



JUDICIAL COUNCIL
OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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EXECUTIVE AND PLANNING COMMITTEE

E-MAIL ACTION

Date: Friday, October 16, 2015

I. ACTION ITEM

Agenda Setting for October 27 Judicial Council Meeting (Action Required)

Review remaining draft reports and set the agenda for the October Judicial Council meeting.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

Title	Agenda Item Type
Judicial Council Report to the Legislature: Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice	Action Required
	Effective Date
	October 27, 2015
Rules, Forms, Standards, or Statutes Affected	Date of Report
N/A	October 8, 2015
Recommended by	Contact
Workload Assessment Advisory Committee Hon. Lorna A. Alksne, Chair Leah Rose-Goodwin, Manager, Judicial Council Office of Court Research	Leah Rose-Goodwin, 415-865-7708 Leah.Rose-Goodwin@jud.ca.gov

Executive Summary

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*. This report satisfies the requirements of Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

Recommendation

The Workload Assessment Advisory Committee recommends that the Judicial Council, effective October 27, 2015, approve the attached report for transmittal to the Legislature under Government Code section 77001.5.

Previous Council Action

The council approved the 2014 report at its October 2014 meeting, and approved the 2013 report at its December 2013 meeting. Previous reports were submitted but not approved by the Judicial Council, because protocol at that time did not require council action on reports that did not include recommendations.

Rationale for Recommendation

Approval of the transmittal of this report to the Legislature will comply with the legislative mandate contained in Government Code 77001.5, which requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.”

Comments, Alternatives Considered, and Policy Implications

This report is a legislative mandate; no public comments were sought nor alternatives considered.

Implementation Requirements, Costs, and Operational Impacts

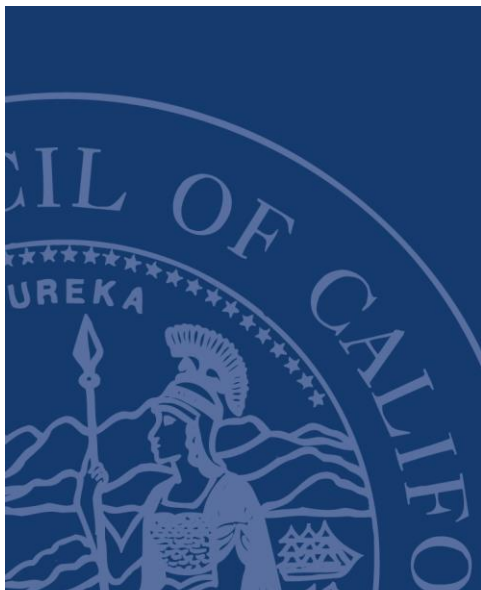
Staff shortages at the Judicial Council have made production of the report more difficult. The current refocusing of the report to quantitative measures already approved by the Judicial Council and already reported by the trial courts attempts to overcome these limitations.

Relevant Strategic Plan Goals and Operational Plan Objectives

The Judicial Council Operational Plan, adopted in 2008, includes Objective 4 related to the strategic Goal II: Independence and Accountability. Objective 4a reads: “Mechanisms for reporting judicial branch business and performance to the public and other stakeholders.”

Attachments

1. *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice: Report to the Legislature Under Government Code 77001.5*



Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION 77001.5

NOVEMBER 2015



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION

COURT OPERATIONS SERVICES

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More information about the state judicial system may be found on the California Courts website at www.courts.ca.gov.

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Introduction

Government Code section 77001.5 requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.”

This annual report to the Legislature focuses the analysis on four key quantitative measures of trial court performance:

- Caseload Clearance Rates;
- Time to Disposition;
- Stage of Case at Disposition; and
- Trials by Type of Proceeding.

In addition to these measures, this report also provides information on the availability of branch resources including:

- Assessed need for new judgeships (Gov. Code, § 69614); and
- Status of the conversion of subordinate judicial officer positions to judgeships (Gov. Code, § 69615).¹

Finally, this report provides a brief narrative describing work conducted since the last reporting period to improve the standards and measures of judicial administration.

¹ For more information on the rationale for selecting these quantitative measures and how they align with the legislative mandate contained in Government Code Section 77001.5, see 2012 report to the Legislature on Judicial Administration Standards located at <http://www.courts.ca.gov/documents/lr-Jud-Admin-Stand-and-measures-122712.pdf>.

Quantitative Measures of Court Performance

The CourTools

The National Center for State Courts (NCSC) developed the *CourTools* in an effort to provide trial courts with “a set of balanced and realistic performance measures that are practical to implement and use.”² The *CourTools* draw on previous work conducted on trial court performance—primarily the Trial Court Performance Standards developed by the NCSC and published in the late 1990s—but also on relevant measures from other successful public and private organizations.

Previous years’ reports to the Legislature contained a description of all ten *CourTools* performance measures, including those for which complete data is unavailable. This year, data are shown on the two measures for which data in the California trial courts are available: Clearance Rates and Time to Disposition.

NCSC’s CourTools	Table 1: Status of <i>CourTools</i> Data in California Trial Courts			
	Availability	Scope	Data Quality	Location in This Report
Clearance Rates	Monthly Reports	All courts	Good	Appendix B
Time to Disposition	Monthly Reports	Missing data from some courts on some case types	Fair	Appendix C

Clearance Rates

Clearance rates show the number of outgoing cases as a percentage of the number of incoming cases. They provide an indirect measure of whether the court is disposing of cases in a timely fashion or whether a backlog of cases is growing. Monitoring clearance rates by case type helps a court identify those areas needing the most attention. Viewed over a time period, the clearance rate is expected to hover closely around 1.0 or 100 percent.

Time to Disposition

The time to disposition is the amount of time it takes a court to dispose of cases within established time frames. Trial court case disposition time goals serve as a starting point for monitoring court performance.

These measures of court operations were adopted by the Judicial Council as Standard of Judicial Administration 2.2. This standard establishes caseload clearance in civil case processing as a judicial administration goal and sets time-to-disposition goals for six civil and criminal case types: felony, misdemeanor, unlimited civil, limited civil, small claims, and unlawful detainer (see Appendix A).

Other Caseflow Management Data

² See “CourTools: Giving Courts the Tools to Measure Success” (NCSC 2005), <http://www.courtools.org/>.

In addition to the *CourTools* data, additional information reported by the trial courts can also be used as diagnostic measures of a court’s calendar management practices. How cases move through and out of the system—in other words, the stage of cases at disposition—can be useful indicators of effective case-processing practices and court operational efficiency. Efficient and effective case management can improve not only the timeliness of case disposition but also the quality of justice in resolution of these cases.

Stage of Case at Disposition

The stage and manner in which a case is disposed (i.e., how and when a case is disposed) can be a useful diagnostic measure of a court’s case management practices and the timeliness and quality of case resolution.³

Trials by Type of Proceeding

The number and type of trials is an important data element to break out separately from the data on the stage of case at disposition. Given the significance of trials on a court’s operations and resources, it is important to consider this measure in conjunction with other court performance data.

Table 2 below describes the quality of the data on these additional measures of court operations.

Caseflow Management Data	Table 2: Status of Data in California Trial Courts			
	Availability	Scope	Quality	Location in This Report
Stage of Case at Disposition	Monthly Reports	All courts	Good	Appendix D
Trials by Type of Proceeding	Monthly Reports	All courts	Good	Appendix E

Findings⁴

Caseload Clearance Rates (See Appendix B):

- In fiscal year 2013–2014, the most recent year for which data are available, clearance rates improved for some case types and declined for others.
 - Civil unlimited clearance rates declined, whereas civil limited clearance rates increased or were mostly stable. Clearance rates fell from 91 percent to 80 percent for motor vehicle unlimited cases, from 85 percent to 79 percent for “other” personal injury unlimited, and from 99 percent to 94 percent for other civil complaints. Civil limited increased from 102 percent to 104 percent and small claims appeals increased

³ The stage of case at disposition is not entirely under the control of the court. For example, if the district attorney and public defender are unable or unwilling to reach a mutually agreeable plea, or if parties do not settle civil cases, despite the courts’ best efforts, the stage and manner of disposition may be beyond the power of the court to affect substantially.

⁴ All of the findings reported here refer to trial court data submitted through June 30, 2014. These data are reported in more detail in the 2015 Court Statistics Report, <http://www.courts.ca.gov/13421.htm>.

from 75 percent to 80 percent. Small claims (other than appeals) rates declined but remained above 100 percent.

- Criminal clearance rates mostly increased, although nontraffic infractions decreased from 81 percent to 69 percent. Traffic misdemeanors remained at 78 percent. Traffic infractions increased from 83 percent to 91 percent. Felony rates and nontraffic misdemeanors each increased by one percentage point to 93 percent and 84 percent, respectively.
- Family and juvenile cases clearance rates fluctuated by case type. Within family law, the clearance rate for marital petitions increased from 98 percent to 99 percent, while the rate for family law petitions decreased from 87 percent to 85 percent. While the clearance rate for delinquency cases remained at 92 percent, the rate for dependency cases declined from 70 percent to 68 percent.

Time to Disposition (See Appendix C):

- Time-to-disposition data show a similar variation across case types:
 - The percentages of civil unlimited cases disposed of at 12, 18, and 24 months declined two to four percentage points each to 66 percent, 77 percent, and 84 percent. Limited civil cases at 12 and 18 months remained at 86 percent and 93 percent; cases at 24 months declined one percentage point to 95 percent. Unlawful detainer time decreased from 54 percent to 49 percent at the 30-day milestone, and from 72 percent to 68 percent at the 45-day milestone. The percentage of small claims cases disposed of in less than 70 days increased from 59 percent to 60 percent, and cases disposed of in less than 90 days increased by one percentage point to 71 percent.
 - Criminal case processing times improved by one percentage point for felonies resulting in bindovers or certified pleas at the 30-, 45-, and 90-day milestones, to 50 percent, 60 percent, and 76 percent. Misdemeanor processing times all decreased by one to two percentage points to 61 percent disposed of in less than 30 days, 79 percent in 90 days, and 83 percent in 120 days.
- Time standards for family law cases are set forth in rule 5.83 of the California Rules of Court, and time standards for juvenile cases can be found in rule 5.505. However, at this time, courts are not able to consistently and accurately report on these measures. Future reports will include this data as collection of these measures improves.

Stage of Case at Disposition (See Appendix D):

Civil

- Slightly less than four of every five unlimited civil cases—78 percent—are disposed before trial.
- Of the remaining unlimited civil cases disposed by a trial, the vast majority—86 percent—are bench trials. Only 3 percent of unlimited civil trials are jury trials. The remaining dispositions of unlimited civil cases are small claims appeals.

- In limited civil cases, only 6 percent of filings are disposed by trial and over 99 percent of these cases are bench trials.
- In small claims, the majority (58 percent) of dispositions are after trial.

Criminal

- Nearly all felony cases (97 percent) are disposed before trial.
- Of the felonies disposed after trial, 88 percent are jury trials.
- In felonies disposed before trial, 70 percent result in felony convictions. In felonies disposed after jury trial, 81 percent result in a felony conviction.
- The vast majority of nontraffic misdemeanors (99 percent) and traffic misdemeanors (99 percent) are disposed before trial.
- Of the misdemeanors disposed after trial, 47 percent of nontraffic cases and 74 percent of traffic cases are by bench trial, with the remainder disposed by jury trial.

Trials by Type of Proceeding (See Appendix E):

- The total number of jury trials increased for the first time in five years, rising five percent to 9,900 trials. The number of felony jury trials increased by 13 percent over 2012–2013 to 5,545. Probate and mental health trials increased by 215 percent from 59 to 186. During the same period, jury trials decreased in misdemeanors, civil unlimited, civil limited, and other civil limited cases.
- The total number of court trials increased slightly to 472,763 across all case types. Felony court trials increased by 31 percent to 785. Court misdemeanor trials increased by 4 percent to 376,906, and probate/mental health trials increased by 6 percent to 31,292. Personal injury/property damage civil unlimited, other civil unlimited, and civil limited court trial cases each declined slightly.

Judicial Workload and Resources (See Appendices F and G):

- The 2014 Judicial Workload Assessment shows a statewide need of 2,171.3 full-time equivalent judicial officers. The judicial workload assessment is slated to be updated in 2016. The 2014 Judicial Needs Assessment shows that a total of 269.8 FTE judicial officers are needed to meet the workload need, representing a shortfall of just under 14 percent over the total number of authorized and funded positions in the state (see Appendix F).
- In fiscal year 2013–2014 a total of 11 conversions were completed (see Appendix G). Nine additional conversions were completed in FY 2014–2015. With those nine additional conversions, the statewide total positions converted to judgeships since 2007–2008 is 117.
- Although the conversion of SJOs does not provide much-needed *new* resources to the courts, it does provide the courts with greater flexibility in the assignment of judicial officers. Moreover, it begins to restore the proper balance between judges and SJOs in the court, enabling constitutionally empowered judges who are held accountable by standing for election before their communities to hear cases that are appropriate to their rank.

