



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 27–28, 2017

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Title	Agenda Item Type
Trial Courts: Update of Resource Assessment Study Model	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	July 28, 2017
Recommended by	Date of Report
Workload Assessment Advisory Committee Hon. Lorna A. Alksne, Chair Leah Rose-Goodwin, Manager, Office of Court Research	June 13, 2017
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### Executive Summary

The Workload Assessment Advisory Committee recommends that the Judicial Council adopt the updated workload measures of the Resource Assessment Study (RAS), with the understanding that ongoing technical adjustments will continue to be made as more data become available. The RAS model uses a weighted caseload methodology to measure trial court staff need; previous iterations of the model were approved by the Judicial Council in 2005 and 2013. The RAS model serves as the foundation of the judicial branch's Workload-based Allocation and Funding Methodology.

### Recommendation

The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council:

1. Adopt the caseweights and other model parameters for use in the Resource Assessment Study model; and
2. Direct WAAC to conduct any necessary interim analyses or make any technical adjustments needed prior to the next workload study update.

## Previous Council Action

In 2000, the Judicial Council's Office of Court Research was directed to develop workload measures for nonjudicial trial court staff with the goal of developing a method for allocating resources to the trial courts that takes into account workload. The Judicial Council approved the RAS model at its July 20, 2005 meeting.<sup>1,2</sup> The model was used in three fiscal years (FY 2005–2006 through FY 2007–2008) to identify historically underfunded courts and redirect a portion of new State Appropriations Limit funding to those courts identified, based on workload, as the most severely underfunded.

In February 2013, the council approved an updated version of RAS with caseweights and other model parameters derived from a 2010 time study.<sup>3</sup> In that same year, the council approved a recommendation to adopt a new funding model, the Workload-based Allocation and Funding Methodology (WAFM) that would use the RAS model as the basis for its workload-based funding model.<sup>4</sup>

Consistent with the current recommendation, the two previous approvals of the RAS model were made with the understanding that ongoing technical adjustments would be made to the model as the need arose and as more data became available. To that end, two technical adjustments were proposed for the model following its 2013 approval: one was a recommendation from the Trial Court Budget Advisory Committee that the committee<sup>5</sup> study special circumstance workload;<sup>6</sup> the other was a request to develop an interim caseweight (pending the RAS model update) to measure the workload in complex civil cases, following the dissolution of the complex civil pilot program and corresponding Trial Court Improvement and Modernization Fund funding. An interim caseweight to measure complex civil workload was approved by the council at its June 26, 2015 meeting and implemented starting with the FY 2015–2016 budget allocations.<sup>7</sup>

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<sup>1</sup> See <http://www.courts.ca.gov/documents/0705item1.pdf>.

<sup>2</sup> At the time, RAS was an acronym for Resource Allocation Study, but was later revised to Resource Assessment Study to better reflect the model's use in assessing, not allocating, workload.

<sup>3</sup> See <http://www.courts.ca.gov/documents/jc-20130226-itemM.pdf>.

<sup>4</sup> See <http://www.courts.ca.gov/documents/jc-20130426-itemP.pdf>.

<sup>5</sup> The request was made of the Judicial Branch Resource Needs Assessment Advisory Committee, which later became the Workload Assessment Advisory Committee. Before becoming an advisory committee, the group was known as the SB 56 Working Group.

<sup>6</sup> See <http://www.courts.ca.gov/documents/jc-20140220-itemK.pdf>. WAAC established a subcommittee to study the issue and determined that these cases occur infrequently and are not well tracked; that most of the workload occurs at the appeals phase; and that if a new caseweight were created, the impact on the workload model would be small. Further, the committee suggested that there might be other means of addressing the workload need for these cases, but that they were outside WAAC's purview.

<sup>7</sup> See <http://www.courts.ca.gov/documents/jc-20150626-item4.pdf>.

## **Rationale for Recommendation**

The RAS model is based on weighted caseload, a nationally known and accepted methodology for trial court workload measurement. This methodology was developed by the National Center for State Courts (NCSC) and has been employed in over 25 states to measure the work activities of court staff, judicial officers, and other entities connected with the court system.<sup>8</sup>

Weighted caseload relies on three basic components: annual court filings; caseweights and other model parameters that estimate how much time or resources court case processing activities take; and a staff-year value, which quantifies the amount of time staff have for their work activities. The resulting calculation is an estimate of the staff needed for each court's case processing work, expressed as full-time equivalents (FTE). Attachment 1 provides an overview of the RAS model and the various components that go into the calculation.

