



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 14, 2012

Title

Report to the Legislature: *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*

Agenda Item Type

Action Required

Effective Date

December 14, 2012

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

December 14, 2012

Recommended by

Administrative Office of the Courts
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Executive Summary

The Administrative Office of the Courts recommends that the Judicial Council approve the transmittal of the attached report to the Legislature on *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*, as required under Government Code section 77001.5. Although this is an annual requirement, reports due November 2010 and 2011 were not submitted due to resource limitations in the judicial branch. The attached report attempts to overcome these limitations by identifying and reporting on existing measures adopted by the Judicial Council that respond to the reporting requirements. Taking advantage of improvements in data quality, the report provides information on the following standards and measures of trial court operations: (1) caseload clearance rates; (2) time

to disposition; (3) stage of case at disposition; (4) trials by type of proceeding; and (5) judicial workload and resources.

Recommendation

The Administrative Office of the Courts recommends that, effective December 14, 2012, the Judicial Council approve the attached report for transmittal to the Legislature under Government Code section 77001.5.

Previous Council Action

AOC staff presented an overview of performance measures developed by the National Center for State Courts — the *CourTools* — at an educational session of the council in 2008. Following that meeting, two reports were submitted to the Legislature under Government Code section 77001.5: one in 2009 and another in 2010. These reports were not approved by the Judicial Council, however, because protocol at that time did not require council action on reports that did not include recommendations.

Rationale for Recommendation

Approval of this report for transmittal to the Legislature will comply with the mandate 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.
- (3) General court administration.”

Comments, Alternatives Considered, and Policy Implications

This report is legislatively mandated, so no alternatives were considered and a comment period was not required.

Implementation Requirements, Costs, and Operational Impacts

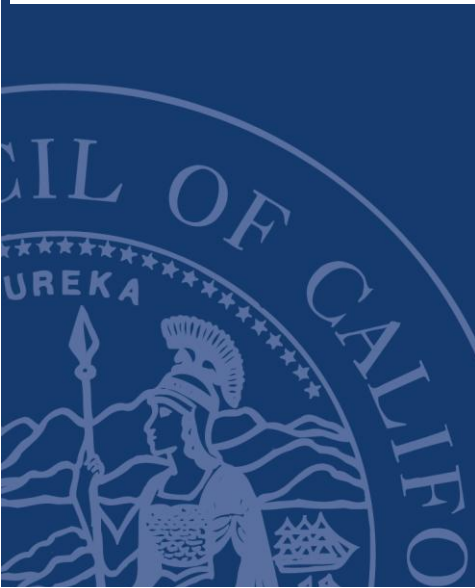
Staff shortages at the AOC have made the production of the report more difficult. The current refocusing of the report to quantitative measures already approved by the Judicial Council and already reported by the trial courts attempts to overcome these limitations. This submission of this report to the Legislature carries no implementation requirements or costs for the trial courts.

Relevant Strategic Plan Goals and Operational Plan Objectives

The *Operational Plan for California’s Judicial Branch*, adopted in 2008, includes Objective 4 related to the strategic Goal II, Independence and Accountability. Objective 4 focuses on regular measuring and reporting of branch performance, including utilizing “[m]echanisms for reporting judicial branch business and performance to the public and other stakeholders” (Objective 4a).

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 2012



ADMINISTRATIVE OFFICE
OF THE COURTS

OFFICE OF COURT RESEARCH

Judicial Council of California
Administrative Office of the Courts
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Executive Summary

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.”

The reports due November 2010 and 2011 were not submitted due to resource limitations in the judicial branch. The 2012 report attempts to overcome these limitations by identifying and reporting on existing measures adopted by the Judicial Council that respond to the reporting requirements.

Quantitative Standards and Measures of Judicial Administration

While drawing on the conceptual framework from previous reports, this report focuses on *quantitative* data on judicial administration standards and measures. This focus is made possible by the efforts of Superior court and AOC staff in collaboratively improving data reported to the Judicial Council. It should be noted, also, that these data need to be interpreted with some caution because changes in any one of these indicators over time may point more to improvements in data quality than change in court operations. For example, all other things being equal, improved reporting of disposition data – a focus of recent data quality control efforts – will result in higher caseload clearance rates.

