7/21/11

Dear Members of the Alliance:

The following Memorandum has been sent to all members of the Judicial Council in advance of our appearance at tomorrow's council meeting. We urge those of you who are able to tune in to the live audio broadcast. It can be accessed at http://www.courts.ca.gov/policyadmin-jc.htm

Thank you.

Directors,
Alliance of California Judges

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MEMORANDUM

DATE: July 21, 2011

TO: Members of the Judicial Council

The Alliance of California Judges presents this summary memorandum of its specific requests to the Judicial Council for the Judicial Council's meeting on July 22, 2011 regarding trial court funding.

ACTION REQUESTED: That the Council direct staff to propose options for additional trial court mitigation beyond that recommended by the TCBWG in a specific additional amount for Fiscal Year 2011- 2012, which we propose should be full mitigation in the amount of $135 million.

REASON FOR REQUEST: The trial courts need additional one-time mitigation this year in order to phase reduction in service over the next three years. Most courts are facing an average of approximately 20% reduction in force or service from current operations as a result of *permanent* budget reductions. This results because many courts have avoided permanent structural changes in the hope of an improving budget climate which has not materialized. Trial court reserves need to be applied ratably to ease the impact of reductions. The additional mitigation will help alleviate the pain of extremely sudden reductions within our communities.

BRIEF DISCUSSION: We recognize that full mitigation may be limited by the current language of the Budget Act. The Council is limited to a $150 million "cap" on mitigation from specific funding sources (Provision 19). Nevertheless, there is significant further reduction available. The TCBWG has adopted staff recommendations which provide for $124,239,000. Fifty-six million ($56.4 million) of this is achieved through a one-year deferment of CCMS, which should be accounted back to the TCTF, and should not count against the Provision 19 "cap." Therefore, only $67,839,000 of authorized mitigation has been used. There is $82,161,000 remaining of authorized mitigation. At least this amount must be used. Further, there remain additional CCMS expenditures which should be curtailed, which can also be accounted back to the TCTF, which ought to provide another $35 million. The Judicial Council should then consider going back to the Legislature for additional mitigation of approximately $33 million as a reallocation within the existing branch appropriation.

FORM OF ACTION: We therefore request that voting members of the Council move, second, and adopt the following action:

1. That the mitigation measures recommended by the TCBWG be approved as a starting point;

2. That an additional $82,161,000 of additional mitigation be provided within existing statutory authority, and that the staff of the AOC determine and report back options from their budget or any other legally available source to achieve this additional mitigation for a continued emergency meeting of the Council in two weeks; and

3. That options for an additional amount up to $35 million of TCTF allocations for CCMS development, deployment, maintenance, and operations be identified by staff as further mitigation and reported back to the Judicial Council for the same emergency meeting; and

4. That options for an additional amount up to full mitigation be identified by staff as further mitigation and reported back to the Judicial Council for the same emergency meeting for possible action by the Judicial Council for a request of the Legislature for a reallocation within the existing branch appropriation; and

CONCLUSION: The Judicial Council cannot act only upon staff recommendations. The Council must lead. The Council must set a goal of full mitigation and direct staff to present options for this full mitigation. This will require a further emergency meeting of the Council, since this option has not been evaluated and presented.