As part of the process for determining annual trial court allocations, the RAS FTE need is computed and then converted to a dollar estimate. The RAS FTE need is calculated using the average of the three most recent years of filings data and the most current set of workload measures available. Until now, the most current workload measures available have been those that were approved by the Judicial Council in 2013 and that were based on a time study conducted in 2010.<sup>9</sup> The recommendation being made to the council in this report is to adopt an updated set of workload measures that would assess trial court staff workload need using more recent data.

### **Why update the workload measures?**

Changes in the law, technology, and case processing practices require periodically remeasuring workload in the courts to account for the effect of these changes on resource needs. At this point in time, the weights and other model parameters that are currently used to measure case processing workload are out of date. Last measured and updated in 2010, they do not reflect changes since then such as Assembly Bill 109 criminal realignment, the proliferation of e-filing and other technological advancements that increase case processing efficiency, Proposition 47, or recommendations from the Elkins Task Force that affect case processing. Using the 2010 caseweights to measure current workload need gives an out-of-date picture of resource needs in the trial courts

### **Study methodology**

As with the previous studies, the 2016 study has two basic components: a time study and a quality adjustment phase. The time study was conducted in March 2016 using an e-mail based method called the "random moment" methodology. Random moment is a federally sanctioned

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<sup>8</sup> See <http://www.ncsc.org/Topics/Court-Management/Workload-and-Resource-Assessment/Resource-Guide.aspx>.

<sup>9</sup> At its October 15, 2013 meeting, the SB 56 Working Group, the precursor to WAAC, approved a recommendation to update the RAS and Judicial Workload Models every five years as resources permit. The committee recognized that regular updates would keep the models as up to date as possible.

methodology that uses sampling to construct a composite picture of the work that staff perform throughout the day.<sup>10</sup> The random moment method was first used in the 2010 RAS study,<sup>11</sup> and except for some minor differences between the 2010 and 2016 studies, such as the participating study courts and some of the tasks studied (e.g., the 2016 study contained questions about hearings and workload related to realignment, which had not been in effect in 2010), the basic study framework has remained the same. Doing so ensures that any changes in the caseweights since the last study reflect changes in court workload and not differences in the way the courts were studied and the data analyzed.

**March 2016 time study**

Over 4,000 staff from 15 courts participated in the time study. The sample of courts included small, medium, and larger courts and encompassed urban, suburban, and rural communities; 10 of these courts had also participated in the 2010 workload study. In addition to geographic differences, courts were selected to reflect a variety of resource levels, as measured by RAS and WAFM, with the hypothesis that different resource levels are a potential source of variation in case processing practices. Overall, the 15 study courts represent 60% of statewide court workload based on total filings for FY 2014–2015, the most recent year for which data are available.

**Table 1: 2016 Study Courts (Courts that also participated in the 2010 are bolded.)**

<b>Amador</b>	Orange
Contra Costa	<b>Placer</b>
<b>El Dorado</b>	Sacramento
<b>Fresno</b>	<b>San Diego</b>
Humboldt	<b>San Francisco</b>
<b>Lake</b>	<b>Solano</b>
Los Angeles	<b>Ventura</b>
<b>Merced</b>	

The staff who participated in the time study included all categories of positions responsible for case processing, such as courtroom clerks, records management clerks, mediators, and legal research attorneys. A few types of staff are not included in the RAS model because the funding for their positions comes from sources other than the Trial Court Trust Fund and/or the workload

<sup>10</sup> See [https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A87/a87\\_2004.pdf](https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A87/a87_2004.pdf).

<sup>11</sup> The February 8, 2013 Judicial Council report regarding the last RAS model update detailed how the workload study was conducted using two methodologies in parallel: the NCSC methodology, in which court staff record their daily work activities on a time log; and the random moment method. The 2010 study showed that the random moment method generated comparable results to the time diary study and garnered positive feedback from court staff about the ease of reporting. Furthermore, the Random Moment interface was designed and deployed by staff from the Judicial Council’s Information Services Division, with programming and user support from Office of Court Research staff at a considerable cost savings (approximately \$120,000 based on the 2016 sample size) compared to contracting out for the service.

for those positions is accounted for in other models. Court interpreters, security, staff assigned to enhanced collections, and subordinate judicial officers are among the categories of staff who are not included in the RAS model (though their workload and funding is accounted for in other ways).

