service referrals, courts have reported a decrease in the number of hearings, more efficient handling of matters by combining more than one case type in some instances, and improved access to necessary services such as counseling.

➤ Local Court Strategic Planning

The following local court strategic planning projects were implemented:

○ Judicial Council Strategic Planning

This effort focuses on scheduling, coordinating, and collecting data for the Judicial Council's annual branchwide strategic planning endeavors, which take place annually at the council's annual planning session in June. Accomplishments in FY 2003–2004 include implementation of a plan for publicizing and distributing the council's recently adopted operational plan for the judicial branch. Stakeholder input for the council's annual planning session was obtained by conducting trial court planning workshops at each of the AOC's three regional offices, as well as via a comprehensive analysis of the annual progress reports of trial court planning submitted by the 58 California superior courts. A report and analysis of judicial branch stakeholder input, "Analysis of External Stakeholder Data and National Trends," was produced and presented to the Judicial Council at its June

2004 planning session. The report is expected to provide information for the review and revision of the council's strategic plan, which is anticipated to be undertaken in FY 2005–2006.

○ Law-Related Education

These funds have made it possible to develop the Law-Related Education web site, Courts In Class, to advance the council's objective to improve the public's understanding of the judicial system and its role in our system of American democracy. The site targets young persons to help them understand the judicial branch by utilizing animation and comics. The objectives include: 1) establishing a comprehensive and statewide resource for students, teachers, and parents; 2) helping to support informed citizens; and 3) provide a tool for the judiciary to use for working with young persons in public outreach programs. By the end of the following fiscal year, a working test-site will have been developed for testing in schools and community centers around the state.

Category 4: Emergency Funding Reserve: \$0.242 million (refer to Attachment A, page 6)

The one-half of one percent emergency funding reserve becomes fully available, under statute, on March 15 of each year, unless allocated to a court or courts to meet an urgent need. An urgent need is defined as an unanticipated or critical financial obligation that cannot be reasonably 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.

The Emergency Funding Reserve in FY 2003–2004 was budgeted at \$17.948 million. In this reporting period, \$242,290 was allocated from this reserve to cover urgent needs in two courts, including the high profile Stayner Homicide Case in Mariposa that required a change of venue and extraordinary costs to the court. Allowable costs such as judges' travel costs, reporters' fees, transcript costs, jury costs, prosecution costs, defense costs, sheriff's costs, and miscellaneous costs such as prorated costs of additional equipment were reimbursed upon submittal of approved invoices. Costs that are not allowable include, but are not restricted to administrative indirect overhead, accounting and auditing costs, and salaries. As directed by the council, the remaining balance of the reserve was carried over to FY 2004–2005.

Modernization Fund (refer to Attachment B)

In FY 2003–2004, the total available funding in the Modernization Fund was \$29.822 million. Of that amount, the council expended \$29.335 million. In addition, \$44,762 for statewide general administrative (pro rata) charges was directly charged to the fund. Funding provided by the Modernization Fund provides the primary support for critical technology projects (e.g., case management systems, fiscal management systems, human resources management systems); mandated education for judicial officers and court staff

(e.g., orientation for new judges, continuing judicial studies); and key local assistance initiatives such as remote interpreting services, alternative dispute resolution and complex civil litigation pilot programs. A description of some of these projects follows:

Category 1: Statewide Technology Projects: \$22.250 million (refer to Attachment B, page 2)

The adoption of the council's Tactical Plan for Court Technology has provided the framework for a coordinated and integrated approach to building a statewide technology infrastructure for all courts. Before the adoption of the Tactical Plan, technology in the California courts was developed in a piecemeal fashion. Trial court funding for technology during the past decade neither provided adequate resources to ensure that all courts operated with a minimum acceptable level of technology nor encouraged the development of effective court management and information-sharing systems at the local, county, or state level. The result was 58 court systems with multiple disparate court management systems and management information systems of various vintages and complexity.

