

July 17, 2011

Dear Fellow Judges:

The Alliance of California Judges specifically proposes that on July 22, 2011, the Judicial Council direct staff to provide for \$134 million in mitigation to the trial courts for 2011- 2012 beyond the proposed mitigation which emerged from the Trial Court Budget Working Group meeting on July 13, 2011. We call upon voting members of the Judicial Council to move, second, and support this option, or a similar option. Furthermore, the Judicial Council must not act now on the proposal for across the board 15.2% reductions next year; that proposal is premature.

As noted in our letter of July 7, 2011, there are funds available to accomplish this one-time additional mitigation. We suggest that this additional mitigation be apportioned among (1) further AOC staff and operations reductions, (2) construction funds, and (3) maintenance and operation of CCMS V2, V3, and V4, and CCTC hosting of CCMS (including a complete cessation of CCMS activities, if necessary).

The Alliance continues to speak to the Legislature. We were there last week. All methods of mitigation proposed must be reported by law to the Legislature as part of this last budget package. We believe that the Legislature is looking closely to ensure that the Judiciary is making every possible effort to put resources into the trial courts to keep as many local functions available to their constituents as possible. Continuing with an overstuffed central bureaucracy and continued funding of an improbable computer system is simply not an option.

We also remind judges of the importance of enacting AB 1208. That law assures every trial court of a basic baseline level of funding without reduction for unapproved statewide initiatives that lack legislative approval or broad consensus within the branch. Had AB 1208 been the law, \$600 million would not have been wasted on CCMS.

We urge that every judge read this letter. **If you agree, we ask you to join us. Simply reply to this email that you wish to be a member and give us your preferred email address.** If you know of a judge who has not received this letter, please provide a copy.

The additional mitigation is essential for the purpose of allowing the trial courts to phase in the most reasonable application of reserves over a three year period (to Fiscal Year 2013- 2014) to implement and plan RIF/RIS (reduction in force/reduction in service) incrementally, rather than an immediate cessation of what appears to mean a minimum 15% to 20% reduction to be achieved for most courts (with some courts like San Francisco having to impose immediate 40% reductions). Since the courts are required by law to give 60 days' notice to implement major reductions, the window to get to the 15% to 20% reductions is compressed to less than 7 months.

The money is there. It needs to be used to support the Chief Justice's call for open and available courts as the judicial branch's first priority.

The following table reviews the AOC's current calculation of trial court reductions after action by the TCBWG:

Base Reductions

Baseline Reduction 09- 10	-\$92,240,000
Baseline Reduction 09- 10	-168,569,000
New Ongoing Reduction 10- 11	-25,000,000
Ongoing Reduction 11- 12	-175,174,607
Add'l Ongoing Reduction 11- 12	-144,300,430

Total Reductions -\$605,284,037

Funding Transfers FY 2011- 2012

Facilities Construction Funds	\$130,000,000
Facilities Modification Funding	20,000,000
Modernization Fund	20,000,000
CCMS	10,000,000
Subtotal	\$180,000,000

Add'l Funding Transfers 11- 12

SCFCF	\$25,000,000
ICNA	38,000,000
CCMS	56,391,289
Court Interpreter Reserves	4,800,000
Subtotal	\$124,191,289

New Revenues (2009 Act) \$6,500,000

New Revenues (2010 Act) 64,080,000

Total Reduction -\$230,512,748

Reduction Adjustments

Share of Other Prog. Reductions	\$6,662,815
Security Share of Reduction	17,049,000
Court Appointed Counsel Shortfall	-3,537,500

Cumulative Allocation Reduction -\$210,338,433

Less: Prior Year Reduction 75,832,000

Trial Court Operations Funding Adj. -\$134,506,433

The AOC has a salaries and benefits operation of approximately \$100 million. The TCBWG proposal reduces AOC operations by only 12 per cent. This number needs to be substantially increased in favor of trial court mitigation. An example follows at the end of this letter, saving approximately \$50 million. In the example, this level of savings is achieved by reducing the operational level of the Executive Division, General Counsel, Office of Government Affairs, Judicial Education, the Executive Office Program, the Regional Offices, a 25% reduction to the Finance Division, and 50% reductions to Human Services and Information Services.