The fieldwork for the time study involved administering an e-mail survey to staff at random moments during the working day. The survey established the type of case staff were working on and the tasks they were performing. The number of surveys sent and the duration of the study (generally between two to four weeks) was determined using statistical sampling methods to establish the appropriate number of responses needed from each court to capture the full array of case processing activities for the 20 case types in RAS. Work in some case types, like probate, mental health, or parentage, occurs infrequently and cannot be adequately captured in a time study without burdening study participants (e.g., extending the data collection period and/or increasing the number of e-mail surveys sent per day), so the post-time study analysis is designed to supplement the time study results for those less-frequently occurring case types. A sample of over 100,000 random moments was obtained, with a 96% response rate achieved.

The time study data were then used to establish a set of caseweights that measure the average amount of staff time required to process a case from filing through disposition, including any postdisposition activity. Caseweights were estimated for the same 20 case types that were included in the 2010 study, plus complex civil, which was added as a caseweight after the 2010 study was complete.

### **Post-time study analysis and adjustments**

Time studies inevitably measure actual resource levels. As a result, the time study results must be evaluated carefully to avoid inferring that actual resource levels are appropriate. If courts consistently have to defer certain areas of work, regularly incur overtime, or run backlogs, current resources may not be sufficient.

There were three stages to the post-time study data analysis:

#### ***Supplemental survey***

First, a supplemental survey was conducted to incorporate the estimated amount of case processing time contributed by noncourt staff (e.g., contractors). This step ensures an apples-to-apples comparison of case processing work across courts, where a particular activity might be performed by court staff in one jurisdiction, but contracted out in another (e.g., infractions batch processing).

#### ***Site visits***

Second, site visits were conducted with each participating study court to review and validate the data. During these visits, program staff met variously with administrators, presiding judges, supervisors, and time study participants to discuss the preliminary findings and to gather

qualitative data to form the basis of inquiry in the Delphi sessions. Some of the matters covered included:

- Whether there were any special projects, major cases, or other atypical events during the study period that might have impacted the findings;
- Areas of work where the court felt they were particularly effective and areas where the court felt they could improve;
- External factors that affect workload and operations, such as court relationships with or practices of justice system partners;
- Recently implemented case management systems or technologies and how that has affected workload;
- Changes in court workload since the time the last study was conducted; and
- Data classification errors that may have occurred during the time study.

Study courts indicated that they had undergone significant process reengineering in order to become more efficient. Many had consolidated locations and/or functions to maximize staff resources and had trimmed public service hours to catch up on paperwork. Courts acknowledged that some of these measures reduced public access and did a disservice to court users.

In the site visits, court staff confirmed that the preliminary caseweights matched their experience in that court workload appeared to be taking longer, even though overall filings have been declining for several years. In the course of the visits, staff discussed a number of factors that they believed led to the increase, such as the rising number of self-represented litigants or how more complex social issues are now embedded in the matters handled by courts. Many courts were in the process of updating case management systems and talked about some of the issues that had arisen resulting from that change, such as being able to easily access more detailed case information, but also having to do more upfront data entry. In the end, the site visits provided meaningful and valuable insights about court workload to help achieve a better understanding of the time study data.

### ***Delphi sessions***

The last stage of the poststudy analysis was a series of focus group sessions convened with subject-matter experts to consider whether the measured amount of time spent in each case type was consistent with efficient and effective case processing. Delphi sessions, a feature of workload analyses conducted by the National Center for State Courts, are a means of providing structured feedback in an iterative, multistep process. Separate sessions were held for each case type grouping (civil, family, criminal, etc.) and were attended by 10–12 mostly senior-level staff, such as senior clerks, supervisors, and operations managers. Most of the Delphi participants were drawn from the 15 study courts and/or WAAC member courts, though some were from courts that had not been able to participate in the study but had indicated an interest in contributing in some other fashion. In total, 25 courts contributed to some aspect of the 2016 study.

The premise of the Delphi sessions is to obtain subject matter expertise to help validate the study findings and to inform where the measured values from the time study appear to not comport with experience or practice. The rationale for such adjustments falls into three major areas: (1) work that was not sufficiently measured in the time study, usually due to small sample sizes for case types that occur infrequently; (2) areas of work or case types where courts typically experience backlog or incur overtime; (3) adjustments, both upwards and downwards, where the study data were not consistent with the subject matter experts' opinion on the frequency or duration of the activity.