Workload Models Update

Weighted caseload has been the national standard for evaluating the workload of judges and court staff for almost two decades.⁵ The number and types of cases that come before the court—the court’s caseload—is the starting point for any evaluation of workload. However, without using weighted case data, it is impossible to make meaningful calculations about the differences in the amount of work required. For example, while a felony and infraction case each represent one filing for the court, they have very different impacts on the court’s workload. Weighted caseload is therefore required to account for the types of cases coming before the court and to translate that information into effective and usable workload data.

The Judicial Council has approved workload models that utilize weighted caseload to assess where new judgeships and additional nonjudicial resources are most urgently needed and will have the biggest impact. The relative weight applied to different types of cases, however, requires periodic review due to changes in the law, technology, and practice, which all affect the average amount of time required for case processing. Periodic review and, where necessary, revision of caseweights, ensures that the allocation formulas reported to the Legislature and the Governor accurately reflect the current amount of time required to resolve cases.

The Workload Assessment Advisory Committee has recommended that the judicial and staff workload models be updated every five years to ensure that the models used to measure workload and allocate resources are using the most up-to-date information possible. The staff workload model is slated to be updated over the next two years, with a time study to be conducted in spring 2016 and new weights finalized in early 2017. The update of the judicial workload model will follow.

In addition to updates to these two models, the Judicial Council also recently adopted a recommendation to refresh the model that is used to allocate subordinate judicial officer (SJO) conversions. Under Government Code section 69615, a total of 162 SJO positions were identified as being in need of conversion in order to ensure that there were sufficient judicial officers of each type. The positions were identified on the basis of a 2007 workload analysis, using caseweights from the 2001 Judicial Officer Study and filings data from fiscal years 2002–2003 through 2004–2005. Since filings and the underlying weights used to measure workload have changed since that initial analysis was completed in 2007, refreshing the analysis with more current workload data ensures that the remaining 45 conversions will be allocated in the most effective manner.

Conclusion

This report has summarized *quantitative* measures of trial court performance and provides information on updates to the Resource Assessment Study model. Future reports will continue to provide updated and comparative information on these measures to permit an analysis of the courts’ ability to provide fair and efficient administration of justice.

⁵ See *Assessing the Need for Judges and Court Support Staff* (National Center for State Courts 1996).

Appendix A: Standards of Judicial Administration, Standard 2.2. Trial Court Case Disposition Time Goals

(a) Trial Court Delay Reduction Act

The recommended goals for case disposition time in the trial courts in this standard are adopted under Government Code sections 68603 and 68620.

(Subd (a) amended effective January 1, 2007; adopted effective July 1, 1987; relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(b) Statement of purpose

The recommended time goals are intended to guide the trial courts in applying the policies and principles of standard 2.1. They are administrative, justice-oriented guidelines to be used in the management of the courts. They are intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts. The goals apply to all cases filed and are not meant to create deadlines for individual cases. Through its case management practices, a court may achieve or exceed the goals stated in this standard for the overall disposition of cases. The goals should be applied in a fair, practical, and flexible manner. They are not to be used as the basis for sanctions against any court or judge.

(Subd (b) amended effective January 1, 2007; adopted effective July 1, 1987, as (1); relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(c) Definition

The definition of “general civil case” in rule 1.6 applies to this section. It includes both unlimited and limited civil cases.

(Subd (c) amended effective January 1, 2007; adopted effective January 1, 2004.)

(d) Civil cases—processing time goals

The goal of each trial court should be to process general civil cases so that all cases are disposed of within two years of filing.

(Subd (d) amended and relettered effective January 1, 2004; adopted effective July 1, 1987, as (2); previously amended effective July 1, 1988; amended and relettered as subd (c) effective January 1, 1989.)

(e) Civil cases—rate of disposition

Each trial court should dispose of at least as many civil cases as are filed each year and, if necessary to meet the case-processing goal in (d), dispose of more cases than are filed. As the court disposes of inactive cases, it should identify active cases that may require judicial attention.

(Subd (e) amended effective January 1, 2007; adopted effective July 1, 1987, as (3); previously amended effective July 1, 1988; previously amended and relettered as subd (d) effective January 1, 1989, and as subd (e) effective January 1, 2004.)

(f) General civil cases—case disposition time goals

The goal of each trial court should be to manage general civil cases, except those exempt under (g), so that they meet the following case disposition time goals:

(1) *Unlimited civil cases:*

The goal of each trial court should be to manage unlimited civil cases from filing so that:

- (A) 75 percent are disposed of within 12 months;
- (B) 85 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(2) *Limited civil cases:*

The goal of each trial court should be to manage limited civil cases from filing so that:

- (A) 90 percent are disposed of within 12 months;
- (B) 98 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(3) *Individualized case management*

The goals in (1) and (2) are guidelines for the court's disposition of all unlimited and limited civil cases filed in that court. In managing individual civil cases, the court must consider each case on its merits. To enable the fair and efficient resolution of civil cases, each case should be set for trial as soon as appropriate for that individual case consistent with rule 3.729.

(Subd (f) amended effective January 1, 2007; adopted as subd (g) effective July 1, 1987; relettered as subd (h) effective January 1, 1989; amended effective July 1, 1991; previously amended and relettered as subd (f) effective January 1, 2004.)

(g) Exceptional civil cases

A general civil case that meets the criteria in rules 3.715 and 3.400 and that involves exceptional circumstances or will require continuing review is exempt from the time goals in (d) and (f). Every exceptional case should be monitored to ensure its timely disposition consistent with the exceptional circumstances, with the goal of disposing of the case within three years.

(Subd (g) amended effective January 1, 2007; adopted effective January 1, 2004.)

(h) Small claims cases

The goals for small claims cases are:

- (1) 90 percent disposed of within 75 days after filing; and
- (2) 100 percent disposed of within 95 days after filing.

(Subd (h) adopted effective January 1, 2004.)

(i) Unlawful detainer cases

The goals for unlawful detainer cases are:

- (1) 90 percent disposed of within 30 days after filing; and
- (2) 100 percent disposed of within 45 days after filing.

(Subd (i) adopted effective January 1, 2004.)

(j) Felony cases—processing time goals

Except for capital cases, all felony cases disposed of should have a total elapsed processing time of no more than one year from the defendant's first arraignment to disposition.

(Subd (j) amended effective January 1, 2007; adopted effective January 1, 2004.)

(k) Misdemeanor cases

The goals for misdemeanor cases are:

- (1) 90 percent disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent disposed of within 90 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent disposed of within 120 days after the defendant's first arraignment on the complaint.

(Subd (k) adopted effective January 1, 2004.)

(l) Felony preliminary examinations

The goal for felony cases at the time of the preliminary examination (excluding murder cases in which the prosecution seeks the death penalty) should be disposition by dismissal, by interim disposition by certified plea of guilty, or by finding of probable cause, so that:

- (1) 90 percent of cases are disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent of cases are disposed of within 45 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent of cases are disposed of within 90 days after the defendant's first arraignment on the complaint.

(Subd (l) adopted effective January 1, 2004.)

(m) Exceptional criminal cases

An exceptional criminal case is not exempt from the time goal in (j), but case progress should be separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.

(Subd (m) amended effective January 1, 2007; adopted effective January 1, 2004.)

(n) Cases removed from court's control excluded from computation of time

If a case is removed from the court's control, the period of time until the case is restored to court control should be excluded from the case disposition time goals. The matters that remove a case from the court's control for the purposes of this section include:

- (1) Civil cases:
 - (A) The filing of a notice of conditional settlement under rule 3.1385;
 - (B) An automatic stay resulting from the filing of an action in a federal bankruptcy court;
 - (C) The removal of the case to federal court;
 - (D) An order of a federal court or higher state court staying the case;
 - (E) An order staying the case based on proceedings in a court of equal standing in another jurisdiction;
 - (F) The pendency of contractual arbitration under Code of Civil Procedure section 1281.4;
 - (G) The pendency of attorney fee arbitration under Business and Professions Code section 6201;

- (H) A stay by the reporting court for active military duty or incarceration; and
 - (I) For 180 days, the exemption for uninsured motorist cases under rule 3.712(b).
- (2) Felony or misdemeanor cases:
- (A) Issuance of warrant;
 - (B) Imposition of a civil assessment under Penal Code section 1214.1;
 - (C) Pendency of completion of diversion under Penal Code section 1000 et seq.;
 - (D) Evaluation of mental competence under Penal Code section 1368;
 - (E) Evaluation as a narcotics addict under Welfare and Institutions Code sections 3050 and 3051;
 - (F) 90-day diagnostic and treatment program under Penal Code section 1203.3;
 - (G) 90-day evaluation period for a juvenile under Welfare and Institutions Code section 707.2;
 - (H) Stay by a higher court or by a federal court for proceedings in another jurisdiction;
 - (I) Stay by the reporting court for active military duty or incarceration; and
 - (J) Time granted by the court to secure counsel if the defendant is not represented at the first appearance.

(Subd (n) amended effective January 1, 2007; adopted effective January 1, 2004.)

(o) Problems

A court that finds its ability to comply with these goals impeded by a rule of court or statute should notify the Judicial Council.

(Subd (o) amended effective January 1, 2007; adopted effective January 1, 2004.)

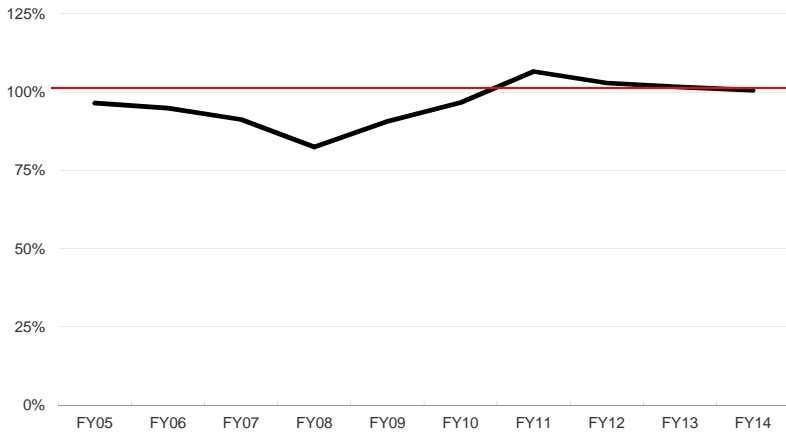
Standard 2.2 amended and renumbered effective January 1, 2007; adopted as sec. 2.1 effective July 1, 1987; previously amended effective January 1, 1988, July 1, 1988, January 1, 1989, January 1, 1990, July 1, 1991, and January 1, 2004.