There remains further funding associated with CCMS. There is at least \$34,925,534 of maintenance and operations and project funding as follows:

Maintenance and Operations

Criminal and Traffic (V2) (Fresno)	\$6,554,167
Civil, Probate, etc. (V3)	13,787,927
CCMS (V4)	8,867,477

Projects

CCMS Development	3,399,687
CCMS V4 Deployment	2,316,306

Total \$34,925,564

This continues to represent \$35 million as an annual expenditure to support only a portion of case management systems of seven courts. This product should be delivered to these courts to be operated on their own servers by their own IT staff within their own budgets. The CCMS project cannot continue.

In addition, as we have explained in our July 7 letter, there remain additional construction funds as we see the budget for further mitigation. Fund Condition Statements reveal that the State Court Facilities Construction Fund has a beginning balance of \$382 million. There is \$141 million of projected revenue, and a General Fund transfer of \$350 million, leaving a total fund balance before expenditures of \$173 million.

The Immediate and Critical Needs Account (SB 1407) has a beginning balance of \$366 million with projected revenues of \$319 million, for total resources of \$685 million. There has been an AB 110 loan from this account to the General Fund of \$90 million, leaving \$595 million. Of this amount, \$26 million is to be expended for “state operations,” and \$420 million for capital outlay on court construction projects. We understand that court construction will be delayed one year, and the enacted budget “sweeps” \$310 million back to the general fund.

We are not suggesting that any one of these sources be completely depleted to increase trial court mitigation, but all possible available funds must be devoted to that purpose. The Judicial Council must act independently of staff to achieve this outcome.

Also, this further mitigation must come with recognition by all trial courts that this is not an opportunity to continue to defer structural reductions in the hope of a better budget outcome. This proposed mitigation must be viewed as a one-time opportunity to blunt the immediate impact of reductions and to phase those reductions.

Very truly yours,

Directors of the Alliance of California Judges

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Example of Staff Funding Reductions for the AOC

Reduction of AOC Staff Services

Executive Division	No. of Positions	
Appellate and Trial Court Services		
Division Director	1	\$221,952.00
Supervising Court Services Analyst	2	\$234,274.00
Lead Management and Program Analyst	1	\$95,856.00
Senior Court Services Analyst	1	\$91,296.00
Supervising Administrative Coordinator	1	\$87,108.00
Court Services Analyst	1	\$83,100.00
Senior Administrative Coordinator	2	\$151,464.00

Administrative Coordinator II	3	\$202,656.00
Administrative Coordinator I	1	\$59,158.00
Administrative Secretary	1	\$58,824.00
	Subtotal	\$1,285,688.00
Office of the General Counsel		
Managing Attorney	3 to 1	\$156,548.00
Supervising Attorney	3 to 1	\$141,765.00
Senior Attorneys	8 to 4	\$571,660.00
Attorney	21 to 10	\$1,280,428.00
Supervising Administrative Coordinator	1	\$82,082.00
Court Services Analyst	2	\$164,796.00
Administrative Coordinator II	2	\$134,172.00
Administrative Coordinator I	2	\$116,205.00
Regional Office Assistance Group	All	\$1,373,533.00
Civil Justice Center	All	\$210,105.00
	Subtotal	\$4,231,294.00
Office of Governmental Affairs		
Senior Attorney	2 to 1	\$136,260.00
Attorney	1	\$107,785.00
Senior Government Affairs Analyst	3 to 1	\$169,912.00
Supervising Administrative Coordinator	1	\$82,620.00
Administrative Coordinator	2	\$115,753.00
Overtime		\$1,476.00
	Subtotal	\$613,806.00
Judicial Education and Research	All	\$8,237,842.00
Executive Office Program	All but Interpreters	\$6,255,808.00
Regional Offices	All	\$5,372,789.00
Finance Division	25%	\$6,569,460.75
Human Resources	50%	\$2,290,575.50
Information Services	50%	\$7,114,470.50
Total Reductions		\$41,971,733.75
Plus Approx. 25% Benefits Savings		\$10,492,933.44

Total Savings

\$52,464,667.19