Delphi participants were asked to review the tasks and functional areas for each preliminary caseweight. Where the group felt that an adjustment was warranted to achieve more efficient and effective case processing or to adjust study measurements in accordance with expectations based on experts' experience, a quality adjustment was proposed, either upwards or downwards. The Delphi is intended to be an iterative and consensual process, so on occasion the groups found reason to revisit previous decisions in light of new information and make adjustments. The Delphi participants make their recommendations in an advisory capacity, knowing that the final decisions rest with the committee.

### **Preliminary findings suggest that court workload has become more complex despite declines in filings**

The Delphi adjustments were incorporated into a proposed set of final caseweights that was presented to WAAC members on January 6, 2017. The study findings showed that the amount of case processing workload per case has increased in the period between the last staff workload study (2010) and the current workload study (2016). As filings have declined over the same period, the current aggregate workload is the product of a lower volume of filings and a higher amount of work per case. The increase in workload would correspondingly increase the branch's resource needs compared to the previous year's (FY 2016–2017) RAS estimate.

The committee directed staff to gather additional information to provide an empirical basis for the caseweight changes. A report was prepared to detail the factors that have contributed to the changes.<sup>12</sup> The findings include:

- The matters that courts now handle reflect much more complex social issues, such as mental health issues, poverty, drug addiction, and complex family relationships. In addition, drug courts, homeless courts, veteran's courts, and other specialized courts are more ubiquitous, all involving much more complex case processing and proceedings.
- Case filings, primarily in criminal, family, and juvenile, have become more complex and therefore require more staff time to complete. This complexity has been largely due to

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<sup>12</sup> The full report is part of the January 6, 2017 WAAC meeting materials at: <http://www.courts.ca.gov/waac.htm>.

legislative enactments since 2010 (the last time the workload study was conducted), such as Prop. 47, AB 109 (criminal realignment), AB 1657 (court interpreters, civil expansion), as well as statewide judicial branch initiatives such as the Elkins Task Force. Some examples of this complexity include:

- **AB 109 (criminal realignment):** structural changes in criminal case processing have increased the number of hearings held and warrants issued. In addition to the time that these events take, by themselves, each event generates new workload in the form of calendared events, data entry, and forms to process.
  - **AB 1014 (Gun Violence Restraining Orders):** these orders ensure public safety, but are extremely time sensitive. The workload involved consists of holding hearings, issuing warrants, and issuing orders. Because there are very short time frames for notifying the Department of Justice, some as short as one court day, work on these orders must by necessity supersede other court business. While relatively few orders have been filed so far (86 orders in 2016), more are expected once the law becomes more widely known.
  - **AB 1657 (court interpreters, civil expansion):** civil expansion makes courts accessible to those with limited English proficiency. Some projections based on the 2010 and 2015 language needs studies suggest that interpreter service days may have increased by as much as 40% since 2010—an increase in spite of declines in filings in many of those case types. Increased workload for court case processing staff comes from (1) the need to continue and reschedule hearings if a language need that cannot be addressed with onsite interpreters is identified; (2) the time that courtroom clerks spend scheduling interpreters; and (3) longer hearing times, since everything said in the hearing is repeated twice.
- Filings in matters where self-represented litigants predominate also seem to take longer compared to previous workload studies.
  - Many trial courts are in the process of installing new case management systems and this effort is adding to court staff workloads. Although there are certainly efficiencies using the new systems (e.g., ability to share data more easily among justice system partners), there are also elements that increase staff workload (e.g., more data entry being required to create and maintain cases and records, retraining staff to the new processes). Some of the issues related to installation of new systems are temporary and should be reexamined as part of an interim update to the caseweights to see whether the reported times have decreased.<sup>13</sup>

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<sup>13</sup> At the time of the study, seven courts had changed case management systems (CMS) in one or more case types within the two years preceding the workload study. Three of those seven courts were implementing the new CMS in one or more additional case types in the months following the study. Another court (that has not changed CMSs) is



- Approaches that expand access to justice to financially less able individuals, such as fee waiver hearings, have increased significantly over the same time period and add to the overall workload of court staff.

These findings are not unique to California. The National Center for State Courts confirmed this phenomenon (lower filings and higher caseweights in the criminal, family, and juvenile areas) is typical when jurisdictions conduct successive workload analyses, usually resulting from increased statutory requirements in these case type categories. Oregon and Colorado confirmed this finding in their recently completed workload analyses, and NCSC reported observing this in three additional states where they recently completed workload analyses.