Superior courts annually report on four key measures of caseload that we include in this report:

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

Although there are data limitations that we discuss in greater detail in the body of the report, these four indicators provide an excellent starting point for reporting on the second and third of the topic areas identified by the Legislature in Government Code 77001.5: “[c]ase processing, including the efficient use of judicial resources” and “[g]eneral court administration” (italics added).

Overview of Work on the Judicial and Staff Workload Assessments

In addition to the quantitative measures of judicial administration, this report also provides an update on work conducted to date on the Judicial Needs Assessment and the Staff Workload Assessment models.

We include in this report additional information on the availability of branch resources including: the updated, assessed need for new judgeships (Gov. Code, § 69614), a list of the judgeships created by

the Legislature in 2006 and 2007 (Gov. Code, §§ 69614 and 69614.2), and the status of the conversion of subordinate judicial officer positions to judgeships (Gov. Code, § 69615).

Combined, these measures provide an overview of the availability of judicial officers to the courts, an indispensable measure of and precondition for the first topic area identified by the Legislature in Government Code 77001.5: “[p]roviding equal access to courts and respectful treatment for all court participants” (italics added).

Findings¹

Caseload Clearance Rates (See Appendix B):

- Clearance rates have improved in the Superior courts for every category of civil cases while they were mixed in criminal, family and juvenile cases.
- Part of the change that we see in clearance rates is likely a reflection of improved data quality control.
- After two consecutive years of marked improvement felony caseload clearance, the most recent data show a very slight decline in caseload clearance rates for felony cases.
- Among criminal cases, only infractions clearance rates improved in the most recent fiscal year.

Family law clearance rates improved for both family law petitions and family law marital cases and juvenile dependency clearance rates improved slightly also. Juvenile delinquency clearance rates declined slightly.

Time to Disposition (See Appendix C):

- Although the percentage of felony cases disposed within 12 months has held steady, superior courts are reporting some deterioration of times to disposition in misdemeanor cases and similar deterioration of times to bindover or certified plea in felony cases.
- Civil case disposition times have held steady in unlimited civil but have declined slightly in limited civil cases.
- After improving sharply last year, times to disposition declined in the most recent year in unlawful detainer cases.
- Time to disposition reported in small claims cases show slight improvement over the last year but have been in steady decline for the last 10 years. The Judicial Council has not adopted time standards for family law or juvenile cases.
-

Stage of Case at Disposition (See Appendix D):

Civil

- Approximately 80 percent of unlimited civil cases are disposed before trial.
- Of the remaining 20 percent of unlimited civil cases disposed by a trial, the vast majority — 79 percent — are bench trials. Only 4 percent of unlimited civil trials are jury trials. The remaining dispositions of unlimited civil cases are *trials de novo*, which are made up of small claims appeals.
- In limited civil cases an even smaller proportion of filings are disposed by trial, about 7 percent, and almost all of these cases are bench trials.

¹ All of the findings reported here refer to trial court data submitted through June 30, 2011. These data are reported in more detail in the 2012 Court Statistics Report, <http://courts.ca.gov/13421.htm>.

- In small claims, the majority of the dispositions are after trial. Just under 60 percent of small claims cases are disposed after a trial.

Criminal

- The vast majority of felony cases — 97 percent — are disposed before trial.
- Of the remaining felonies disposed after trial, almost all of these trials are jury trials; only a fraction of 1 percent are bench trials.
- In felonies disposed before trial, 69 percent result in convictions; in felonies disposed after trial, 78 percent result in conviction.
- Slightly lower percentages of non-traffic misdemeanors – 89 percent – are disposed before trial while 98 percent of traffic misdemeanors are disposed before trial.
- Of the misdemeanors that are disposed after trial, bench trials represent 96 percent of the trials for non-traffic cases and 88 percent of the trials for traffic cases with the remainder disposed by jury trial.

Trials by Type of Proceeding (See Appendix E):

- The total number of jury trials declined for the second straight year falling to just over 10,000 trials.
- During the same period, the total number of court trials increased and now stands at a 10-year high, at 557,447 court trials.
- The decline in the number of jury trials is consistent across all categories of criminal and civil cases except for limited civil cases in which jury trial increased slightly.
- The increase in the number of court trials is fairly consistent across case categories but is driven predominantly by sharp growth in the number of court trials in misdemeanor and infraction cases.