**Appendix B: CalCourTools—Caseload Clearance Rates
Civil Unlimited, Civil Limited, Small Claims**

**Superior Courts
Figures 1–7**

Fiscal Years 2004–05 through 2013–14

Figure 1: Total Civil



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 2: Civil Unlimited

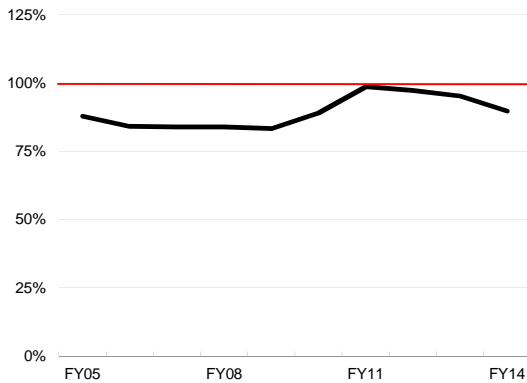


Figure 3: Motor Vehicle PI/PD/WD

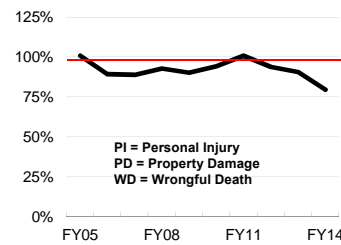


Figure 4: Other PI/PD/WD

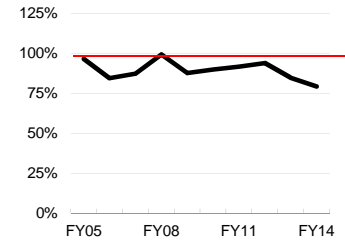


Figure 5: Civil Complaints

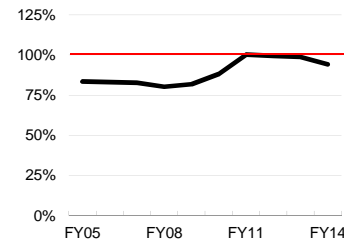


Figure 6: Civil Limited

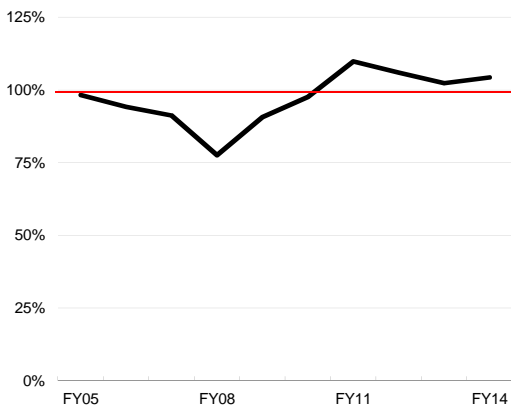


Figure 7: Small Claims

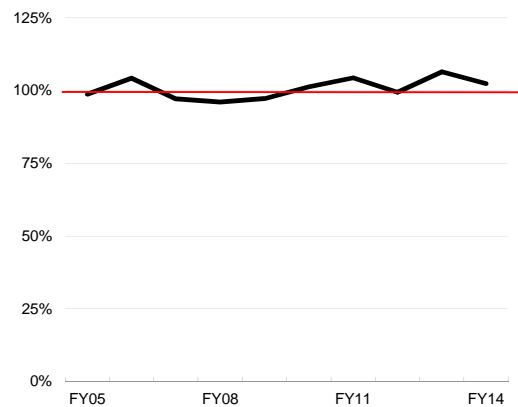
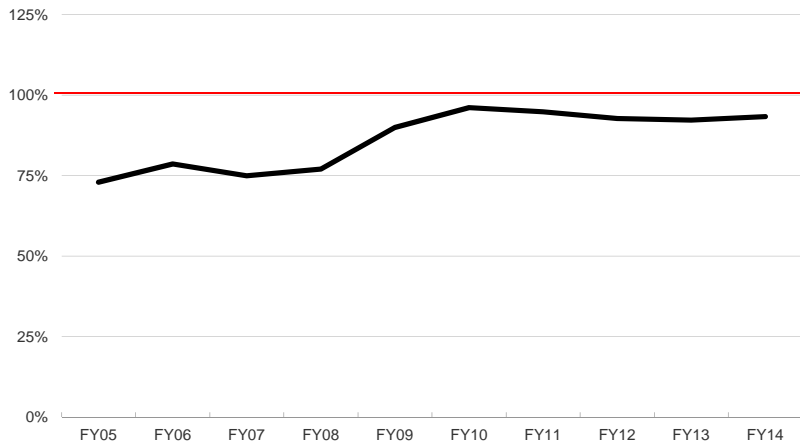


Figure 8: Felony



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 9: Nontraffic Misdemeanor

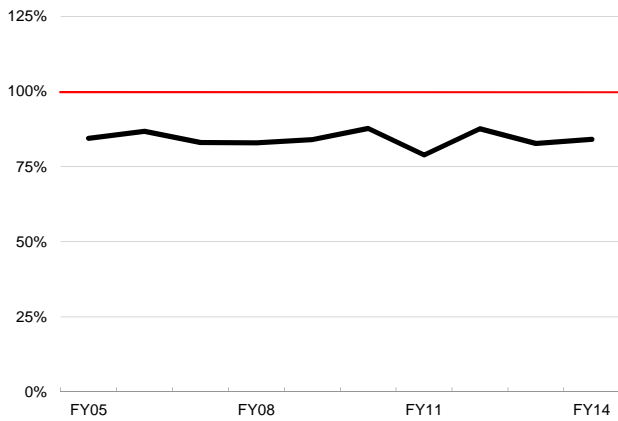


Figure 10: Traffic Misdemeanor

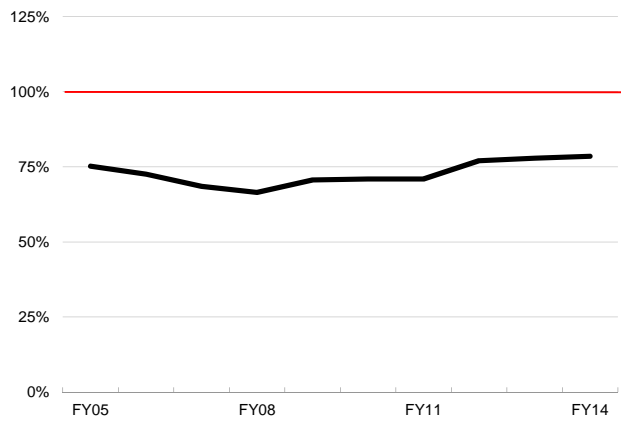


Figure 11: Nontraffic Infraction

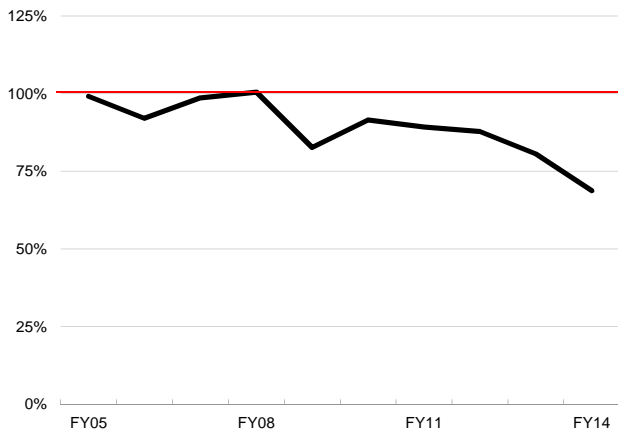
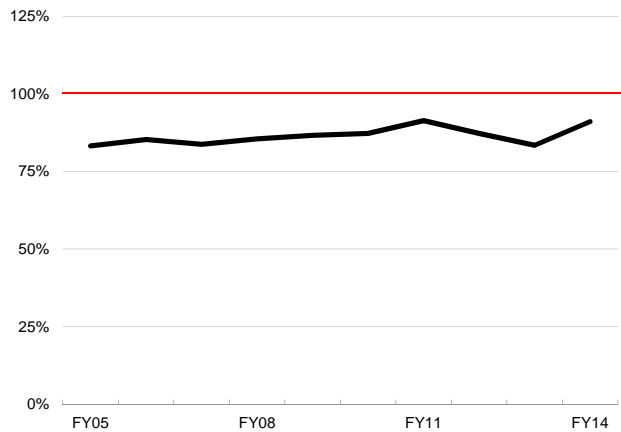


Figure 12: Traffic Infraction



Appendix B (continued): CalCourTools—Caseload Clearance Rates
Family Law, Juvenile Delinquency, Juvenile Dependency
Fiscal Years 2004–05 through 2013–14

Superior Courts
Figures 13–16

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 13: Family Law — Marital

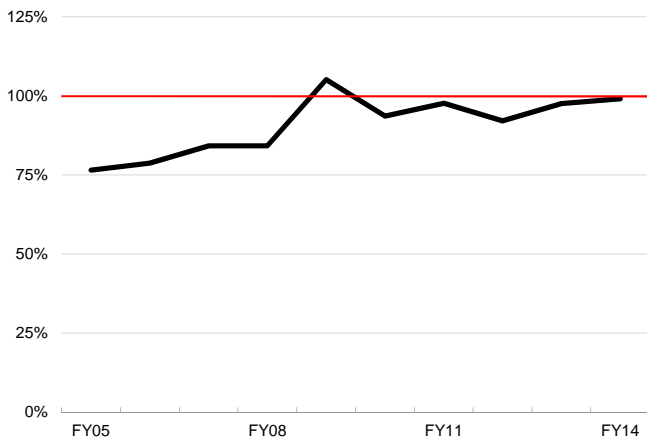


Figure 14: Family Law Petitions

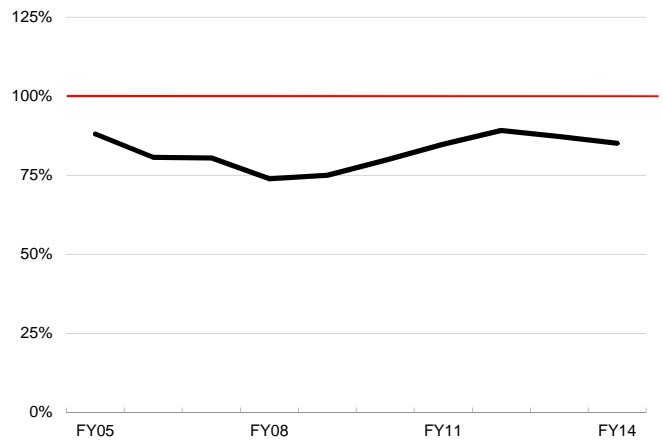


Figure 15: Juvenile Delinquency

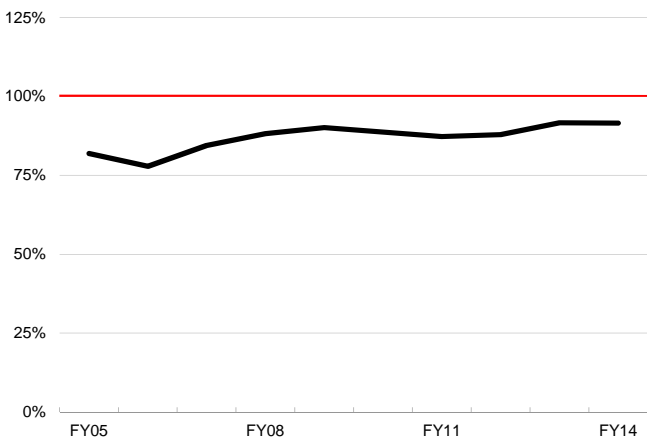
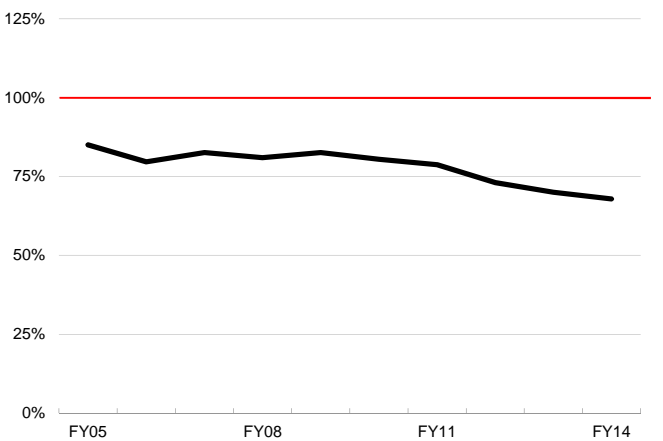


Figure 16: Juvenile Dependency



Appendix B (continued): CalCourTools—Caseload Clearance Rates
Probate, Mental Health, Appeals, Habeas Corpus
Fiscal Years 2004–05 through 2013–14

Superior Courts
Figures 17–20

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 17: Probate

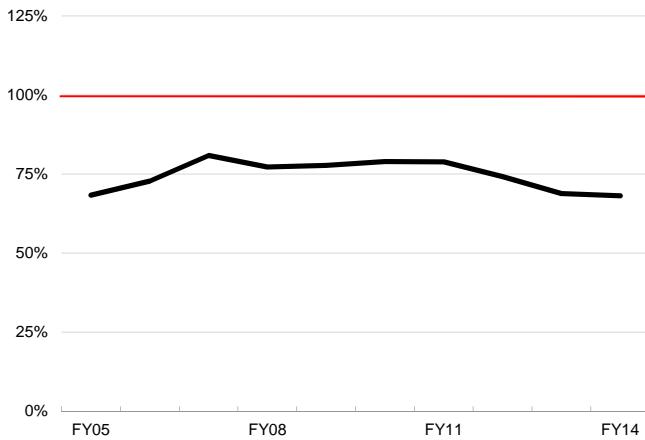


Figure 18: Mental Health

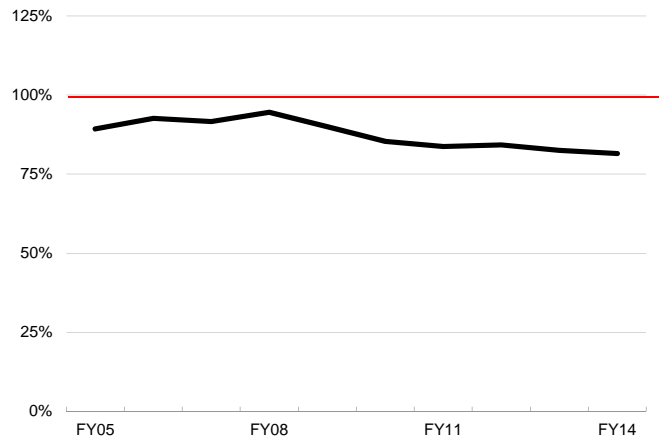


Figure 19: Appeals

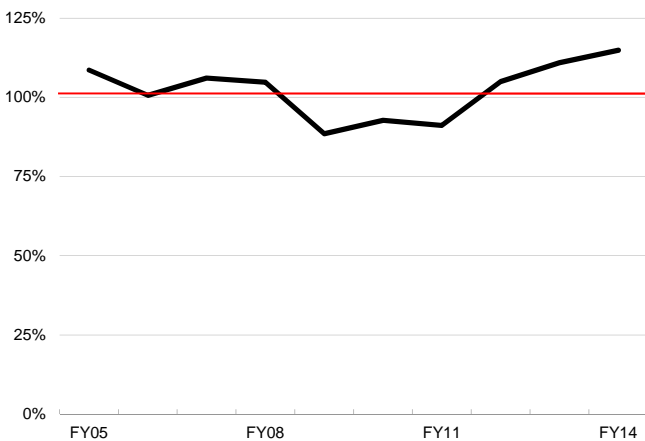
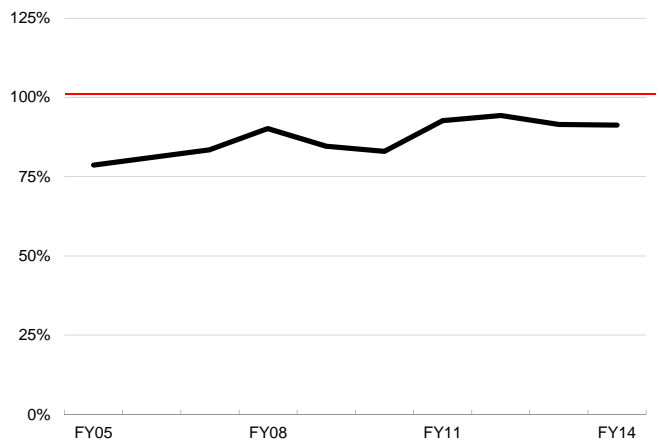


Figure 20: Criminal Habeas Corpus



Civil Case Processing Time (percent of cases disposed within specified periods)

The Standards of Judicial Administration establish case processing time-to-disposition goals for different types of civil cases, which are presented below with the specific time standards and target performance level.