In February 2003, the council reaffirmed its previous direction to the AOC to develop and implement the necessary administrative infrastructure to support the operations of the trial courts to provide efficient, cost-effective, and reliable statewide administrative services (to avoid duplication of services, etc.). In addition, the council directed the AOC to continue developing trial court technology initiatives and seek the necessary resources to provide a statewide Technology Center for use by all courts, to stabilize courts with critical needs by focusing on a select number of certified case management systems, while proceeding with the development of an integrated, statewide case management system. In FY 2003–2004, continuing progress was made to work with the courts to apply judicial branch standards to meet their operational needs and the statewide objectives set forth by the council in its Strategic and Operational Plans, and articulated in its technology funding priorities.

The Modernization Fund allocation of \$22.250 million has been allocated for various inter-related technology initiatives, including:

- Statewide Planning and Deployment Support
In FY 2003–2004, both the Improvement Fund and the Modernization Fund funded the statewide technology plan.

- Model Court Service Bureau Project – Technology Center
In FY 2003–2004, both the Modernization Fund and the Improvement Fund funded the Technology Center project. See the Fiscal Management System/California Courts Technology Center item in the Improvement Fund section for detailed description.

➤ Court Human Resources Information System – CHRIS

A statewide offering of human resource functions will be available using the same Enterprise Resource Planning (ERP) software that supports CARS. In FY 2003–2004, the AOC Human Resources Division began work with the courts and the Finance Division to expand the ERP system functionality to include human resources, and to pilot the system in three of the trial courts. The ability to implement a true ERP will provide enormous benefit to the branch in its management of both human and financial resources.

➤ Jury Management System

The legislation requiring trial courts to make a transition to the one-day/one-trial system has significantly affected the needs for effective jury management systems. Two primary vendors of jury management system that are installed in California upgraded their systems to meet the requirements of the one-day/one-trial mandate. Considerable assistance has been provided to the trial courts to upgrade and enhance their systems to meet the requirements of one-day/one-trial legislation.

Benefits of this funding include:

- Compliance with one-day/one-trial requirements; and
- Web and IVR (Interactive Voice Response) upgrades to systems to accommodate citizens called for jury service.

As a result of these upgrades, some courts have reported that 60 to 80 percent of routine juror inquiries and transactions are now processed by the IVR or Web applications, freeing staff to handle complex matters and providing round-the-clock access for jurors. In FY 2003–2004, funding was provided to 11 courts to complete their IVR and Web upgrades and to add the check-writing module.

➤ Fiscal Management Systems

In FY 2003–2004, funding from both the Improvement Fund and the Modernization Fund supported the fiscal management systems project, including the Court Accounting and Reporting System. See the Fiscal Management System item in the Improvement Fund section for detailed description.

➤ Data Integration Standards

In FY 2003–2004, data standards for six high value exchanges were approved for use by the courts. The goal is to complete the remainder of the criminal standards in FY 2004–2005. These standards include the data elements, data definitions, and the associated XML schema (successor to HTML web programming language). This work will allow for the consistent exchange of information among and between the courts, their local justice partners and state partners. To further assist the courts, a local integration assessment methodology is being piloted with the first group of courts moving to CCMS. The electronic filing

project, also under this objective, is just completing a series of pilot projects, which will enable the courts to assess the operational impact of using this technology. The most significant effort for FY 2004–2005 will be the selection and implementation of a series of tools to create an Integration Services Backbone for the branch to electronically share information with all of its partners including the public.

➤ Interim Case Management Systems (CMS)

Limited funding was originally provided from the TCTF to assist the trial courts in implementing CMS upgrades. Funding from the Modernization Fund assists courts in upgrading existing software to a certified version. In FY 2002–2003, this funding was used to begin the process of moving approximately 20 courts to one of the five certified vendors. This project also served as a proof of concept to bring courts to a centralized environment (four courts initial implementation in the Teale Data Center). As part of this project, the four pilot courts (with 15 remote locations) required complete upgrades from cabling and network infrastructure to desktop and application to bring them to a secure and stable environment.

