

# JUDICIAL BRANCH

The Judicial Branch consists of the Supreme Court, courts of appeal, trial courts, and the Judicial Council. The trial courts are funded with a combination of General Fund, county maintenance-of-effort requirements, fines, fees, and other charges. Other levels of the Judicial Branch receive most of their funding from the General Fund. The May Revision includes total funding of \$4.3 billion (\$2.2 billion General Fund and \$2.1 billion other funds) in 2020-21 for the Judicial Branch, of which \$1 billion General Fund is provided to support trial court operations. The Judicial Council is responsible for managing the resources of the Judicial Branch.

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## **MAINTAINING ACCESS TO JUSTICE**

### **OPERATIONAL CHANGES IN RESPONSE TO COVID-19**

The Judicial Branch has had to radically change their operations to protect the public from the spread of COVID-19 while also maintaining access to justice. Actions taken by the Judicial Council include extending court deadlines, suspending jury trials, using technology to conduct proceedings remotely, and suspending evictions and foreclosures. Trial courts have also taken actions to protect the public by closing courthouses and courtrooms, limiting operations to only essential court functions, and suspending collection activities, among others.

These actions have resulted in delays in court operations and a backlog of cases that will take time for the courts to process as they continue to practice physical distancing.

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In an effort to help the trial courts address the backlog of cases and resume normal operations, the May Revision includes \$50 million one-time General Fund in 2020-21.

The COVID-19 pandemic has required the Judicial Branch to reevaluate processes and like state government, the Judicial Branch should use this crisis as an opportunity to make more convenient and efficient court operations. The May Revision includes \$25 million ongoing General Fund for modernizing court operations with the goal of achieving efficiencies and increasing access to court services online. For example, the Judicial Council may allocate this funding for projects such as enabling electronic case filing, digitizing court documents, resolving disputes online, and utilizing video technology to facilitate remote participation in hearings.

These efficiency efforts are even more important to maintain access to justice given the COVID-19 Recession. Absent additional federal funds, the COVID-19 Recession makes the following reductions necessary to balance the state budget. These reductions will be triggered off if the federal government provides sufficient funding to restore them:

- Trial Courts—A base reduction of \$178.1 million General Fund in 2020-21 and ongoing and an additional decrease of \$28.1 million General Fund beginning in 2021-22 associated with a 5 percent reduction in operating expenses, which will be achieved through efficiencies.
- State Level Judiciary—A decrease of \$23.2 million General Fund in 2020-21 and ongoing and an additional decrease of \$10.6 million in 2021-22 associated with a 5 percent reduction in operating expenses, which will be achieved through efficiencies.
- Other Judicial Branch Programs—A decrease of \$15.2 million ongoing General Fund to reflect a 5 percent reduction to the following programs: Dependency Counsel; Court Interpreters; California Collaborative and Drug Court Projects; Court Appointed Special Advocate Program; Model Self-Help Program; Equal Access Fund; Family Law Information Centers; and Civil Case Coordination.

The May Revision withdraws the following proposals included in the Governor's Budget given the drastic impact of the COVID-19 pandemic on the state's economy:

- Trial Court Operations—\$107.6 million ongoing General Fund to support trial court operations.
- Court Facilities—\$43.6 million General Fund to begin the design and construction of courthouse projects, consistent with the Judicial Council Facilities Reassessment. This

action suspends \$2 billion (\$505 million General Fund) over the next five years as the courts reassess how they use their facilities in the wake of the COVID-19 pandemic.

- Information Technology Initiatives—\$10.3 million General Fund in 2020-21 to advance three information technology initiatives. These initiatives can be funded from the \$25 million for modernization.
- Court Navigator Program—\$8.1 million General Fund in 2020-21 and \$15.5 million ongoing to fund court navigators in trial courts.
- Digitizing Documents—\$6.9 million General Fund in 2020-21 and \$11.3 million General Fund in 2021-22 to digitize court records in approximately 15 courts, including appellate and trial courts. This initiative can be funded from the \$25 million for modernization.
- Appellate Court Appointed Counsel Projects—\$1.2 million ongoing General Fund to support increased costs for contractual services provided by the Supreme Court and the Courts of Appeal Court Appointed Counsel projects.
- Statutory Statewide External Audit Program—\$1 million ongoing General Fund to support audits conducted by the State Controller's Office.

### **ONLINE ADJUDICATION OF INFRACTIONS AND EXPANSION OF ABILITY TO PAY**

The May Revision maintains funding included in the Governor's Budget to expand the ability to pay program statewide. This program is even more critical with the onset of the COVID-19 Recession as it will enable low-income individuals to apply online to have fines and fees from infractions reduced in accordance with their ability to pay. Eligible participants will have their penalties reduced by 50 percent or more and can make payments over a period of time. In addition, online adjudication allows individuals to avoid physically appearing in court, thereby reducing public health risks to court users and staff.

### **OTHER SIGNIFICANT ADJUSTMENTS**

The May Revision also includes the following adjustments:

- Fine and Fee Revenues—Consistent with this Administration's prior commitment to prevent declining revenues in this area from impacting court operations, the May Revision includes an additional \$238.5 million one-time General Fund in 2020-21 to backfill these losses. Specifically, \$90.9 million for estimated lost revenue in 2019-20 and \$147.6 million for 2020-21. As of the Governor's Budget, the backfill was

estimated to be \$41.8 million in 2019-20 and \$35.2 million in 2020-21, bringing the total backfill over the two-year period to \$315.5 million General Fund.

- Trial Court Employee Benefits—\$30 million ongoing General Fund for trial court employee health benefit and retirement costs, which is a decrease of \$5.1 million from the Governor's Budget due to updated cost estimates.
- Language Access—\$9.9 million General Fund in 2020-21 and \$9.6 million General Fund annually thereafter for increased costs for court interpreters and to purchase equipment for the newly established Video Remote Interpreting Program. This is an increase of \$1 million ongoing General Fund from the Governor's Budget due to updated court interpreter costs.