<u>Standard</u>	<u>Target</u>
Time standard	Goal

Figure 21: Civil Unlimited

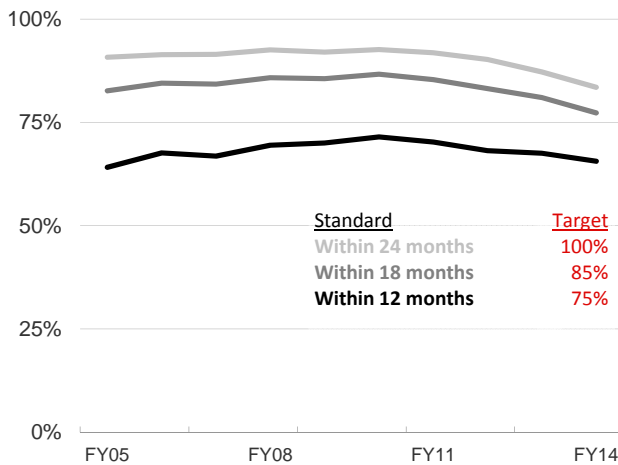


Figure 22: Limited Civil

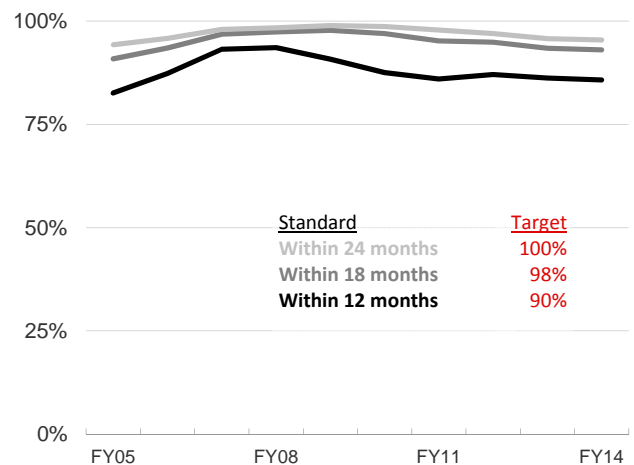


Figure 23: Unlawful Detainer

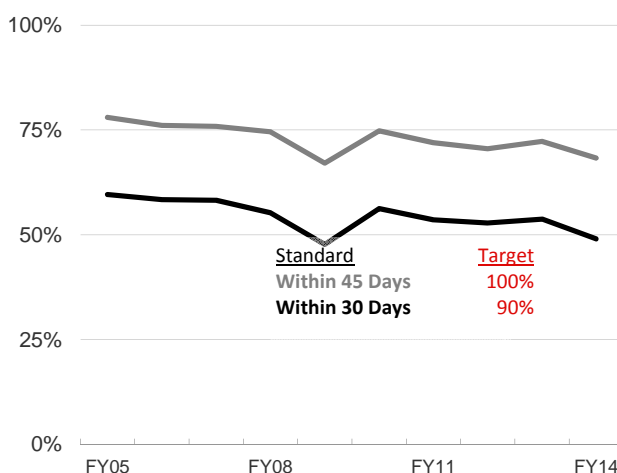


Figure 24: Small Claims

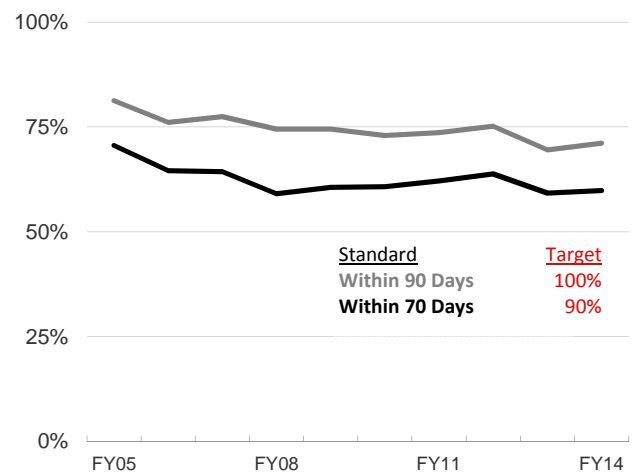
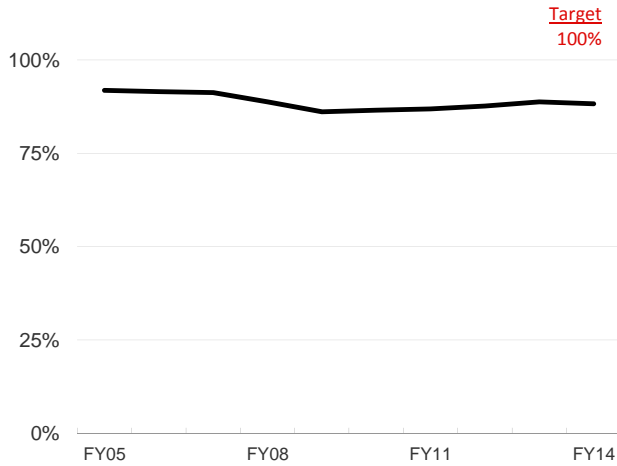


Figure 25: Felonies disposed within 12 months



Criminal Case Processing Time
 (percent of cases disposed within specified periods)

The Standards of Judicial Administration establish case processing time to disposition goals for different types of criminal cases, which are presented below with the specific time standards and target performance level.

Figure 26: Felonies resulting in bindover or certified pleas

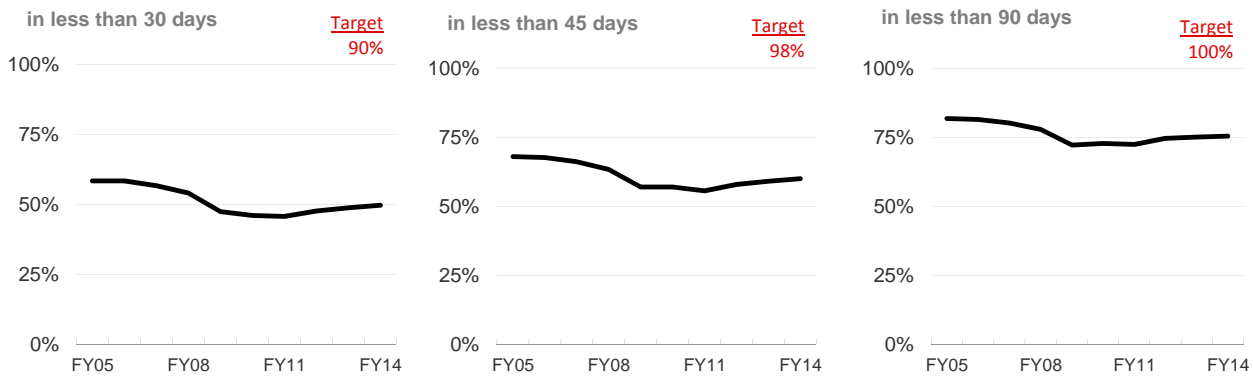


Figure 27: Misdemeanors disposed

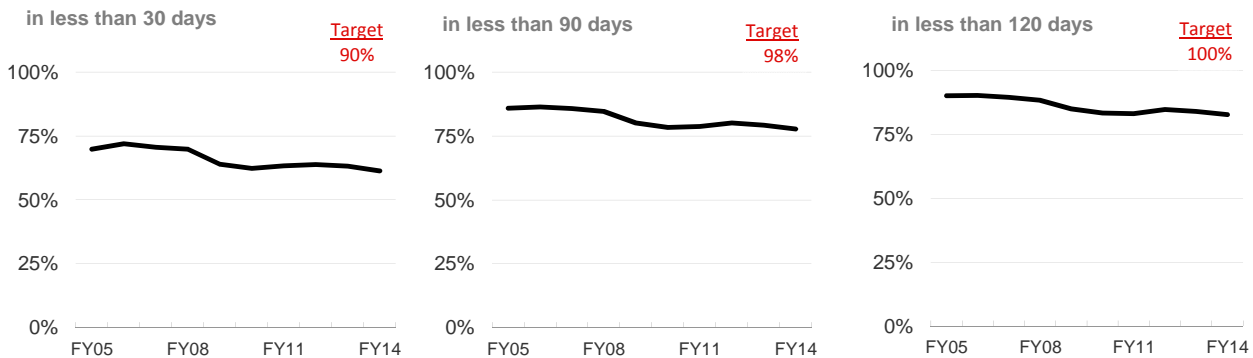


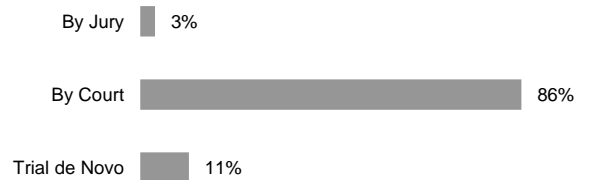
Figure 28: How and at what stage are civil cases resolved?

Unlimited Civil

Number disposed before trial



Number disposed after trial

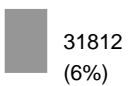


Limited Civil

Number disposed before trial



Number disposed after trial



Small Claims

Number disposed before trial



Number disposed after trial

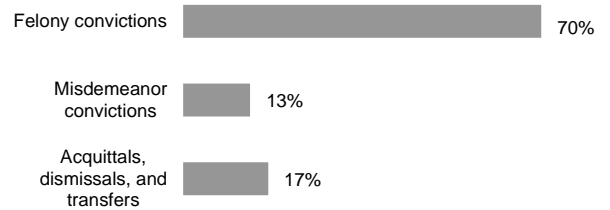


Figure 29: How and at what stage are felony cases resolved?