In FY 2002–2003, the courts collaborated to review businesses processes to assist in determining a single configuration of the certified case management system that will be implemented in the Technology Center. Collaboration efforts included identifying data integration issues to ensure continued data integration with justice partners.

Integration Issues:

- Number of courts not self-sustaining;
- Continued reliance or no support from counties;
- Disparate levels of services and charges by counties;
- Facilitation of implementing new systems/programs; and
- Elimination of redundant costs.

In FY 2003–2004, this project funded the migration of four courts to a stable, interim environment until they can move to the California Case Management System in the Technology Center, and funded preliminary work to move approximately eight courts to the interim environment in FY 2004–2005.

➤ Information Technology Infrastructure - Court Technology Staff

Beginning in FY 2000–2001, the AOC began providing one-time funding to 22 trial courts for limited-term Information Technology (IT) staffing. These were courts that had been identified as having little or no information technology staff

or support from the counties. In FY 2003–2004, funding has been continued to assist 18 small courts without IT staff. Benefits and rationale of funding:

- Supports courts without information technology staffing;
- Information Technology staffing is an infrastructure requirement; and
- Information Technology staffing ensures adequate maintenance of courts' technology.

➤ *Information Technology Infrastructure - Telecommunications*

In FY 2003–2004, this project was funded out of both the Improvement Fund and the Modernization Fund. Please refer to the Improvement Fund Section for a more detailed description.

➤ *California Case Management System (CCMS)*

In FY 2003–2004, both the Modernization Fund and the Improvement Fund funded the Technology Center project. See the California Case Management System item in the Improvement Fund section for the detailed description.

Category 2: Education Programs and Statewide Meetings: \$1.7 million (refer to Attachment B, page 3)

The council's strategic plan identifies education of judges, subordinate judicial officers, and non-judicial court staff as a significant means to advance the mission and goals of the judiciary in the areas of access, fairness, diversity and ethics. With the increasing complexity of the law and court procedures, delivery of justice to the people of California requires judges and court personnel to be equipped with knowledge, skills, and attitudes that enable them to administer the justice system in a fair, effective manner that fosters public confidence. The allocations for education programs and statewide meetings fall into four general categories: Mandated State Education Programs for Judges, Other Non-Mandated Education Programs for Judges, Education Programs for Court Staff, and Other Education/Training/Programs related to Court Administration.

Funding for the following projects enables judges and subordinate judicial officers to participate in mandated and assignment-related educational programs. Additionally, this funding supports trial court staff training programs.

Mandated State Education Program

Orientation for New Judges
B.E. Witkin Judicial College of California
Family Law Assignment Education
Juvenile Law Assignment Education
Ethics Training for Judges

Non-Mandated Education Programs

Center for Families, Children and the Courts – Education Programs
Summer Continuing Judicial Studies Program
Fall Continuing Judicial Studies Program
Cow County Judges Institute
Statewide Fairness Conference
Winter Continuing Judicial Studies Program
Probate and Mental Health Institute
Computer Classes for Judges

Programs related to Court Administration

Orientation and Education for Judicial Council Advisory Committee Chairs
Court Management Courses
California Judicial Administration Conference
Train the Trainers – Faculty Development
Training Coordinators Conference
Trial Court Faculty (Statewide Education Programs)

Programs for Trial Court Staff

Executive Leadership Conference
Regional Court Managers and Supervisors Training
Court Clerk Training Institute
Distance Learning (Satellite Broadcast)
Regional Court Staff Training
Cash Flow Management Training
California Judicial Branch Human Resources Conference

Education funding from the Modernization Fund currently provides the costs of lodging and group meals for participants attending statewide education programs and conferences as well as mandatory education programs for judges and other non-mandatory education programs for judges, court executives, and other court staff. The funding also covers the development and transmission of broadcast programs.