Judicial Workload and Resources

- The 2012 update to the Judicial Workload Assessment shows a statewide need for judges of 2,286 full-time equivalent judicial officers, representing a shortfall of 13 percent over the total number of authorized positions in the state and a 16 percent shortfall over the number of funded positions (see Appendix F).
- At the end of the most recent year for which data are compiled and reported in the *Court Statistics Report*, another 16 subordinate judicial officer (SJO) positions had been converted to judgeships, bringing the statewide total of conversions to 64 as of June 30, 2011 (see Appendix G).
- Although the conversion of SJOs does not provide much-needed new resources to the courts, it does provide the courts with greater flexibility and begin to restore the proper balance between judges and SJOs in the court, enabling constitutionally empowered judges who stand for election before their communities to hear cases that are appropriate to their rank.

Introduction

In 2006 Government Code section 77001.5 (Sen. Bill 56 [Dunn]; Stats. 2006, ch. 390) was enacted, requiring 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.”

Accountability to the public and its sister branches of government is an essential component of judicial branch self-governance. Standards and measures adopted by the Judicial Council should serve as milestones marking the path to the ultimate goal of equal justice under the law. Viewed in this light, accountability is more than a commitment between co-equal branches of government: it is a necessary counterpart to judicial independence and represents an obligation of the judicial branch to the people of California.

This is the third report submitted under the requirements of Government Code section 77001.5.² The reports due November 2010 and 2011 were not submitted due to resource limitations in the judicial branch; this 2012 report attempts to overcome these limitations by identifying and reporting on existing measures adopted by the Judicial Council that respond to the reporting requirements.

After first describing the analytical framework developed in previous reports, this report will focus primarily on *quantitative* measures of trial court performance. In addition, this report will provide an update on the Judicial Workload Assessment and Resource Allocation Study model updates and the activities of the working group that oversees the development and monitoring of trial court performance measures (referred to as the SB 56 Working Group).

Analytic Framework on Standards and Measures to Promote the Fair and Efficient Administration of Justice

Previous reports pointed to three interconnected but analytically distinct levels of analysis for evaluating the fair and efficient administration of justice. These three levels are represented in the pyramid depicted in Figure 1.

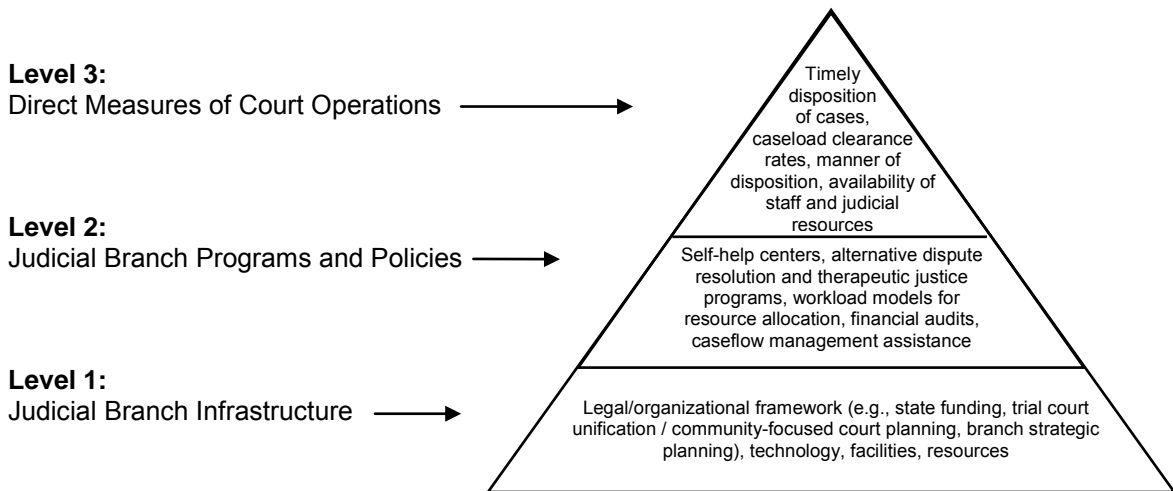
- The bottom level deals with branchwide *infrastructure*. This tier refers to the work of the branch in establishing the legal, organizational, technological, and physical foundation necessary for the accountability and independence of the judiciary.
- The middle level looks at specific *programs and policies* that the branch has adopted and promoted. These programs and policies are a necessary condition for improving public

² See *Judicial Administration Standards and Measures That Promote the Fair and Efficient Administration of Justice*, May 2009 (first report to the Legislature) and March 2010 (second report to the Legislature).

access to the courts, enhancing the efficiency of court operations, and maintaining the highest possible standards of court administration.