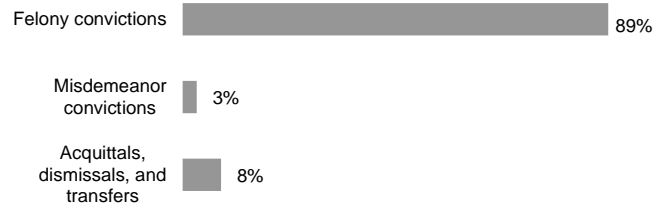
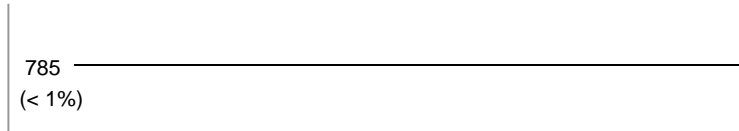
Total felony dispositions (not including felony petitions)



Number disposed before trial



Court trials



Jury trials

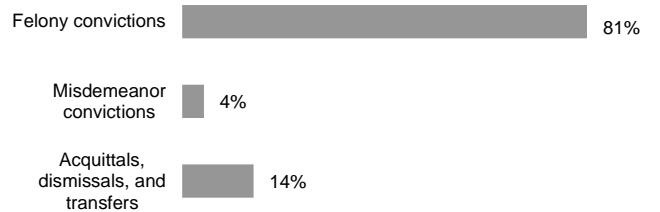
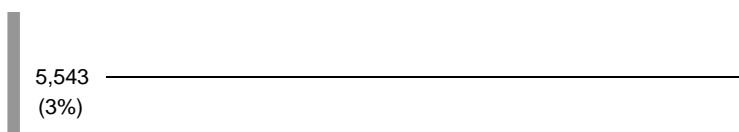
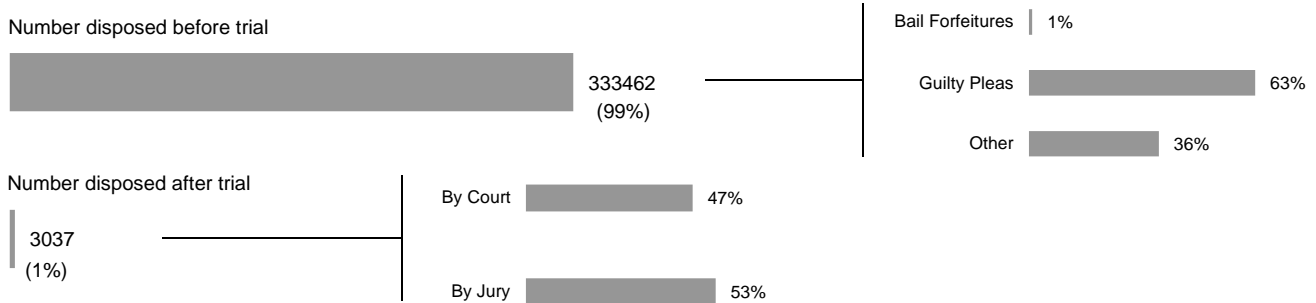
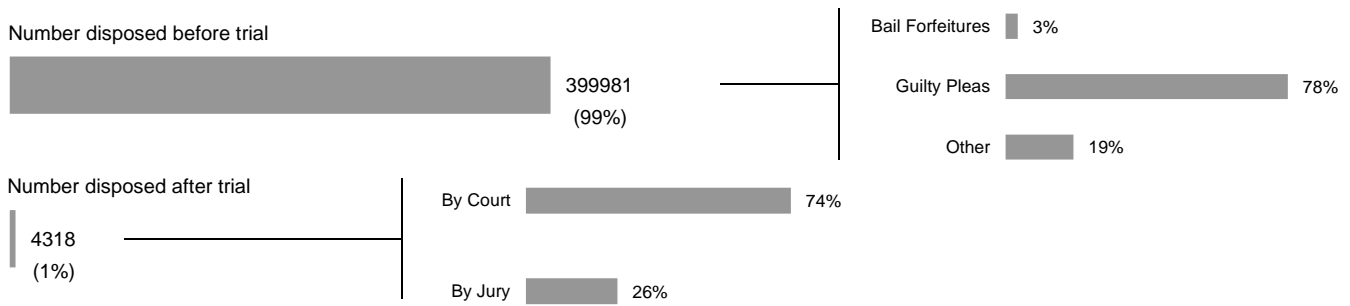


Figure 30: How and at what stage are misdemeanor and infraction cases resolved?

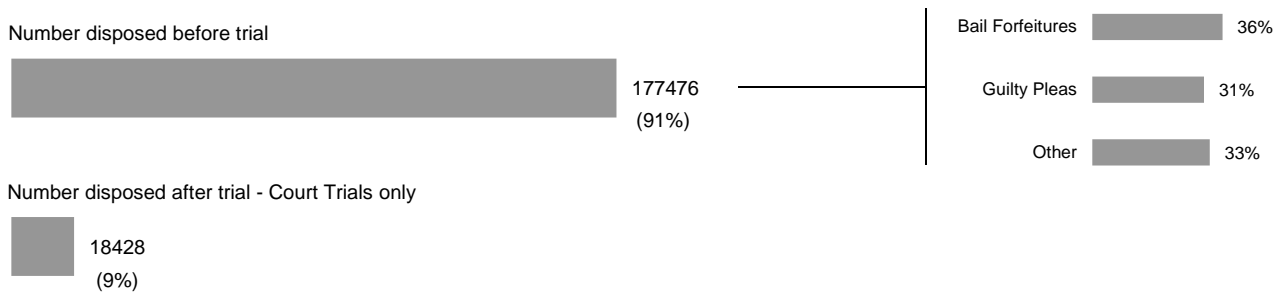
Nontraffic Misdemeanors



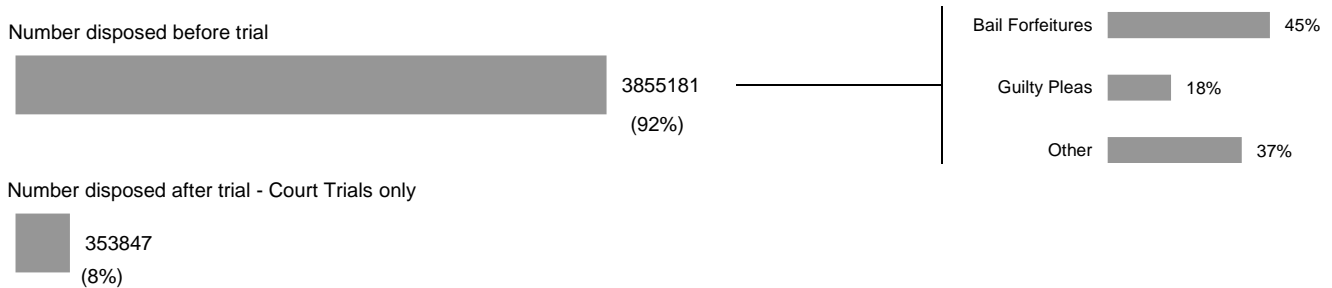
Traffic Misdemeanors

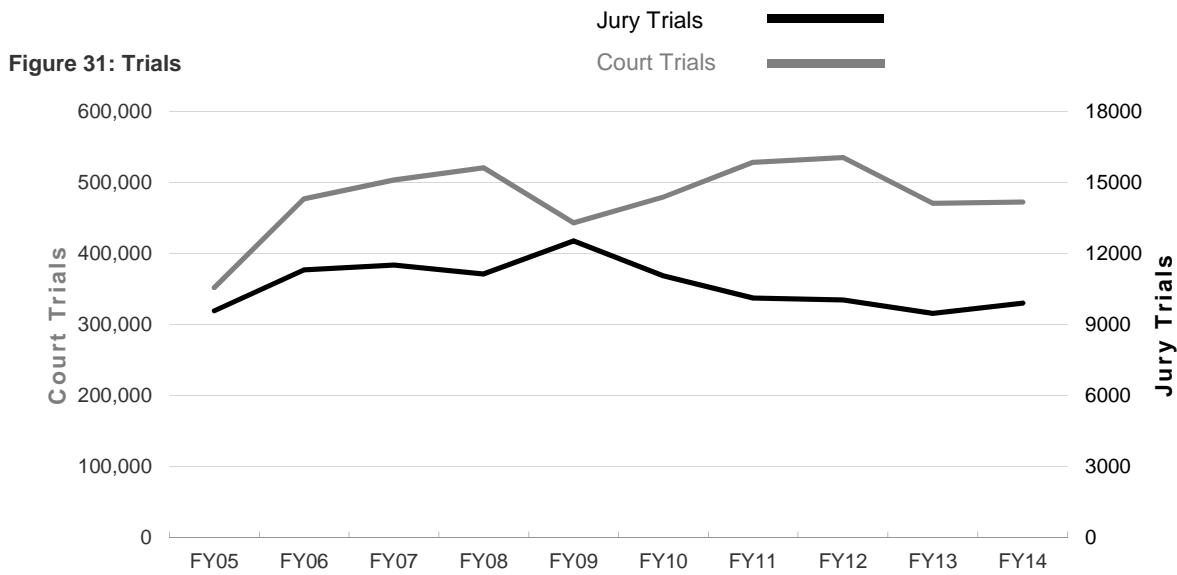


Nontraffic Infractions



Traffic Infractions





Jury Trials

Figure 32: Felony

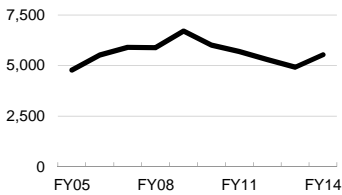


Figure 33: Misdemeanor

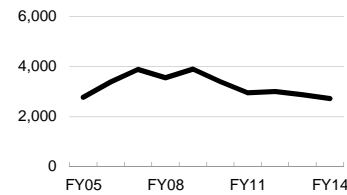


Figure 34: PI/PD/WD Civil Unlimited

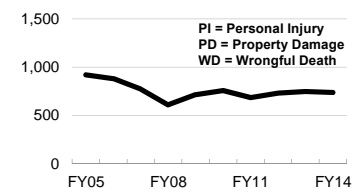


Figure 35: Other Civil Unlimited

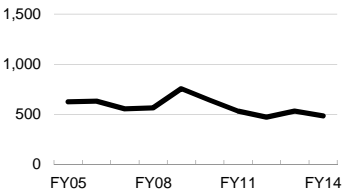


Figure 36: Civil Limited

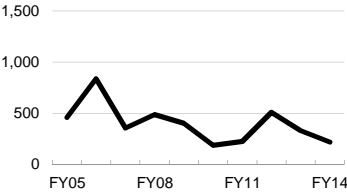
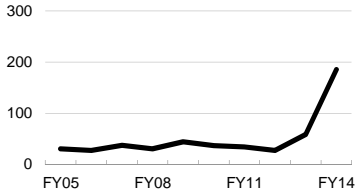


Figure 37: Probate and Mental Health



Court Trials

Figure 38: Felony

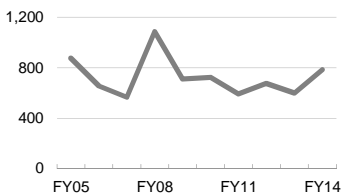


Figure 39: Misdemeanor and Infractions

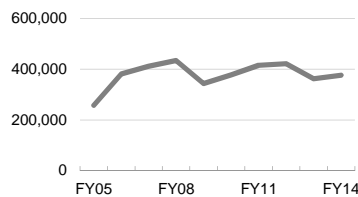


Figure 40: PI/PD/WD Civil Unlimited

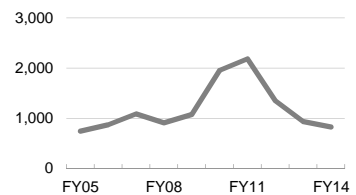


Figure 41: Other Civil Unlimited

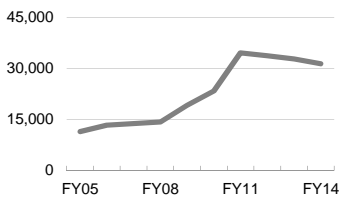


Figure 42: Civil Limited

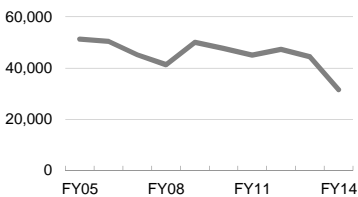
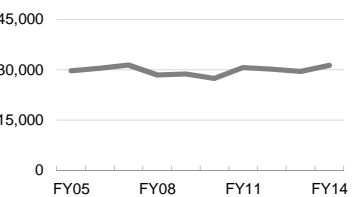


Figure 43: Probate and Mental Health



Appendix F: Assessed Judicial Need, 2014 Update¹

Table 1: Judicial Need

County	Authorized and funded Judicial Positions (AJP) ²	2014 Assessed Judicial Need (AJN)	AJN-AJP
Amador	2.3	2.7	0.4
Butte	13.0	14.2	1.2
Calaveras	2.3	2.8	0.5
Del Norte	2.8	3.7	0.9
El Dorado	9.0	9.9	0.9
Fresno	49.0	60.7	11.7
Humboldt	8.0	10.6	2.6
Imperial	11.3	13.8	2.5
Kern	43.0	58.0	15.0
Kings	8.6	11.4	2.8
Lake	4.8	5.2	0.4
Lassen	2.3	3.2	0.9
Los Angeles	585.3	629.5	44.2
Madera	9.3	10.9	1.6
Merced	12.0	16.7	4.7
Monterey	21.2	21.8	0.6
Napa	8.0	8.2	0.2
Orange	144.0	155.6	11.6
Placer	14.5	19.4	4.9
Riverside	76.0	127.4	51.4
Sacramento	72.5	81.8	9.3
San Benito	2.3	2.8	0.5
San Bernardino ³	86.0	143.0	57.0
San Joaquin	33.5	42.3	8.8
San Luis Obispo	15.0	17.9	2.9
Santa Cruz	13.5	14.2	0.7
Shasta	12.0	16.4	4.4
Solano	23.0	25.0	2.0
Sonoma	23.0	26.1	3.1
Stanislaus	24.0	32.6	8.6
Sutter	5.3	6.7	1.4
Tehama	4.3	5.8	1.5
Tulare	23.0	25.9	2.9
Ventura	33.0	40.4	7.4
Yuba	5.3	5.6	0.3
Total need:			269.8
¹ Assessed Judicial Need to be updated in 2016. ² Authorized judicial positions, not including judgeships that were authorized under AB 159. ³ AJP increased since the last assessment because the Superior Court of California, County of San Bernardino, was authorized to add two SJO positions in FY 2011–12 based on workload need.			

