



Various Items—Senate “Access to Justice” Package

MAY 2019

PAGE 1

Overview of Senate Package

2019-20, General Fund (In Millions)

Program/Activity	Amount
Restoration of annual SAL adjustment for trial court operations funding	\$90.0
Court reporters in family law and civil law cases	50.0
Court investigators in conservatorship and guardianship cases and courtroom clerks	10.0
Court reporter transcript rate increase	5.0
Pretrial diversion for primary caregivers of minor children	5.0
Restorative justice diversion	5.0
Equal Access Fund	5.0
Independent California Commission on Access to Justice	0.5
Limited remote court reporter pilot in Santa Clara Superior Court	—
Total	\$170.5

SAL = State Appropriations Limit.

- Senate plan provides an ongoing \$170.5 million General Fund augmentation for various purposes, including the restoration of an annual adjustment for trial court operations funding, funding to provide court reporters in family and civil law cases, and funding to support court investigators in conservatorship and guardianship cases and courtroom clerks.



Background Information on Select Funding Proposals

MAY 2019

PAGE 2

- **Annual State Appropriations Limit (SAL) Adjustment to Trial Court Operations Funding**
 - In 2005-06, the Legislature authorized automated annual increases in trial court funding equal to SAL growth factor. Over time, SAL grows roughly in line with the state's economy, but it can also fluctuate substantially.
 - Judicial Council allocated most SAL funding to individual trial courts based on their share of the total trial court budget, though some was allocated specifically to courts identified as "under resourced." The 2009-10 budget package eliminated the SAL adjustment for the trial courts.
 - Currently, funding for trial court operations is increased through the approval of budget requests and adjustments for specified purposes (such as increased trial court health benefits and retirement costs), and general purpose funding typically allocated through Judicial Council's Workload Allocation and Funding Methodology (WAFM).
- **Court Reporters in Family Law and Civil Law Cases**
 - Existing law requires trial courts to provide court reporters at no charge to litigants in certain case types (such as some criminal proceedings). Trial courts are not required to do so for certain civil and family law proceedings.
 - In July 2018, the Supreme Court ruled that trial courts must generally provide court reporters at no charge for indigent individuals in civil cases upon request in order to provide meaningful equal access to justice. The trial courts are in the process of implementing the Supreme Court's ruling.

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- **Court Investigators in Conservatorship and Guardianship Cases and Courtroom Clerks**
 - Trial courts have various responsibilities related to conservatorships and guardianships and are authorized to refer certain issues to court investigators who are tasked with specified responsibilities (such as conducting interviews and providing reports to the trial court).
 - In 2006, various pieces of legislation were enacted that increased trial court and trial court investigator responsibilities in conservatorship and guardianship cases. For example, certain conservatorships for developmentally disabled adults must be reviewed every two years. The 2011-12 budget package specified that trial courts are not required to perform any of the increased responsibilities until funding is appropriated for these responsibilities.

- **Equal Access Fund**
 - The Equal Access Fund is generally used to provide legal services and assistance to indigent individuals in civil case types—90 percent for grants to legal service providers (such as Legal Aid) for free civil legal services to indigent and underserved individuals and 10 percent for partnership grants to legal service providers who partner with local courts to provide legal assistance to self-represented litigants (such as through self-help centers). It currently receives \$20.4 million from the General Fund and \$5.5 million from the Trial Court Trust Fund (specifically from a portion of civil filing fees).
 - We note that both houses approved a one-time \$20 million General Fund augmentation to the Equal Access Fund for legal aid costs to assist with rental disputes between landlords and tenants.