### **Final proposed caseweights and other model parameters**

WAAC reconvened on April 11, 2017, to receive the staff report on caseweight changes and to review the final proposed caseweights and other model parameters (Attachments 2 and 3). The following section details how the committee arrived at the recommendations being made in the present report. Attachment 2 details all of the components of the 2016 RAS model, including:

- Use of three years' average filings to compute FTE need;
- Updated caseweights for 21 case types;
- Staff-year value to quantify available work time;
- Court reporter need; and
- Ratios to compute time for managers/supervisors and Program 90 (administrative) staff.

In principle, the components are the same as in the previous iteration of the RAS model, but with slight adjustments made based on updated data and policy direction. The use of average filings data is consistent with the previous model and is designed to smooth out any year-to-year fluctuations in the data, particularly for smaller courts and less-frequently occurring case types like mental health or probate. Similarly, the use of ratios to estimate the need for managers/supervisors and administrative staff (Human Resources, Information Technology, and other back office functions that support operations) is unchanged, although the underlying data have been refreshed with more current data. The use of a staff-year value in the formula to calculate FTE need is also conceptually the same as with the previous model, and the staff-year value selected for the 2016 study is discussed more fully in the next section.

The methodology used to compute the need for court reporters has been revised to account for updated policy direction on provision of court reporters in certain courts. Court reporters have always been included in the RAS model, but because their workload is not interchangeable with other operations staff and since some courts use contracted court reporters, they are not measured in the time study data collection. Instead, a ratio of 1.25 FTE was applied to the assessed judicial

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encountering loss of automation issues resulting from their district attorney having recently changed to another CMS. Following the workload study, two more study courts started phasing in new CMSs in one or more case types.

officer need in each of the case types where a court reporter is mandated to provide a verbatim record per Government Code section 69952(a) (felony, misdemeanor, conservatorship/guardianship, and mental health). A pad of 0.25 FTE was added to account for coverage issues stemming from absences or other leave time and because other court clerical staff cannot substitute for court reporters.

The proposed RAS model update utilizes the same ratio of 1.25 FTE but expands the case types covered for a group of courts<sup>14</sup> that are statutorily mandated to provide court reports in all case types except infractions.<sup>15</sup> This is a new approach that was not taken in the previous RAS model update. At the time of the last RAS study (2009–2013), the Court Executives Advisory Committee was in the midst of a project that sought to identify statutory changes that would result in greater efficiencies in the trial courts, and the statutes that required certain courts to have court reporters in all case types were on the list for review and possible repeal. As a result, the previous RAS model did not make any adjustments for these courts pending the outcome of the efficiency project.

Those efforts did not come to fruition, so when the current RAS update got underway, it was brought up for discussion at a WAAC meeting. Since the relevant code sections are still in effect, the court reporter need in those courts has been computed on the basis of the judicial officer need for all case types except infractions. For the remaining 43 courts, the need is computed the usual way—by applying the 1.25 FTE ratio to the judicial officer need in the mandated case types.

The final component of the RAS model is the caseweights that measure the average case processing time for cases of various types. Weights were established for the same 20 case types as in the previous model, plus a weight for complex civil workload to update the initial caseweight established in 2015 for this workload. The caseweights that were computed on the basis of the 2016 time study data are shown in column C of Attachment 3 and are the weights that the Judicial Council is being asked to approve in this report.

For comparison purposes, the Delphi-adjusted caseweights are shown in column D. The previous study caseweights are shown in Column A. Because of the proposed change in how court reporter need is calculated in the 2016 RAS model, namely that the need is calculated differently across the courts, it was no longer feasible to embed the court reporter need in the caseweights as had been done previously. Therefore, in order to compare the previous and proposed caseweights, column B shows the 2011 study caseweights with the court reporter time removed. Comparing column B to column C shows how the caseweights have shifted from the 2011 study to the 2016 study.

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<sup>14</sup> Those courts are: Butte, Contra Costa, El Dorado, Lake, Madera, Mendocino, Merced, Monterey, Nevada, Shasta, Solano, Stanislaus, Tehama, Tulare, and Tuolumne.

<sup>15</sup> Government Code sections 70040 through 70064 contain county-specific provisions regarding court reporter usage, among other things.

The next section describes the process by which WAAC came to consensus on a final set of caseweights and a staff-year value to recommend to the Judicial Council.