- The top level of the pyramid refers to *direct measures* of court operations. This is the level at which quantitative indicators can be used to diagnose operations at the other levels and includes indicators of caseload management, including the timely disposition of cases, caseload clearance rates, manner of disposition, and the availability of staff and judicial resources.

Figure 1: Interdependent Levels of Analysis to Evaluate Judicial Administration



Previous reports were overly ambitious and attempted to document the full scope of work in the judicial branch at all three of these levels. The current report and future reports will limit themselves to *direct measures* of court operations. By so doing, these reports will still meet the reporting requirements under Government Code Section 77001.5 though in a more limited manner. It should be noted also that the Judicial Council/Administrative Office of the Courts submits various other reports to the Legislature and the public on a regular basis that provide information related to judicial branch programs and policies and branch infrastructure.

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.”³ The *CourTools* draw on previous work conducted on trial court performance — primarily the

³ See “CourTools: Giving Courts the Tools to Measure Success” (NCSC 2005), <http://www.courttools.org/>

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.

Consistent with the requirement of Government Code section 77001.5,—the ten *CourTools* are designed to capture information along five critical dimensions of court operations:

- Access to Justice
- Expedition and Timeliness
- Equality, Fairness, and Integrity
- Independence and Accountability
- Public Trust and Confidence

Pilot Test of the CourTools

Between 2005 and 2010, at the direction of the Judicial Council, the Office of Court Research (OCR) entered into a contract with the NCSC to evaluate the feasibility of implementing the *CourTools* in California. Two courts participated in the first pilot study, which had a dual purpose. First, the pilot test was designed to evaluate the relatively straightforward question of the costs and benefits of implementing the *CourTools*. In addition, the pilot test was designed to determine whether there was any relationship between the *CourTools* performance measures and recently developed measures of court resources.

The pilot test proved inconclusive on a number of grounds and yielded negative results on others. While the final report found that the measures were generally useful, the *CourTools* could not document the link between funding and performance along any of the measures of court performance.⁴ In addition, while the performance measurement data proved useful as a diagnostic tool, they did not provide clear-cut answers to the question, How well is a court performing?

Instead, the data generally pointed to areas where the court should follow up. In some cases, follow-up was needed to understand anomalous findings. For example, lengthy times to disposition might actually reflect an improvement in the court's disposition of backlogged cases. Lengthy times to disposition could also be a reflection of a high proportion of a particular type of case in a court's case mix. Regardless, for monitoring court operations, the measures appeared to be most useful at the individual court level.

Additionally, while the *CourTools* are intended to provide useful performance metrics at a low cost to the courts, various measures required considerable effort by the courts. For example, Measure 1, a survey of user satisfaction with the court, can be labor intensive. Measure 7, Collection of Monetary Penalties, requires that courts have access to a level of detail in their fines and fees data that many courts simply do not have. Absent detailed data on the amount of each fine and fee assessed by the court and the amount collected for these fines and fees, it was impossible to calculate Measure 7 as defined in the *CourTools*.

⁴ It should be noted that Measure 10, Cost per Case, is actually a measure of resource utilization. As such, this measure is already directly linked to funding, but its relationship to the other performance measures is unclear.

Development of CalCourTools

To overcome these challenges, OCR conducted a second phase of work on the *CourTools* to determine whether the measures might be tailored to meet the needs of the California trial courts. The result was the development of *CalCourTools*. *CalCourTools* borrow freely from the *CourTools* but also attempt to link performance measurement to (1) California judicial branch policy as it relates to specific measures of performance, and (2) technical assistance to support courts in utilizing performance measures.

Table 1 below lists the 10 *CourTools* and shows the availability and quality of the data that we have on these measures for the California trial courts. Brief descriptions of the measures that the branch can currently report that are included in *CalCourTools* follow the table.