Category 3: Pilot Projects, Special Initiatives and Ongoing Programs: \$5.385 million (refer to Attachment B, page 5)

The provision of justice in the courts can be enhanced by improving access, efficiency, and effectiveness. In FY 2003–2004, the council again allocated funding from the Modernization Fund to support innovative programs that enhanced the provision of justice, such as alternative dispute resolution programs; complex litigation pilot programs; a pilot program to facilitate access to the courts for non-English-speaking individuals in geographically isolated areas and to decrease the use of non-certified interpreters; evaluate and make recommendations relating to the reporting of the record; support of a Blue Ribbon Commission to identify innovations (effective practices); and

improve jury management and data collection, including the establishment of model jury summons. Some significant projects include:

➤ Alternative Dispute Resolution

Another effort in the area of civil litigation was mediation pilot programs for general civil matters. These programs were established in 2000 and 2001 in the superior courts of five counties – Contra Costa, Fresno, Los Angeles, San Diego, and Sonoma – to assess the benefits of early mediation in civil cases. In 2004, the Judicial Council received the staff report on these pilot programs, *Evaluation of the Early Mediation Pilot Programs*, and forwarded it to the Legislature and the Governor. The report showed that all five of the Early Mediation Pilot Programs were successful, resulting in substantial benefits to both litigants and the courts, including:

- Reductions in the trial rate among participating cases were shown in two programs:
- Reductions in the time required for participating cases to reach disposition were shown in all five programs:
- In all five programs, increased attorney satisfaction with the services provided by the court, with the litigation process, or with both, was shown among participating cases; and
- In all five programs, attorneys in pilot program cases that settled at mediation estimated that their clients' costs were between 61 and 68 percent lower than they would have been had they not used mediation to reach settlement.

Based upon the positive results of these pilot programs, funds are being used to provide continued support for mediation programs in the pilot courts and to support expansion of mediation programs for civil cases in California courts to the optimal level.

➤ Complex Civil Litigation Pilot Program

The Complex Civil Litigation Pilot Program to improve the management of complex cases was initiated in January 2000, and operates 15 departments in six counties. The objectives include assignment of complex cases to a single judge to handle all proceedings through disposition; providing additional resources to courts, such as funds to be expended on dedicated research attorneys and technology improvements; specialized judicial education; and the *Deskbook on the Management of Complex Civil Litigation*.

➤ Self-Help Videos for the Web Site

Reports from self-help centers across the state indicate that many litigants have a difficult time with concepts such as proof of service, appearance in court, and other common issues for litigants. The goal of this ongoing project is to increase

access to justice by educating litigants and enabling them to better participate in the judicial process. Funding supports Internet-based access to videos developed by the judicial branch as well as publicity about the availability of this information. The self-help Web site has added videos that describe the guardianship process, how to serve legal documents, and how to appear in court. Staff is currently editing a tape that explains the divorce process, how to dress in court, and how to navigate the courthouse.

➤ *Self-Represented Litigant Electronic Forms (Interactive Software)*

This funding allows the electronic EZLegalFile program to be improved and expanded to all 58 counties. The goal is to improve access to justice and the efficiency of the courts by enabling litigants to complete many legal forms using a simple question and answer process. This is an ongoing project. The majority of California counties now offer access to EZLegalFile and the program continues to expand. A new module was introduced to allow litigants to request domestic violence restraining orders.

➤ *Jury Management - Model Summons*

This is a multi-year project to facilitate collaboration among courts to adopt a common, shared summons based on the model jury summons and encourage courts to generate cost savings through economies of scale in the printing and mailing of summonses. Funds have been used to provide technical and design assistance to the trial courts to convert their summons and evaluate effectiveness of the resulting changes. Concurrently, research was initiated on how to more effectively employ the National Change of Address technology to build increased efficiency in the summoning process. Courts were solicited to participate in a working group to develop a summons that could be used by multiple courts. Approximately 20 court systems expressed interest in participating, and working group meetings were held in FY 2003–2004. The meetings provided opportunities for the various courts to examine their summoning practices and work toward identifying best practices that would be reflected in a common summons based on the model.