## **Comments, Alternatives Considered, and Policy Implications**

### **Comments**

Consistent with the previous workload studies, the 2016 RAS model has not been circulated for public comment.

### **Alternatives considered**

There were two substantive areas of discussion at the April 11, 2017 WAAC meeting with respect to the model parameters: the final caseweights and the staff-year value.

The final caseweights presented for discussion represent the sum of the preliminary caseweights plus the proposed Delphi adjustments. There was a vigorous discussion about the Delphi process and whether it was structured in a way to provide sufficient rationale for the proposed changes. While some members expressed that Delphi was the only way to account for backlog and overtime—since that workload cannot be captured in the time study—others pointed out that overtime and backlog are not uniform experiences across all courts. It was also mentioned that, to the extent that Delphi adjustments serve to validate the time study findings, the time study methodology was extensively vetted when it was first used in 2010, therefore decreasing the need for the external validation that Delphi provides.

Some members wanted to delve more deeply into the findings from the individual Delphi sessions to better understand the rationale for the changes proposed, but it was believed that there was not adequate time to do so. And, it was acknowledged that study courts might have agreed to participate in the workload study on the basis that Delphi sessions would be held later on, since for study courts that are under-resourced, the time study data might reflect case processing practices under less-than optimal conditions.

At the end, the majority of members agreed that using Delphi-adjusted weights would add a level of complexity that would be difficult to explain and justify and that using the preadjusted weights, which include the changes in the law, technology, and practice that had occurred since the last study, provided sufficient foundation for justifying the branch's workload-based funding need. Further, the group discussed the merits of using the Delphi adjustments in some, but not all caseweights, and felt that it was better to be consistent across all case types. A motion was made to adopt the pre-Delphi (preliminary) caseweights. Of the 12 voting members present, nine voted yes, two voted no, and one member abstained.

The second area of discussion concerned the staff-year value that is used to quantify the available work hours that staff have for case processing. In the two previous versions of RAS, a work year value was derived from the time study data and follow-up analysis with study courts. The previous work year values were 96,300 minutes (2005 study) and 95,990 minutes (2010

study). The 2016 study showed a work year value of 98,550 minutes, based on the assumptions shown in the second column of the table below (Table 2).

**Table 2: Work Year Value Calculations**

	2016 Study Work Year Value Calculations	Department of Finance Work Year Value Calculations
Days in year	365	365
Weekend days	104	105
Less holidays	13	13
Less leave/vacation days	29	15
Total working days available	219	232
Working hours per day	7.5	8
Work year= working days*working hours*60	98,550 minutes	111,360 minutes

The committee evaluated whether to continue using the study work year value or the work year standard used by the state Department of Finance (DOF). The main differences between the two models are in the assumptions used for leave/vacation time and working hours per day. Study courts confirmed the higher leave accrual with data from their personnel management systems and posited that the higher numbers were the result of having a greater proportion of seasoned staff with higher leave allowances. Members also questioned whether the DOF work year value assumptions regarding leave took into account the Family and Medical Leave Act and other similar types of leave. During the site visits, some courts had mentioned that stress and repetitive motion injuries resulted in higher usage of disability leave.

In addition to leave/vacation time, the other major area of difference between the two models is found in the assumed working hours per day. The time study year value presumes that employees work a nine-hour day, with a one-hour lunch break and two 15-minute breaks, as required by the Fair Labor Standards Act for nonexempt employees. The DOF work year assumes an eight-hour workday.

Some committee members voiced the opinion that the empirically derived work year value should be chosen because it was consistent with the group’s decision to use the pre-Delphi caseweights, which were also informed empirically. Others voiced support for being consistent with the DOF values and didn’t see a compelling difference in the nature of court work that would justify choosing a different value. A motion was made to use the DOF work year value to calculate the RAS FTE need; it was approved by nine members of the 12 voting members, with two members voting no and one abstaining.

### **Policy implications**

WAAC's decision to approve a model consisting of the "pre-Delphi" caseweights and DOF staff-year value result in a more conservative estimate of staff need based on workload, compared to the estimate that would result from using the Delphi-adjusted caseweights and time study staff year. However, if a significant portion of court workload cannot be completed in a timely manner and without incurring overtime, then the result of approving this recommendation would be an understatement of the branch's resource needs.