Table 1: Status of <i>CourTools</i> Data in California Trial Courts					
	<i>NCSC's CourTools</i>	Availability	Scope	Data Quality	Location in This Report
AVAILABLE	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
	Collection of Monetary Penalties	Annual report under PC 1463.010, Statewide Collection of Court-Ordered Debt	Statewide	Good	N/A
DATA NOT VALIDATED	Cost per Case	Annual updates as <i>Resource Assessment Study</i>	All courts	Pending validation	
	Age of Active Pending Caseload	Monthly Reports	Missing data many courts	Pending validation	
	Effective Use of Jurors	Annual Report	Missing data from fewer than 5 courts	Pending validation	
DATA NOT AVAILABLE	Access & Fairness Survey	No ongoing reporting	N/A	N/A	
	Trial Date Certainty	No ongoing reporting	N/A	N/A	
	Reliability and Integrity of Case Files	No ongoing reporting	N/A	N/A	
	Court Employee Satisfaction	No ongoing reporting	N/A	N/A	

The bottom four rows of the table show the *CourTools* measures for which there is no current data source. Collecting and reporting on these measures would require the devotion of new resources to data collection and analysis and/or reprogramming of court case management systems and the training of clerks to enter new data codes. The middle rows show measures for which some data are

available. Most of these have not yet been validated and one is reported separately in a different legislatively mandated report. The top two rows show the *CourTools* data that are available now and respond to the mandate in Government Code section 77001.5:

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 in 1987 as Standard of Judicial Administration 2.2. Standard 2.2 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).

Despite the data limitations on these measures highlighted in Table 1, a sizeable number of courts already report these data to the AOC. Furthermore, AOC staff have undertaken improved quality control measures to provide feedback to the courts on the data that they report and have increased technical assistance to help courts identify and fix data reporting problems. Appendices B and C show these data in a format that allows for easy tracking of trial data relative to these standards.

Other Caseflow Management Data

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 improves 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.⁵

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

Update to the Judicial and Staff Workload Studies

Weighted caseload has been the national standard for evaluating the workload of judges and court staff for over two decades. 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 *weighting* 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 count as a single filing for the court, the two different kinds of cases have very different implications for the court’s workload. Weighted caseload, then, is required to take information on the number and types of cases coming before the court and translate it into workload data.

In recognition of the need to establish meaningful estimates of the resource needs of the courts, the Judicial Council has approved workload models that utilize weighted caseload to assess where new judgeships and additional nonjudicial resources are most urgently needed to meet the needs of the public.

Caseweights require periodic review because changes in the law, technology, and practice all affect the average amount of time required for case processing. Periodic review, and where necessary

⁵ The stage of case at disposition is not entirely under the control of the court. For example, if the district attorney and public defender do not engage in good-faith plea bargaining, or if the bar does 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.

revision of caseweights, ensures that the allocation formulas reported to the Legislature and the Governor reflect the current amount of time required to resolve cases. In 2009, with the support of the National Center for State Courts (NCSC) and the guidance of the SB 56 Working Group, the AOC undertook two studies to update the judicial officer and staff workload models. The SB 56 Working Group, whose membership consists of 16 judicial officers and court executives, met regularly with project staff to develop the project plan and methodology and evaluate the findings.

Judicial Workload Assessment

The weighted caseload method for determining the number of judgeships needed in the trial courts was approved by the Judicial Council in August 2001 and later modified and approved by the council in August 2004. The August 2001 council action, among other things, approved a set of workload standards (caseweights) to be used to conduct statewide assessments of judicial need. The council also directed AOC staff to develop a process to periodically review and update the workload standards so that they continue to accurately represent judicial workload.

In 2006 the Legislature incorporated the workload standards into statute when it created 50 new judgeships and established that new judgeships would be allocated according to the assessed judicial need and prioritization methodology approved by the Judicial Council. Government Code section 69614(b) states that judges should be allocated according to uniform standards that are based on, among other criteria, “[w]orkload standards that represent the average amount of time of bench and nonbench work required to resolve each case type.”