➤ *Reporting of the Record Task Force*

The Reporting of the Record Task Force was formed in April 2002 to evaluate the provision of court reporting services in California. In FY 2003–2004, the task force continued to meet and address the following issues: uniformity of the transcript format; establishment of standardized word rates for transcript fees; development of an online system to deliver, maintain, and store electronic transcripts; use of a statewide software program to count the number of words in electronic transcripts; court control of and responsibility for electronic transcripts; designation and preparation of specific paper transcripts for civil appeals; and statewide training for reporters. The task force will finish addressing these issues,

develop a draft report for review and comment, and present a final report and recommendations to the council.

➤ *Branchwide Communications Planning*

Recent structural changes in the judicial branch require an updated infrastructure to support effective communications. Phase I of the Branchwide Communication Planning initiative included an assessment of current communications practices and needs. Following a request for proposal, a consultant was selected to conduct a SWOT analysis – a survey of select court leaders on the strengths, weaknesses, opportunities, and threats for communications from the AOC to the courts, from the courts to the AOC, and among the courts. This was followed by a series of focus groups held in the AOC regional offices with presiding judges and court administrators from throughout the state. A proposal for creating the infrastructure for more effective judicial branch communications will be developed and distributed to trial court leaders for input. Phase II of the initiative will include an inventory and assessment of external communications practices with stakeholders outside of the judicial branch.

➤ *Institutionalization of the Judicial Council Operational Plan*

The council adopted a three-year Operational Plan in December 2003, which articulates those high-priority, state-level objectives and outcomes that support its Strategic Plan vision and direction for the California court system. To make the council's Strategic and Operational Plans effective, a portion of the funds from this allocation were used to arrange for the publication and distribution of these plans to trial courts. This information is helpful in educating court staff about branchwide objectives as they consider and prepare their own operational and strategic plans.

➤ *Promising Practices*

The following promising practice projects were instituted:

○ *The California JusticeCorps Project*

In FY 2003–2004, \$125,000 was used to initiate the California JusticeCorps project, which helped pay for project staff salaries, travel, and training. The AmeriCorps additionally awarded a \$250,000 grant to help support this effort. The JusticeCorps project was designed to enhance the assistance provided to the public in the Los Angeles area self-help legal access centers. Students were recruited from local universities to act as assistants in legal access self-help centers. Each student makes a commitment to serve 300 hours in the centers over the course of one academic year in exchange for a \$1,000 educational award.

- Northern Region Appellate Division Project

With the funding provided, the Northern Region Appellate Division Project developed an appeals processing center that serves the Superior Courts of Lassen, Modoc, Plumas, and Sierra counties. The funds made it possible to establish one appeals clerk position and cover associated operating costs to assist these four courts process appeals that each individually could not afford to dedicate specific staff to handle. The appeals processing center is housed at the Superior Court of California, County of Lassen and processes limited civil, misdemeanor criminal, traffic infraction, and appellate division decision appeals. The processing center manages all appeals for all four courts and each court appoints a judge to serve on appellate panels to conduct proceedings via videoconference. This effort is expected to be continued into the following year.

- Trial Court Performance Measures Study

Funding from the Modernization Fund in FY 2003–2004 supported the Trial Court Performance Measures Study. This study seeks to identify performance standards that will be used to evaluate the trial courts and demonstrate their accountability to the public. Performance standards include both efficiency measures as well as measures of effectiveness. Working with consultants from the National Center for State Courts, the AOC Office of Court Research has formed a working group of superior court administrators to oversee this process and intensive meetings have been conducted with court staff to evaluate current practices in case processing in fourteen different case types.