In terms of the impact of the decision on courts on a relative basis, a comparison of the RAS FTE need using pre- and post-Delphi caseweights shows that using the pre-Delphi weights does not affect any one court or group of courts more so than another, though there is some court-to-court variation due to differences in case mix across courts.

Committee members discussed various options for future analyses, such as further refining the Delphi results after the RAS model update was completed or refining the Delphi process in future workload studies. As with any component of the RAS model, technical adjustments can be made if more and better data become available.

### **Implementation Requirements, Costs, and Operational Impacts**

The new workload standards would take effect upon approval by the Judicial Council. Since the FY 2017–2018 trial court allocations have already been determined, the new standards could first be utilized for allocation purposes for FY 2018–2019. There is no cost to implement this proposal, nor any direct impacts on Judicial Council staff. However, should staff be directed to make sizeable technical adjustments to the model, additional staff resources may be needed to handle this work. Operational impacts for the trial courts have been described previously.

### **Relevant Strategic Plan Goals and Operational Plan Objectives**

The workload study update is consistent with Goal II, Independence and Accountability, of the Strategic Plan, in that the RAS model aims to "[a]llocate resources in a transparent and fair manner that promotes efficiency and effectiveness in the administration of justice, supports the strategic goals of the judicial branch, promotes innovation, and provides for effective and consistent court operations" (Goal II.B.3).

It also meets with related Operational Plan Objective III, Modernization of Management and Administration, in that a statewide workload model creates "[s]tandards for determining adequate resources for all case types—particularly for complex litigation, civil and small claims, and court venues such as family and juvenile, probate guardianship, probate conservatorship, and traffic; accountability mechanisms for ensuring that resources are properly allocated according to those standards" (Objective III.A.2.c).

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## **Attachments**

1. Resource Assessment Study (RAS) Model Overview
2. Proposed 2016 RAS caseweights
3. Resource Assessment Study (RAS) Model Components to Calculate Staff Need

## Resource Assessment Study (RAS) Model Overview

### Overview

Each fiscal year, RAS estimates the total FTE need in each court using the following formula:

$$\text{Total Need (FTE)} = \text{Staff Need} + \text{Manager Need} + \text{Administrative Staff Need}$$

### Step 1: Staff Need (Program 10)

Staff need is calculated using a weighted caseload methodology. The total need is calculated for each case type and then summed across all case types. The formula used is as follows:

$$\text{Staff Need (FTE)} = \frac{\text{Average Filings} * \text{Caseweight (mins.)}}{\text{Staff Year Value (mins.)}} + \text{Court Reporter Need}$$

The components of this formula are as follows:

- Average Filings: three-year average filings for a given case type.
- Caseweight: estimated staff time to process a filing of a given case type.
- Staff year value: estimated minutes available for case processing per FTE per year.
- Court reporter need: judicial need multiplied by a factor of 1.25 in relevant case types.

### Step 2: Manager Need (Program 10)

Manager need is calculated by dividing the staff need (Step 1), plus each court's court interpreter FTE,<sup>1</sup> by a ratio of staff to managers and supervisors. This allocates managerial resources in proportion to staffing need. The formula used is as follows:

$$\text{Manager Need (FTE)} = \frac{\text{Staff Need (FTE)} + \text{Court Interpreters (FTE)}}{\text{Cluster Ratio}}$$

The cluster manager ratio is based on existing staffing patterns in the courts as reported in the last three years' Schedule 7A data. To reflect economies of scale, separate ratios are calculated for courts in clusters 1, 2, 3, and 4.

### Step 3: Administrative Staff Need (Program 90)

Staff support need is based on the same principles as manager need (Step 2). In this case, the combined staff and manager need is added to existing Non-RAS FTE before applying the ratio.

$$\text{Administrative Staff Need (FTE)} = \frac{(\text{Staff Need (FTE)} + \text{Manager Need (FTE)}) + \text{Non-RAS FTE}}{\text{Cluster Ratio}}$$

The ratio is based on existing patterns in the courts as reported in the last three years' Schedule 7A data. To reflect economies of scale, separate ratios are calculated for courts in clusters 1 and 2 and a pooled ratio is used for clusters 3 and 4.

<sup>1</sup> Court interpreters are funded separately from RAS. However, they are included in the calculation of manager need on the assumption that managerial resources are also required for court interpreters.