Further updates of the assessed judicial need were approved by the Judicial Council, first in 2007 and then, as directed by statute, in 2008 and 2010. However, these updates were conducted exclusively by updating *filings* data. As a result, these previous updates reflect changes in trial court caseloads over time but do not reflect important changes in case processing caused by new law, new practices in the court, or changes in technology.

Update to the Judicial Officer Workload Assessment

In fall 2010, to maintain the accuracy of the Judicial Workload Assessment estimates, 533 judicial officers (337 judges and 196 subordinate judicial officers) from 15 courts participated in a time study, documenting their case-processing work in daily time logs over a four-week period.

Following the time study, a qualitative data review was undertaken to ensure that case-processing time estimates reflected adequate time to meet statutory obligations and uphold quality of justice. Judicial officers in the study courts were asked to complete a supplemental survey where they could indicate particular case-processing steps or functions for which they believed additional time would allow them to improve the quality of justice or quality of service to the public.

Finally, groups of judicial officers were convened in a series of Delphi (focus group) sessions to review the time study results and recommend adjustments to the caseweights to ensure that they reflected effective and efficient case processing. Almost 200 judicial officers participated in at least one phase of the qualitative review.

In addition to capturing essential information on the impact of changes in the law, operations, and practice since the development of the first set of caseweights in 2001, the new caseweights reflect a more accurate assessment of the need for judicial officers in California for a number of other reasons:

- A larger sample of judicial officers and courts contributed to the time study data than in the previous study.
- In partnership with the courts, the AOC has improved the reporting of filings counts in previously-problematic areas—particularly civil and family law.
- The new study includes a separate caseweight for asbestos cases, in recognition of the unique and disproportionate workload created by asbestos litigation.

The Judicial Council approved the new judicial officer caseweights at its December 2011 business meeting. The updated estimate of judicial need using the new caseweights and updated filings data was reported to the Legislature under the requirements of Government Code section 69614 and can be found in Appendix F.

Subordinate Judicial Officer Conversions

In 2000, the Judicial Council directed the Administrative Director of the Courts to establish a Subordinate Judicial Officer (SJO) Working Group to make recommendations on several policy issues concerning subordinate judicial officers. On the basis of the report from the SJO Working Group, AOC staff conducted an evaluation of the amount of judicial workload that is appropriate to SJOs in the trial courts and compared this to the number of SJOs actually employed in the superior courts. Using estimates derived from the Judicial Workload Assessment model, staff determined that the workload of 162 existing SJO positions in 25 courts should be handled by judges. These workload estimates served as the basis for legislation sought by the Judicial Council and signed into law in 2007 as Assembly Bill 159. Data on subordinate judicial officer conversions through the most recent fiscal year published in the *Court Statistics Report* can be found in Appendix G.

Court Case Processing: Staff Workload

The Resource Assessment Study (RAS) model was approved by the Judicial Council in 2005 and is updated annually with new filings data to identify the court resources needed to manage a court's case-processing workload.

The RAS model is similar to the Judicial Workload Assessment model in that it uses a weighted caseload methodology to translate trial court caseload into estimates of workload. The RAS model is different, however, from the judicial workload model in a number of important respects. Unlike the judicial workload model, the RAS model:

- Estimates the workload associated with a wide range of staff necessary to the processing of cases, including clerks, mediators, and case managers, rather than merely capturing the work of a single job category;
- Estimates the staff needed to manage administrative overhead—e.g., human resources, fiscal, information systems—on the basis of the total number of case-processing staff in a court; and

- Translates estimates of how many staff are needed in the courts to a cost-of-living adjusted dollar figure so that a court's actual budget can be compared to an estimate of the *cost* of a given level of workload.

In 2005 the Judicial Council approved the use of the RAS model in allocating resources on the basis of workload. Although the vast majority of trial court funding dollars continued to be allocated on a pro rata basis, \$32 million in supplemental funding was redirected to courts between fiscal years 2005–2006 and 2007–2008 using the RAS model to determine which courts needed supplemental funding. The \$32 million came from new monies allocated to the trial courts during those years under the State Appropriations Limit (SAL) funding process.

Although the \$32 million constituted less than 10 percent of the total SAL funding increase, the allocation of this funding to 31 historically underfunded small- and medium-sized courts made a significant difference in moving the courts toward greater equity in funding.