- California Drug Court Cost Analysis

This is a multi-year statewide study to determine whether adult drug courts are cost-effective and to identify promising practices among adult drug courts. In FY 2003–2004, the researchers conducted an in-depth cost analysis of six adult drug courts. This was a continuation of the first phase of the project, conducted in previous years, in which three adult drug courts were analyzed extensively and a cost methodology was developed. At the end of FY 2003–2004, the researchers issued a draft report summarizing the cost analysis findings, in which they concluded that drug courts result in considerable cost savings compared to “business as usual” case processing. These findings will be tested on a statewide basis when the project enters its third and final phase in the following fiscal year.

- Resource Allocation Study

Funding from the Modernization Fund in FY 2003–2004 supported the Resource Allocation Study. This is a study that is being conducted in collaboration with the National Center for State Courts. Case weights were developed for seven case types through a time study of nine pilot courts and follow-up site visits to five of the courts. The center presented to the Office of Court Research an interim draft

report on the methodology, findings, and further research that will need to be conducted to finalize the case weights.

➤ *Innovative and Effective Practices*

Utilizing the funds allocated in FY 2003–2004, the following innovative and effective practices projects were instituted:

○ *Criminal Caseflow Management Project*

The Criminal Caseflow Management project was created in response to a request from the trial courts for operational technical assistance to enhance existing caseflow management. A project consultant was hired to assist a project planning team of staff from the AOC, trial courts, and appellate courts to develop workshops scheduled throughout the state in March 2005. The workshop objectives are to use California-based examples to provide participants with an enhanced understanding of the basic principles of caseflow management and be able to prepare improvement and action plans, setting forth promising practices or “lessons learned” within their own court.

○ *Records Management Improvement Plan Project*

The Records Management Improvement Plan Project was created in response to a request from the trial courts for operational technical assistance on promising court records management practices. Regional meetings were held with trial court representatives as well as representatives from various AOC divisions, to begin addressing the following significant court records management issues:

- Regional off-site records storage and reduction of leased storage in counties.
- Revision of records retention standards including permanent digital storage standards to replace the AINSI/AIIM standards, which require hard copy or microfilm retention of permanent records.
- Standardized records management policies and procedures for the trial courts.
- Coordination of records creation/retention issues with the development of the California Case Management System (CCMS).
- Exhibit storage issues to be further studied and incorporated into CCMS planning.

➤ *Remote Interpretive Services*

Funding for this project facilitates access to the courts for non-English-speaking individuals in geographically isolated areas and decreases the use of non-certified interpreters. The project is also intended to minimize the number of delayed or

continued cases. Cases are limited to short, simple hearings, lasting no more than 30 minutes, which are primarily administrative and predictable. The equipment allows for both simultaneous and consecutive interpreting.

Conclusion

The California judicial branch continues to pioneer the way for the enhancement of the quality of justice for all Californians. The programs and initiatives detailed in this report are tools used to work toward a future that ensures a fair system of open and equal justice. Although the judicial branch continues on a path to greater fiscal stability, there remain budget uncertainties that may impact its progress.

During an address to the American Judges Association on October 25, 2004, California Chief Justice Ronald M. George remarked about the financial challenges that lay ahead:

“California’s court system has experienced enormous innovation during the past several years – but there is no guarantee that the road ahead will be easy, and we are far from meeting all the needs of the public we serve. Like many other states, California faces tremendous budget challenges – and our judicial system’s ability to continue to innovate and work to respond to reasonable community needs is not assured.”

Funding from the Improvement and Modernization Funds continues to represent a vital component of the judicial branch budget. Any reduction in this dedicated funding would significantly impact essential statewide services, ongoing technology programs and infrastructure needs, education and development programs, and the ability to provide the critical funding necessary to support innovative and model programs, pilot projects, and other special initiatives. Stable and adequate funding is undeniably essential to ensure equal access to fair and consistent justice across the state.