Appendix G: Subordinate Judicial Officer Conversions

Fiscal Years 2007–08 through 2013–14

Background

California rule of court 10.700 provides for the use of subordinate judicial officers (SJOs) to perform subordinate judicial duties. A presiding judge may also assign an SJO to act as a temporary judge where lawful if the presiding judge determines that it is necessary for the effective administration of justice because of a shortage of judges.

During the 1980s and 1990s, the shortage of judicial positions across the state led many trial courts to create SJO positions to manage their caseloads. The stagnation in the number of new judgeships combined with the growth in the number of SJO positions created an imbalance in many courts, with SJOs spending much of their time working as temporary judges.

To restore the appropriate balance between judges and SJOs in the trial courts, in 2007 the Legislature passed AB 159 which authorized the conversion of 162 SJO positions to judgeships in 25 courts where the judicial workload assessment determined that the number of SJOs exceeded the workload appropriate to SJOs.

Table 1: Subordinate Judicial Officer Conversions

	Total Eligible for Conversion	2007–08	2008–09	2009–10	2010–11	2011–12	2012–13	2013-14	Positions Remaining for Conversion
Alameda	6	0	0	1	2	3	0	0	0
Contra Costa	6	3	0	1	0	0	0	0	2
El Dorado	2	0	1	0	1	0	0	0	0
Fresno	3	0	1	0	1	0	0	1	0
Imperial	1	0	0	0	1	0	0	0	0
Kern	2	0	1	0	0	0	0	0	1
Los Angeles	78	4	5	7	7	8	6	7	34
Marin	2	0	0	0	0	1	1	0	0
Merced	2	0	1	0	0	1	0	0	0
Napa	1	0	0	0	0	0	0	0	1
Orange	14	1	2	2	2	3	2	2	0
Placer	1	0	0	0	0	0	0	0	1
Riverside	6	1	1	0	0	1	3	0	0
Sacramento	5	1	2	0	0	2	0	0	0
San Diego	7	2	0	0	0	0	1	1	3
San Francisco	9	1	0	1	0	0	0	0	7
San Luis Obispo	2	1	0	0	0	0	0	0	1
San Mateo	2	0	0	0	0	0	0	0	2
Santa Barbara	2	0	0	2	0	0	0	0	0
Santa Cruz	1	0	0	0	0	1	0	0	0
Solano	3	1	2	0	0	0	0	0	0
Sonoma	2	0	0	1	1	0	0	0	0
Stanislaus	1	0	0	0	1	0	0	0	0
Tulare	2	0	0	1	0	0	0	0	1
Yolo	2	1	0	0	0	0	0	0	1
Total	162	16	16	16	16	20	13	11	54



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2015

Title

Trial Courts: Realignment of Stat Trial Court
Improvement and Modernization Fund
Expenditures

Agenda Item Type

Information Only

Date of Report

October 16, 2015

Submitted by

Judicial Council staff
Zlatko Theodorovic, Finance Director and
Chief Financial Officer

Contact

Zlatko Theodorovic, 916-263-1397
zlatko.theodorovic@jud.ca.gov

Executive Summary

Upon recommendation of the Trial Court Budget Advisory Committee, at the April 17, 2015, Judicial Council meeting, the council approved the consideration of shifting certain costs away from the State Trial Court Improvement and Modernization Fund (IMF) beginning in 2016-17, the assessment on whether costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis, and the viability of a cost recovery model for the Center for Families, Children, and the Courts Publications program and the California Courts Protective Order Registry program. This action would permanently shift approximately \$2.867 million in expenditures to the Judicial Council's General Fund appropriation to support core central costs of the Court Interpreters Program, Treasury Services-Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group and shift \$17,000 in expenditures to the Trial Court Trust Fund, Program 45.45-Court Interpreter appropriation to support the Domestic Violence Family Law Interpreter Program. This memorandum provides staff's assessment of (1) whether it is feasible and/or appropriate to shift these expenditures to alternative fund sources, (2) whether sufficient ongoing expenditure authority exists within the Judicial Council's General Fund appropriation and Program 45.45-Court Interpreters Trial Court Trust Fund appropriation to support the shift of these costs, and (3) if it is appropriate to switch to a fee-for-service and/or cost recovery model for the identified programs.

Previous Council Action

The Trial Court Budget Advisory Committee (TCBAC) has been charged by the Judicial Council to make recommendations to the council on annual allocations from the IMF. At its March 23, 2015, meeting, TCBAC made several recommendations regarding the 2015-16 allocations for the IMF. The recommendation included allocating \$59.372 million in 2015-16 from the IMF for various programs and projects, eliminating funding for various projects and programs starting in 2015-16 or 2016-17, and shifting costs for various programs to either other judicial branch funds, courts, or other sources. At the April 17, 2015 business meeting, the Judicial Council approved TCBAC’s recommendations and directed staff to evaluate the possibility of shifting funding for specified programs from the IMF to alternative funding sources. The Judicial Council also approved TCBAC’s recommendations and directed staff to determine whether the costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis and if it is viable to implement a cost recovery model for the Center for Families, Children, and the Courts Publications (CFCC) and the California Courts Protective Order Registry (CCPOR) programs.

Methodology and Process

Recommendation #3a requested that the Judicial Council consider shifting the costs of translating domestic violence forms under the Domestic Violence – Family Law Interpreter Program to the TCTF Program 45.45 Court Interpreters appropriation. TCBAC believes the budget act language that specifies what the TCTF Program 45.45 appropriation can be used for permits the use of the appropriation for the cost of translating domestic violence forms. Recommendation #3b requested that the Judicial Council consider shifting the “core central office” costs of the Court Interpreters Program (CIP) – Testing, Development, Recruitment, and Education, Treasury Services – Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group programs to the Judicial Council’s General Fund appropriation. TCBAC believes the programs that they identified as “core central office” functions, those typically performed by a central administrative office, and initially funded under the council’s statewide administrative infrastructure initiative (excluding the CIP program), should not be funded from the IMF. The 2015-16 allocations for these programs are as follows:

Program	Total
Domestic Violence – Family Law Interpreter Program	\$17,000
Subtotal, Recommendation #3a	\$17,000
Court Interpreters Program (Testing, Development, etc.)	\$143,000
Treasury Services – Cash Management	\$238,000
Audit Services	\$660,000
Uniform Civil Fees	\$366,000
Regional Office Assistance Group	\$1,460,000
Subtotal, Recommendation #3b	\$2,867,000
Total, All Programs	\$2,884,000

Recommendation #3c requested that the Judicial Council direct staff to determine whether the costs of the Trial Court Transactional Assistance Program (TCLA) can be provided on a fee-for-service basis, having the courts reimburse the applicable state fund for services used. TCBAC indicated that this recommendation is similar to its recommendation to have courts pay for the California Law Enforcement Telecommunications Systems (CLETS) program. If the Judicial Council believes this program is a priority, they could conduct an analysis on whether the trial courts that wish to continue participation in this program could pay for their costs from the TCTF.

Recommendation #4 requested that the Judicial Council determine the viability of cost recovery for the CFCC and CCPOR programs. TCBAC believes that cost recovery is desirable and a possibility for these two justice partner-related programs.

4a: Direct council staff to determine if a cost recovery model for the CFCC Publications program can be established with justice partners that share the materials beginning in 2016-17.

4b: Direct council staff to explore a reimbursable option for the CCPOR program in 2016-17 and onward and to evaluate the effects on the CCPOR program on the recommendation to have courts fund the CLETS program instead of the IMF.

Program descriptions

Below are brief descriptions of the programs that have been evaluated per the council's direction.

Domestic Violence – Family Law Interpreter Program. The translation of forms used for Domestic Violence restraining orders is vital to ensure that non English-speaking or LEP litigants understand the forms and procedures for requesting or responding to a restraining order. Because restraining orders seek to prevent further harm and violence to protected parties and can detrimentally affect a restrained party's fundamental rights and liberties, it is imperative that all information and forms published by the court be interpreted and translated on an ongoing basis as laws change.

Court Interpreters Program. This program ensures access to the courts for persons with limited English proficiency or those who are deaf or hard-of-hearing, by developing programs and practices that enhance the quality of interpretation and increase the availability of qualified interpreters in the courts.

Treasury Services – Cash Management. The centralized treasury system offers a broad spectrum of banking services to enable the trial courts to maximize their return on investments by pooling invested funds on a statewide basis. Daily cash management is one of the vital functions included in the array of services offered by the statewide treasury function.

Audit Services. This office conducts risk assessments, develops audit programs, performs audits of the Judicial Council and trial courts, assists state and external auditors, and recommends

improvements based on audit results, thereby playing a key role in meeting the branch's oversight responsibilities.

Uniform Civil Fees System. The Uniform Civil Fees System supports the centralized reporting, distribution, and legislatively-mandated reporting of uniform civil fees collected by all 58 trial courts. The system generates reports for the State Controller's Office and various entities that receive the distributed funds.

Regional Office Assistance Group. The Regional Office Assistance Group provides oral and written legal advice to the trial courts on issues related to court administration, labor and employment law, business transactions, and procurements of goods and services.

Trial Court Transactional Assistance Program. The Program assists trial courts in obtaining competent, qualified counsel to assist trial courts with contract and procurement matters.

Center for Families, Children, and the Courts Publications Program. The CFCC publishes many written materials for a diverse audience of judges, professionals, and court users. These publications include research briefings, statistical updates, informational pamphlets, and more.

California Courts Protective Order Registry Program. This program is a statewide repository of protective orders containing both data and scanned images of orders that can be accessed by judges, court staff, and law enforcement officers.

Fiscal Status of the Trial Court Trust Fund

The Budget Act of 2015 eliminated the \$20 million transfer from the IMF to the TCTF and included up to \$66.2 million from the General Fund to backfill fee and assessment revenues that support courts' base allocation. The projected 2015-16 ending fund balance in the TCTF is \$20.6 million. Excluding about \$17.0 million in restricted fund balance, approximately \$3.6 million remains as unrestricted fund balance. At this time, it is estimated that the TCTF may have a revenue shortfall of approximately \$5.6 million in 2015-16.

Fiscal Status of the State Trial Court Improvement and Modernization Fund

Based on up-to-date revenue and expenditure data, the IMF is expected to have a projected 2015-16 ending fund balance of -\$11.1 million, with a structural deficit of -\$15.9 million, primarily due to declining revenues and the depletion of fund balance. TCBAC noted that any new proposal or program costs that relied on IMF funding must include information on alternative funding options. If the Judicial Council approved all of the recommendations for the 2015-16 IMF allocations, the 2015-16 ending fund balance is still expected to be negative (-\$1.7 million). Further, assuming revenues continue at the same levels as expected for 2015-16, it is anticipated that the 2016-17 ending fund balance will also be negative unless further reductions to allocations are made.

TCBAC’s Recommendation #3a – Consider shifting expenditures for the Domestic Violence – Family Law Interpreter Program to Program 45.45-Court Interpreters Program appropriation.

Provisional language in the annual Budget Act imposes limits on the use of Program 45.45 funds. The language provides that:

“The funds appropriated in Schedule (4) shall be *for payments to contractual court interpreters, and certified or registered court interpreters* employed by the courts for services provided during court proceedings and other services related to pending court proceedings, including services provided outside a courtroom, *and the following court interpreter coordinators*: 1.0 each in counties of the 1st through the 15th classes, 0.5 each in counties of the 16th through the 31st classes, and 0.25 each in counties of the 32nd through the 58th classes. . . .”

Judicial Council staff believes that translation of forms, though a critical language access service, does not fall under the limiting language of what may be funded through Program 45.45. Translation of forms is not a payment to a contractual court interpreter or certified or registered court interpreter for services provided during court proceedings or related to court proceedings, nor funding for court interpreter coordinators.
(Italics added)

TCBAC’s Recommendation #3b - Consider shifting the “core central office” costs of the Court Interpreters Program – Testing, Development, Recruitment, and Education, Treasury Services – Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group programs to the Judicial Council’s General Fund appropriation.