While supplemental funding has not been available for several years, the RAS model remains relevant as a tool to evaluate resource needs across courts and as a management tool for courts to evaluate resource need across case types or locations. The caseweights used in the model are in the process of being updated using results from a 2010 time study in which 24 courts participated. The new model should be finalized by December 2012. At the same time, the AOC's Office of Court Research is currently conducting follow-up analysis on a number of issues related to the staff workload study including:

- Using time-study data to assist trial court administrators in managing their operations more efficiently and effectively; and
- Converting estimates of staff need into a dollar estimate to more accurately reflect resource needs in the courts.

Conclusion

Government Code section 77001.5 requires the Judicial Council to report on standards and measures that promote the fair and efficient administration of justice in California. This report has focused primarily on *quantitative* measures of trial court performance and provided information on the Judicial Workload Assessment and Resource Allocation Study model updates and the activities of the SB 56 Working Group. Subsequent reports will follow a similar format.

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.

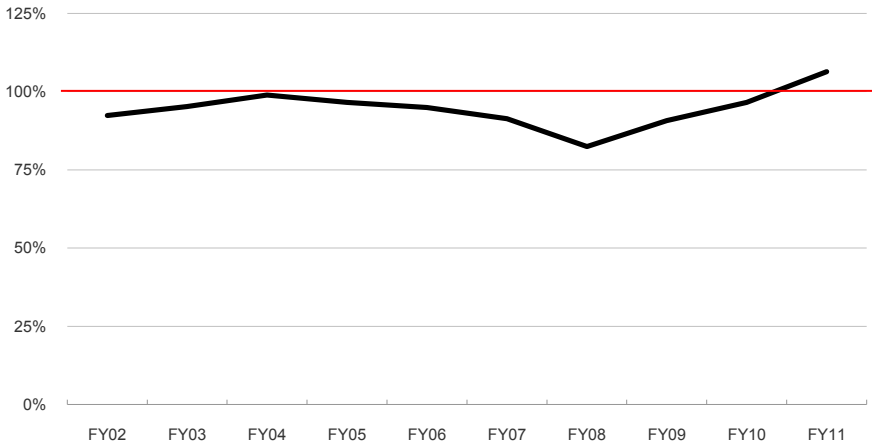
(Subd (o) amended effective January 1, 2007; adopted effective January 1, 2004.)