		A	B	C	D
Case type Group	Casetype	2011 Final Weights w/court reporter*	2011 Final Weights w/o court reporter*	2016 Preliminary Weights (pre- Delphi)	2016 Delphi- adjusted Weights
Civil	Asbestos	3,546	3,546	3,625	4,727
Civil	Complex	2,271	2,271	1,921	2,361
Civil	EDD	16	16	14	14
Civil	Limited Civil_no UD	179	179	182	214
Civil	Unlawful Detainer	235	235	276	290
Civil	Small Claims	201	201	259	332
Civil	Unlimited Civil	797	797	719	764
Criminal	Felony	944	669	813	900
Criminal	Infractions (more than 100K filings)	28	28	22	22
Criminal	Infractions (less than 100K filings)	40	40	38	38
Criminal	Misd Non-traffic	298	253	478	553
Criminal	Misd Traffic	109	97	103	117
Family	Child Support	484	484	405	431
Family	Domestic Violence	770	770	475	921
Family	Marital	1,057	1,057	861	1,058
Family	Family Other	478	478	571	1,046
Family	Parentage	1,158	1,158	1,260	1,236
Juvenile	Delinquency	602	437	646	982
Juvenile	Dependency	1,428	1,010	1,211	1,916
Mental Health	Mental Health	627	403	324	392
Probate	Cons./Guard.	3,729	3,564	2,225	3,580
Probate	Probate Other	835	835	1,831	1,994

\* In the previous study, court reporter need was embedded in the caseweights; for the 2016 study, court reporter need is computed separately. Column A shows the 2011 caseweights approved by the Judicial Council in 2013. Column B shows the caseweights with the court reporter time taken out.



## Resource Assessment Study (RAS) Model Components to Calculate Staff Need

Component	Details										
Average filings	Three-year average filings in each RAS case type based on the last three fiscal years' data available from JBSIS. RAS estimates for FY 2017-18 will be based on data from FY 2013-14, 2014-15, and 2015-16.										
Caseweights	See Attachment 2 for caseweights approved by WAAC in April 2017.										
Staff year value	WAAC approved use of a work year value consistent with state Department of Finance assumptions: 111,360 minutes.										
Court reporter need (FTE)	For most courts, court reporter need is calculated by multiplying assessed judicial need in each mandated case type by a factor of 1.25 (Felony, Misdemeanor, Conservatorship & Guardianship, and Mental Health). For the 15 courts mandated to use court reporters in all case types (except Infractions), the same multiplication factor is used across all case types. <sup>1</sup>										
Manager/supervisor ratios	Ratios are based on existing staffing patterns in the courts as reported in the last three years' available Schedule 7A data (FY 2014-15, through 2016-2017). The ratio of staff to managers/supervisors is calculated for each court and each year. The cluster ratio is then calculated by taking the median of observed ratios in each cluster. <table border="1" data-bbox="500 1010 927 1255"> <thead> <tr> <th>Cluster</th> <th>2016 Updated Ratio</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>7.5</td> </tr> <tr> <td>2</td> <td>7.8</td> </tr> <tr> <td>3</td> <td>8.6</td> </tr> <tr> <td>4</td> <td>11.4</td> </tr> </tbody> </table>	Cluster	2016 Updated Ratio	1	7.5	2	7.8	3	8.6	4	11.4
Cluster	2016 Updated Ratio										
1	7.5										
2	7.8										
3	8.6										
4	11.4										
Administrative staff (Program 90) ratios	Ratios are based on existing staffing patterns in the courts as reported in the last three years' available Schedule 7A data (FY 2013-14 through 2015-2016). The ratio of staff and managers to support staff is calculated for each court and each year. The cluster ratio is then calculated by taking the median of observed ratios in each cluster. <table border="1" data-bbox="500 1497 927 1736"> <thead> <tr> <th>Cluster</th> <th>2016 Updated Ratio</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>4.3</td> </tr> <tr> <td>2</td> <td>5.9</td> </tr> <tr> <td>3</td> <td>7.6</td> </tr> <tr> <td>4</td> <td>7.6</td> </tr> </tbody> </table>	Cluster	2016 Updated Ratio	1	4.3	2	5.9	3	7.6	4	7.6
Cluster	2016 Updated Ratio										
1	4.3										
2	5.9										
3	7.6										
4	7.6										

<sup>1</sup> Those courts are: Butte, Contra Costa, El Dorado, Lake, Madera, Mendocino, Merced, Monterey, Nevada, Shasta, Solano, Stanislaus, Tehama, Tulare, and Tuolumne.