In 2012-13, 2013-14 and 2014-15, Program 30-Judicial Council indicated savings of \$2.2 million, \$3.5 million, and \$1.3 million, respectively. As the branch grappled with budget reductions in previous years, the Judicial Council was conservative in both hiring practices and spending, leading to a slightly higher level of savings in 2012-13 and 2013-14. The Judicial Council’s budget has since stabilized somewhat and staff believe that ongoing savings will be significantly less in the out years. It is expected that the majority of the Judicial Council offices will begin to fill some of the critical positions held vacant. While current staff have been able to maintain the most primary of functions, other essential tasks have been set aside. Additionally, the Judicial Council is expected to absorb annual rent cost increases until an augmentation is provided in the following fiscal year, leading to even less anticipated savings. Beginning January 1, 2016, the new compensation structure for the new classifications will go into effect. While it is estimated that there may be some minor General Fund savings within the Judicial Council in the first year of implementation, it is projected that there will be cost increases as eligible salaries are adjusted in future years. Finally, as the comprehensive review of the services offered by the Judicial Council is completed, to the extent workload and staffing priorities change and services and functions are realigned, the Judicial Council must maintain

flexibility to adapt quickly to changes. Over the next 18 months, Judicial Council staff will reach out to its customers and stakeholders to identify customer needs and prioritize its services in light of existing resources based on this input and the needs of the branch as directed by the Judicial Council. This effort will also result in the development of an ongoing process for regular input on customer needs that will be used to review services on a more regular basis. Any commitment of Judicial Council funding from outside sources limits the council's ability to implement changes and enhance the needs of our customers.

TCBAC's Recommendation 3c - The Judicial Council direct staff to determine whether the costs of the Trial Court Transactional Assistance Program can be provided on a fee-for-service basis, having the courts reimburse the applicable state fund for services used.

TCBAC's Recommendation 4(a)(b) - The Judicial Council should determine the viability of cost recovery for the CFCC and CCPOR programs. Specifically, TCBAC directed council staff to determine if a cost recovery model for the CFCC Publications program can be established with justice partners that share the materials beginning in 2016-17 and directed council staff to explore a reimbursable option for the CCPOR program in 2016-17 and onward and to evaluate the effects on the CCPOR program on the recommendation to have courts fund the CLETS program instead of the IMF.

As indicated in chapter 3 of the January 2015 audit by the California State Auditor, the State Auditor recommended that the Judicial Council should conduct a comprehensive survey of the courts on a regular schedule—at least every five years—to ensure that the services it provides align with their responses. The AOC should re-evaluate any services that the courts identify as being of limited value or need. Additionally, in chapter 4, the State Auditor recommended that the Judicial Council should evaluate services provided to the trial courts and consider implementing a fee-for-service model, which could shift costs of certain services to the trial courts. Over the next 18 months, Judicial Council staff will reach out to its customers and stakeholders to identify customer needs and prioritize its services in light of existing resources based on this input and the needs of the branch as directed by the Judicial Council. This effort will also result in the development of an ongoing process for regular input on customer needs that will be used to review services on a more regular basis. The review and assessment of this program and potential implementation of a fee-for-service and/or cost recovery model for the TCLA, CCFC, and CCPOR programs is premature and will be encompassed in the overall evaluation of programs and services offered by the Judicial Council.

Policy and Cost Implications

This request would permanently shift \$2.884 million from the State Trial Court Improvement and Modernization Fund to other funding sources and includes two components:

- (1) \$17,000 from the State Trial Court Improvement and Modernization Fund to Program 45.45-Court Interpreter Program appropriation within the Trial Court Trust Fund.

- (2) \$2.867 million from the State Trial Court Improvement and Modernization Fund to the Judicial Council's General Fund appropriation.

While these programs provide valuable services to support trial court operations, Judicial Council staff believes that translation of forms does not fall under the limiting language of what may be funded out of Program 45.45-Court Interpreters. Further, while there is no statutory impediment to shifting the "core central office" costs of the Court Interpreters Program – Testing, Development, Recruitment, and Education, Treasury Services – Cash Management, Audit Services, Uniform Civil Fees, and Regional Office Assistance Group programs to the Judicial Council appropriation, an analysis of the Judicial Council's General Fund appropriation indicates there is not sufficient ongoing available appropriation authority to absorb the cost of these services.

Possible Recommendations

Analyze all services/programs funded from the State Trial Court Improvement and Modernization Fund and Trial Court Trust Fund. In many cases, expenditures from the IMF are for services that are provided directly to trial courts free of charge, but are a necessary function of court operation. Judicial Council staff believe that the initial survey to customers and stakeholders to identify customer needs and prioritize its services will provide more clarity on the types and level of services that will continue to be provided. Additionally, as part of its assessment of programs and services, the Judicial Council could consider implementing a fee-for-service and/or cost recovery model that could modify the way services are currently budgeted.



Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courtinfo.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 27, 2015

Title

Government Code Section 68106: Public Notice by Courts of Closures or Reduced Clerks' Office Hours (Gov. Code, § 68106— Report No. 34)

Agenda Item Type

Information Only

Date of Report

October 9, 2015

Submitted by

Jody Patel, Chief of Staff
Pam Reynolds, Manager
Leadership Services Division

Contact

Pam Reynolds, 916-263-1462
pam.reynolds@jud.ca.gov

Executive Summary

Government Code section 68106 directs (1) trial courts to notify the public and the Judicial Council before closing courtrooms or clerks' offices or reducing clerks' regular office hours, and (2) the council to post all such notices on its website and also relay them to the Legislature. This is the 34th report to date listing the latest court notices received by the council under this statutory requirement; since the previous report, **five** superior courts—San Joaquin, Fresno, Sutter, Yolo, and Kings County— have issued new notices.

Previous Council Action

In 2010, the Legislature enacted a Judiciary Budget Trailer Bill with fee increases and fund transfers for the courts that also added section 68106 to the Government Code.¹ Section 68106 requires trial courts to notify the public and the Judicial Council in advance of any closures or reductions in service, and the council in turn to post all such notices on its website and report them to the Legislature. Since the enactment of section 68106, a total of 48 courts have issued

¹ Sen. Bill 857; Stats. 2010, ch. 720, § 13. Attachment A contains the full text of Government Code section 68106, as amended effective January 1, 2011, and June 27, 2012.

notice under its requirements.² The Judicial Council has received 33 prior informational reports listing such notices as they have been received.

Notice Received From Five Courts Since Last Report

This is the 34th report provided to date on trial court notices submitted under Government Code section 68106. Since the previous report, the Judicial Council has received new notices of closure or reduced hours from five courts, including one notice of revision:

1. The Superior Court of **San Joaquin County** will temporarily close all clerk's offices on Thursday October 15th and Friday October 16th, 2015. The Court will be deploying a new court-wide case management system during the two-day closure. (Attachment B)

The closure will affect all court locations:

- Stockton Courthouse - 222 E. Weber Avenue, Stockton, CA
- Family Law Branch Court - 540 E. Main Street, Stockton, CA
- Lodi Branch Court – both locations 217 W. Elm Street and 315 W. Elm Street, Lodi, CA
- Manteca Branch Court – 315 E. Center Street, Manteca, CA
- Juvenile Justice Center – 535 W. Mathews Road, French Camp, CA

During the two- day closure:

- All Clerk's offices will be closed and telephone calls will not be answered
 - Criminal and Traffic same-day, walk-in calendars will not be held
 - The Family Law Pro-Per Clinic will be closed
 - Request for files via e-mail will not be processed
 - Drop boxes will be available at all branch courts to permit the same-day filing of documents
2. The Superior Court of **Fresno County** will temporarily close the Family Support Courtrooms, located at the B. F. Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services staff. The Family Support Clerk's Office will remain open. (Attachment C)

Departments 301 will be closed on the following days during the weeks of October 5th and 12th:

- Monday, October 5, 2015
- Tuesday, October 6, 2015
- Thursday, October 8, 2015
- Thursday, October 15, 2015
- Friday, October 16, 2015

² All courts' notices are listed and posted at www.courts.ca.gov/12973.htm. Some courts have given more than one notice.

Departments 302 will be closed on the following days during the weeks of October 5th and 12th:

- Tuesday, October 6, 2015
 - Wednesday, October 7, 2015
 - Thursday, October 8, 2015
 - Wednesday, October 14, 2015
 - Thursday, October 15, 2015
 - Friday, October 16, 2015
3. In July of this year, the Superior Court of **Sutter County** provided notice of permanent closure of the Sutter County Courthouse, located at 446 Second Street and 463 Second Street in Yuba City, effective October 2, 2015. The court has provided a **revised** notice advising that it does not appear a move to the new Courthouse will take place on October 2, 2015. The Court will continue services in its current location until a firm date for the move is identified. (Attachment D)
 4. The Superior Court of **Yolo County** will temporarily close the Yolo County Courthouse, located at 1000 Main Street in Woodland, on the following dates and times:
 - Thursday, December 24th, 12:00 p.m. to 5:00 p.m.
 - Thursday, December 31st , 12:00 p.m. to 5:00 p.m. (Attachment E)
 5. Effective at the close of the Court’s business day on December 18, 2015, the Superior Court of **Kings County** will cease all operations at its Court locations in Avenal (at 501 E. King Street) and Corcoran (at 1000 Chittenden Avenue), with those services and staff relocating to the Hanford Courthouse. (Attachment F)

Mandate in Government Code Section 68106

In providing fee increases and fund transfers for the courts in the Judiciary Budget Trailer Bill in 2010, the Legislature expressly declared its intention that trial courts remain open to the public on all days that are not judicial holidays and that access to court services for civil litigants be preserved to the extent practicable. Statements in Government Code section 68106 affirmed this intent, and the recent amendment of the statute strengthened it.

Section 68106 imposes the following requirements on trial courts and the Judicial Council:

- Trial courts must provide written notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks’ offices, although “[n]othing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.”³ The trial court

³ Gov. Code, § 68106(c).

is to provide this notice “by conspicuous posting within or about its facilities, on its public Internet Web site, by electronic distribution to individuals who have subscribed to the court’s electronic distribution service, and to the Judicial Council”⁴ The notice must describe the scope of the closure or reduction in hours, state the financial constraints or other reasons that make the closure or reduction necessary, and invite public comment.⁵ Courts expressly are *not* obligated to respond to comments received.⁶ If a court changes its plan “as a result of the comments received or for any other reason” during the 60-day notice period, it must “immediately provide notice to the public” by posting and distributing “a revised notice” using the procedure previously described, including distribution to the council.⁷ The change in plan does not require notification, however, beyond the original 60-day period.⁸

- The Judicial Council must, within 15 days of receiving a notice from a trial court, “conspicuously” post the notice “on its Internet Web site” and forward a copy to the chairs and vice-chairs of both houses’ Committees on the Judiciary, the chair of the Assembly Committee on Budget, and the chair of the Senate Committee on Budget and Fiscal Review.⁹

Implementation Efforts

Judicial Council staff notified all trial court presiding judges and court executive officers of the enactment of this statutory mandate, and the Judicial Council Legal Services (LS) staff provided legal guidance to help courts comply with the requirements of the statute. Trial courts have been requested to e-mail such notices to Debora Morrison, LS Senior Attorney, who has provided legal review of the courts’ notices since Government Code section 68106 first took effect in 2010.

To fulfill the Judicial Council’s obligations under section 68106, the Judicial Council staff has placed on the home page of the California Courts website a prominent link to the Reduced Court Services page (www.courts.ca.gov/12973.htm), which contains a summary of Government Code section 68106 and all notices received from trial courts about closures of courtrooms or clerks’ offices or reductions in clerks’ office hours. Since the previous report to the council, the notices from the courts detailed above have been added to the web page. The Judicial Council staff has also forwarded the notices from these courts to the designated legislative leaders.

⁴ *Id.*, § 68106(b)(1).

⁵ *Id.*, § 68106(b)(1), (2)(A).

⁶ *Id.*, § 68106(b)(2)(B).

⁷ *Id.*, § 68106(b)(3).

⁸ *Id.*, § 68106(b)(2)(A).

⁹ *Id.*, § 68106(b)(3).

Attachments

Attachment A: Government Code section 68106

Attachment B: Notice from the Superior Court of San Joaquin, August 10, 2015

Attachment C: Notice from the Superior Court of Fresno, September 16, 2015

Attachment D: Notice from the Superior Court of Sutter, September 17, 2015

Attachment E: Notice from the Superior Court of Yolo, September, 25 2015

Attachment F: Notice from the Superior Court of Kings, October 1, 2015

Government Code section 68106:

(a) (1) In making appropriations for the support of the trial courts, the Legislature recognizes the importance of increased revenues from litigants and lawyers, including increased revenues from civil filing fees. It is therefore the intent of the Legislature that courts give the highest priority to keeping courtrooms open for civil and criminal proceedings. It is also the intent of the Legislature that, to the extent practicable, in the allocation of resources by and for trial courts, access to court services for civil litigants be preserved, budget cuts not fall disproportionately on civil cases, and the right to trial by jury be preserved.

(2) Furthermore, it is the intent of the Legislature in enacting the Budget Act of 2010, which includes increases in civil and criminal court fees and penalties, that trial courts remain open to the public on all days except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115.

