Agenda Item V.: FY 2020-21 Legislative Budget Request Planning

The process for developing the legislative budget request typically begins in June with initial discussions on trial court funding priorities by the Funding Methodology Committee (FMC) and the Trial Court Budget Commission (TCBC). However, Session 2020 will begin on January 14, 2020, necessitating a compressed timeline this year, with one TCBC meeting anticipated to address both allocations and Legislative Budget Request (LBR) recommendations.

Background

Although multiple trial court LBR issues were considered for the 2019 legislative session, the TCBC decided to solely recommend a system-wide request for employee pay, to emphasize to the Legislature the importance of the issue.

Typically, trial court LBRs have been developed using a more traditional approach for specific elements of the court system (e.g., case managers or law clerks) and have been based on statewide funding formulas to determine the resources needed to request that year. Additionally, the requests are routinely developed as a statewide need, fit within the official funding formulas for the elements, and are uniform across the state. This traditional approach is highly structured and easy to explain. Although justification on the need for the additional resources is provided in the request, the resource and the funding formula tend to drive the request, not the goal the resources will be used to achieve. The judicial branch has not received substantial new resources for these key elements in the past few legislative sessions. In addition, this approach has generated discussion within the branch on whether the budget requests account for differences in the complement of resources needed by each individual circuit.

Current

An alternative approach may be to develop and communicate policy-based budget issues that support the achievement of specific outcomes in the trial courts. Under this alternative approach, the TCBC may wish to consider identifying and quantifying LBR issues that capture statewide and local trends, issues, and challenges, while still being guided by the goal of more equalized funding across the state and providing for a minimum level of resources. Enhancements could be made in two areas:

1) LBRs could be developed to target specific problems by identifying realistic and achievable desired outcomes, either at the statewide level or based on local emerging issues/challenges identified by the circuits. For example, the TCBC considered but did not recommend a statewide policy-specific issue, the Civil Case Efficiency Initiative, identifying the need to improve the timeliness in resolving civil cases due to an increase in recent circuit and county court civil filings. A multi-component proposal was
developed that included operational and structural solutions, such as judicial e-filing, performance measurements, and case manager, law clerk, and mediator resource needs.

2) Additionally, the development of the resources needed to achieve the desired outcomes could be determined based on more specific needs of each individual circuit. This approach is more adaptive to the specific issues facing the trial courts, is flexible to each circuit’s needs, but is less structured and not as uniform across the state.

The TCBC may want to consider possible LBR issues based on priorities being discussed in the current or recent legislative sessions or other specific initiatives that can be targeted to reach an overarching goal in the trial courts.
Statewide, Policy Driven Approach
Determine potential statewide trial court LBR issues to be costed out, with feedback from the chief judges and trial court administrators, to be considered by the FMC and TCBC at their June meetings.

Circuit-Specific, Policy Driven Approach
Determine whether local emerging issues/challenges and specific resource needs should be identified through consultation with chief judges and trial court administrators, compiled by the Office of the State Courts Administrator, and brought to the FMC and TCBC for consideration at their June meetings.

Decision Needed

Option 1: Recommend potential statewide, policy driven LBR issues today and reach out to the circuits for potential local circuit-specific, policy driven LBR issues, to be considered by the FMC and TCBC at their June meetings.

Option 2: Only recommend potential statewide, policy driven LBR issues today to be considered by the FMC and TCBC at their June meetings. Do not reach out to the circuits for potential local circuit-specific, policy driven LBR issues.

Option 3: Retain the current, element-based LBR approach.

Option 4: Consider an alternative.