(b)(1) A trial court shall provide written notification to the public by conspicuous posting within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council, not less than 60 days prior to closing any courtroom, or closing or reducing the hours of clerks' offices during regular business hours on any day except judicial holidays, Saturdays, and Sundays, and except as authorized pursuant to Section 68115. The notification shall include the scope of the closure or reduction in hours, and the financial constraints or other reasons that make the closure or reduction necessary.

(2)(A) The notification required pursuant to paragraph (1) shall include information on how the public may provide written comments during the 60-day period on the court's plan for closing a courtroom, or closing or reducing the hours of clerks' offices. The court shall review and consider all public comments received. If the court plan for closing a courtroom, or closing or reducing the hours of clerks' offices, changes as a result of the comments received or for any other reason, the court shall immediately provide notice to the public by posting a revised notice within or about its facilities, on its public Internet Web site, and by electronic distribution to individuals who have subscribed to the court's electronic distribution service, and to the Judicial Council. Any change in the court's plan pursuant to this paragraph shall not require notification beyond the initial 60-day period.

(B) This paragraph shall not be construed to obligate courts to provide responses to the comments received.

(3) Within 15 days of receipt of a notice from a trial court, the Judicial Council shall conspicuously post on its Internet Web site and provide the chairs and vice chairs of the Committees on Judiciary, the Chair of the Assembly Committee on Budget, and the Chair of the Senate Committee on Budget and Fiscal Review a copy of any notice received pursuant to this subdivision. The Legislature intends to review the information obtained pursuant to this section to ensure that California trial courts remain open and accessible to the public.

(c) Nothing in this section is intended to affect, limit, or otherwise interfere with regular court management decisionmaking, including calendar management and scheduling decisions.



The Superior Court of California

COUNTY OF SAN JOAQUIN

222 East Weber Avenue, Room 303 • Stockton, California 95202

Telephone 209-992-5695

www.stocktoncourt.org

August 10, 2015

PUBLIC NOTICE

CLERK'S OFFICES CLOSED THURSDAY and FRIDAY, OCTOBER 15, 16, 2015.

Pursuant to Government Code Section 68106, the Superior Court of California, County of San Joaquin is providing 60 days' notice of the Court's decision to close its clerk's offices at all locations as the court will be deploying a new court-wide case management system.

The closure will affect all court locations:

- Stockton Courthouse, 222 E. Weber Avenue, Stockton, CA
- Family Law Branch Court, 540 E. Main Street, Stockton, CA
- Lodi Branch Court – both locations 217 W. Elm Street and 315 W. Elm Street, Lodi, CA
- Manteca Branch Court – 315 E. Center Street, Manteca, CA
- Juvenile Justice Center – 535 W. Mathews Rd., French Camp, CA

During the two-day closure:

- **All Clerk's offices will be closed and telephone calls will not be answered.**
- **Criminal and Traffic same-day, walk-in calendars will not be held.**
- **The Family Law Pro-Per Clinic will be closed.**
- **Request for files via e-mail will not be processed.**

During the court closure, courtrooms will remain open at all court branches. Cases already scheduled to be heard on these days will proceed as scheduled. Courtrooms will continue to be available to conduct arraignments and examinations, to handle time-sensitive juvenile matters, and to sign any necessary documents on an emergency basis, as required by law.

Document drop boxes will be available at all branch courts to permit the same-day filing of documents deposited there before 5:00 p.m. A self-addressed stamped envelope must be included for all drop box transactions.

The court finds it necessary to implement the two-day closure as the deployment of the new case management system will begin on Wednesday, October 14, 2015 at 5:00 p.m. All current case management systems will be unavailable during the two-day closure and all cases heard will be required to be processed manually.

If you have any comments regarding this action, please send them in writing by September 28, 2015 to Adrienne Forshay, Assistant Court Executive Officer at aforshay@sjcourts.org or P.O. Box 201022, Stockton, CA 95201.

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SUPERIOR COURT, COUNTY OF FRESNO



EFFECTIVE DATE
10/5/2015 through 10/9/2015 and
10/12/2015 through 10/16/2015

RE: Temporary Closure of the Family Support Courtrooms

The Court is temporarily closing the Family Support Courtrooms, located at the B.F Sisk Courthouse, to allow for training of Superior Court and Department of Child Support Services staff.

Departments 301 will be closed on the following days during the weeks of October 5th and 12th:

Monday, October 5, 2015	Thursday, October 15, 2015
Tuesday, October 6, 2015	Friday, October 16, 2015
Thursday, October 8, 2015	

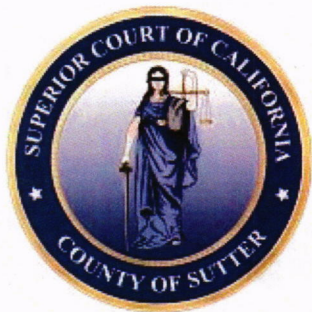
Departments 302 will be closed on the following days during the weeks of October 5th and 12th:

Tuesday, October 6, 2015	Wednesday, October 14, 2015
Wednesday, October 7, 2015	Thursday, October 15, 2015
Thursday, October 8, 2015	Friday, October 16, 2015

The Family Support Clerk's Office will remain open.

*Government Code Section 68106 requires trial courts to provide notice to the public at least sixty (60) days before closing any courtroom or closing/reducing the hours of the clerks' offices by conspicuous posting within its facilities and on its public website. Proposal was published for public comment with a deadline of September 1st, 2015.

**Notice will be posted pursuant to California Rules of Court, rule 10.620(g).



M. B. TODD
COURT EXECUTIVE OFFICER

SUPERIOR COURT OF CALIFORNIA COUNTY OF SUTTER

Courthouse West, 446 Second Street, Yuba City, CA 95991

Administration

(530) 822-3309 FAX: (530) 822-3509

REVISED

PUBLIC NOTICE CALIFORNIA GOVERNMENT CODE SECTION 68106

9/17/15

NOTICE OF CLOSURE AND RELOCATION

UPDATED SEPTEMBER 15, 2015:

AS OF THIS DATE IT DOES NOT APPEAR A MOVE TO THE NEW COURTHOUSE WILL TAKE PLACE ON OCTOBER 2, 2015, AS INDICATED BELOW. THE COURT WILL CONTINUE SERVICES IN ITS CURRENT LOCATION UNTIL A FIRM DATE FOR THE MOVE IS IDENTIFIED. THIS NOTICE WILL BE PROPERLY AMENDED AT THAT TIME.

PRIOR NOTICE – JULY 30, 2015:

Effective October 2, 2015 at 12:00 p.m., the Sutter County Courthouse located at 446 Second Street and 463 Second Street in Yuba City will be permanently closed. Public services currently available at the Sutter County Courthouse will be relocated to the new Sutter County Courthouse at 1175 Civic Center Boulevard in Yuba City. Public services will resume at the new Sutter County Courthouse on October 5, 2015 at 8:30 a.m.

Pursuant to California Rules of Court, Rule 2.210, a drop box for depositing documents to be filed with the clerk will be provided either at the security station at 446 Second Street, Yuba City or at the security station at 463 Second Street, Yuba City on the following dates and times:

October 2, 2015 between the hours of 12:00 p.m. and 4:30 p.m.

As a part of the Judicial Branch of government, the Superior Court receives its annual budget allocation through the Judicial Council of California, an entity of the State. The Judicial Council is also responsible for the construction and maintenance of Court facilities throughout the State. The Council has undertaken construction of a new courthouse in order to better serve the residents of Sutter County. This facility is funded in its entirety by Civil and Criminal Court user fees as provided for by SB1407 (2008).

All services previously offered at the Sutter County Courthouse will be available at the new Sutter County Courthouse, located at 1175 Civic Center Boulevard in Yuba City. The Sutter County Courthouse will have office hours of 8:30 a.m. to 4:30 p.m. Monday through Friday, excluding Judicial Holidays.

Any written comments related to this notice may be made through the Court's website: www.suttercourts.com.



Superior Court of the State of California, County of Yolo

1000 Main Street
Woodland, Ca. 95695
www.yolo.courts.ca.gov

PUBLIC NOTICE

Pursuant to Government Code Section 68106

September 25, 2015

Notice of Temporary Court Closures

Pursuant to Government Code Section 68106, the Superior Court of California, County of Yolo is providing notice of temporary closures on the following dates and times.

Thursday, December 24th	12:00 p.m. to 5:00 p.m.
Thursday, December 31st	12:00 p.m. to 5:00 p.m.



Superior Court of the State of California
County of Kings

Thomas DeSantos
Presiding Judge
of the
Superior Court

Jeffrey E. Lewis
Court Executive/Clerk
and
Jury Commissioner

*****PUBLIC NOTICE of COURT CLOSURES*****

October 1, 2015

Pursuant to California Government Code Section 68106*, the Superior Court of California, County of Kings hereby provides sixty (60) days' notice of its proposed intent to cease all operations at its Court locations in Avenal (at 501 E. King Street) and Corcoran (at 1000 Chittenden Avenue), with those services and staff relocating to the Hanford Courthouse, effective at the close of the Court's business day on December 18, 2015.

As a part of the judicial branch of government, the Kings Superior Court receives its annual budget allocation through the Judicial Council of California, an entity of the State. After the Governor and Legislature imposed over one billion dollars in state cuts to the judicial branch from Fiscal Years 2008-09 through 2012-13, every trial court state-wide had to absorb its share of reductions, by instituting various cost saving measures, including attrition, hiring freezes, eliminating vacated positions, furloughs, layoffs, early retirement programs, reengineering court processes for efficiencies, reduction of expenditures for services and supplies, and many other reasonable efforts to control labor, supply, and contractual service costs.

Historically, the Kings Superior Court has steadfastly endeavored to serve our citizenry to the best of its abilities, despite its very limited resources as an habitually under-funded and under-resourced court. Over the previous six fiscal years - which saw this court's baseline funding reduced by 30% and facing a 2012-13 structural deficit of approximately \$1.3 million - Kings Superior Court decreased its expenses by more than \$2,495,000 by means of a 21% reduction in line staff, the elimination of 23% of all management positions, an average of 14 furlough days per year taken by all residual personnel [the equivalent of an annual 5.3% pay reduction], increasing employee cost-share of medical and retirement benefits, executing a court closure in Lemoore, and through a combination of expansion, terminations, and rollbacks in vendor contracts.

With the economy improving in the state by 2013, trial courts anticipated a significant restoration of trial court funding by 2014-15. However, the state's three-fiscal years failure to provide even nominal financial relief from years of unprecedented budget reductions, and the recent elimination of the court's right to carry-over yearly fund balances, now compels the state's trial courts to take further remedial actions to maintain the most basic judicial services.

For Kings County residents, notwithstanding this Court's history of prudent fiscal planning, revenue generating strategies, and effective cost-cutting measures [including the multiple times Kings Superior

Court has announced reduced service levels due to on-going fiscal constraints], this Court now finds it necessary to institute the above closures in light of unresolved critical staffing shortages.

The court regrets having to make these very difficult decisions with regard to court operations, which, it is recognized, will lessen the degree of access to justice for some of our county's citizens. Kings Superior Court does so only after exhausting all other alternatives to cope with multiple years of statewide trial court funding reductions with only marginal reinvestment efforts in the Courts recently demonstrated by California's Governor, Senate and Assembly.

Kings Superior Court believes, however, that these measures are unavoidable and represent a sound management practice, utilizing remaining staff resources as efficiently as possible and which can be best accomplished by consolidating operations into our Hanford facilities to better serve the majority of our County residents. This consolidation of services will also serve to enhance security and safety for the public and staff, as Hanford provides security elements not available at the Avenal or Corcoran Courthouses. Further, this consolidation is also in line with the Court's long-term plan of merging Avenal and Corcoran services into the new 10-courtroom Hanford Courthouse, which should be operational in February 2016.

To summarize, after six years of untenable state-imposed budget reductions and attendant unacceptable personnel losses, this intended decision to consolidate all trial court operations in Hanford:

- Was agreed upon, reluctantly, by this Superior Court's judges and Court Administrator in mid-September 2015,
- Was reached *only after* multiple assessments of the overall impacts on Avenal and Corcoran residents and law enforcement agencies were conducted (and potential alternatives to closures and staff relocation were considered), and
- Was determined to be the most suitable course of action to meet and improve our court's core mission of providing accessible, timely service to the citizenry of all of Kings County.

Any interested person or entity is encouraged to provide input regarding this noticed plan of action. Comments should be provided in writing, no later than 5:00 p.m. on November 30, 2015, and be addressed to:

Jeffrey E. Lewis, Court Executive Officer
Kings County Superior Court
1426 South Drive
Hanford, California, 93230

You may also send your comments via email to jlewis@kings.courts.ca.gov. As required by Government Code 68106(b)(2)(A), the Court will review and consider all public comments received.

*Government Code section 68106 requires trial courts to provide notice to the public at least 60 days before closing any courtroom or closing or reducing the hours of clerks' offices by conspicuous posting within its facilities and on its public website.