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

Fiscal Years 2001–02 through 2010–11

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

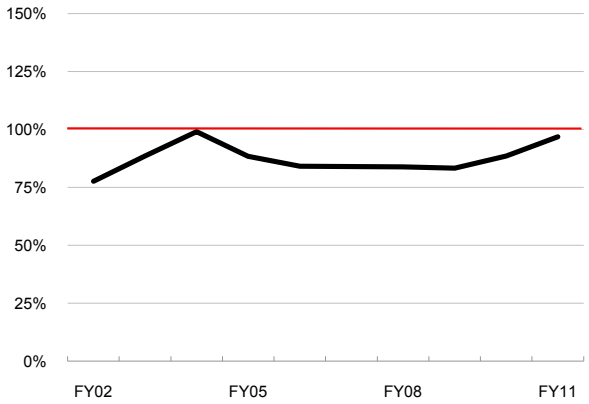


Figure 3: Motor Vehicle P/PI/D/WD

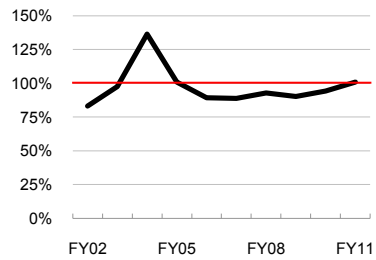


Figure 4: Other P/PI/D/WD

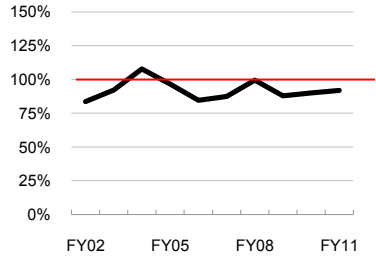


Figure 5: Civil Complaints

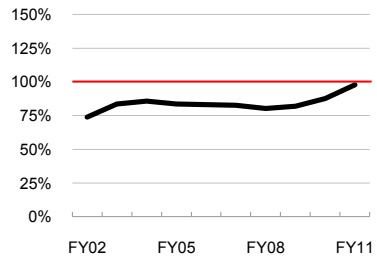


Figure 6: Civil Limited

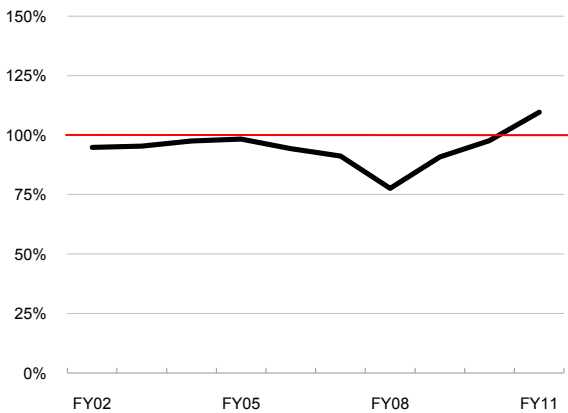
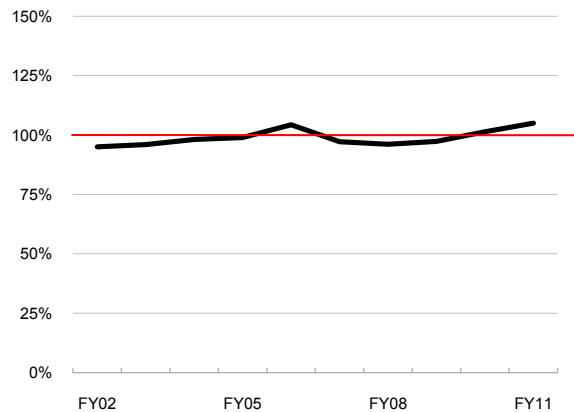


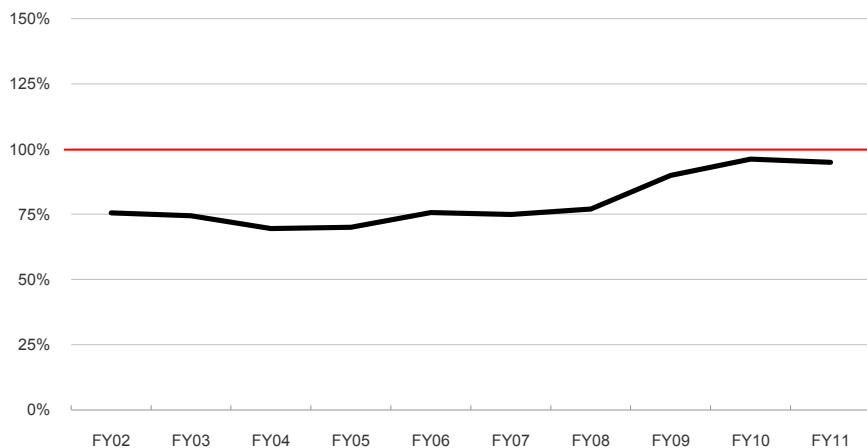
Figure 7: Small Claims



**Appendix B (continued): CalCourTools, Caseload Clearance Rates
Criminal Felonies, Misdemeanors, Infractions**

Fiscal Years 2001–02 through 2010–11

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

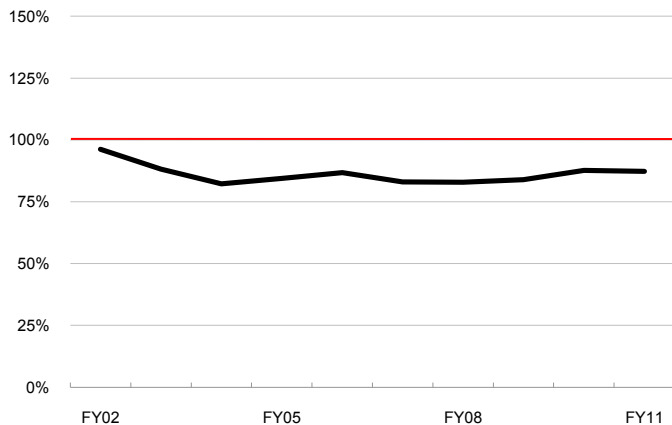


Figure 10: Traffic Misdemeanor

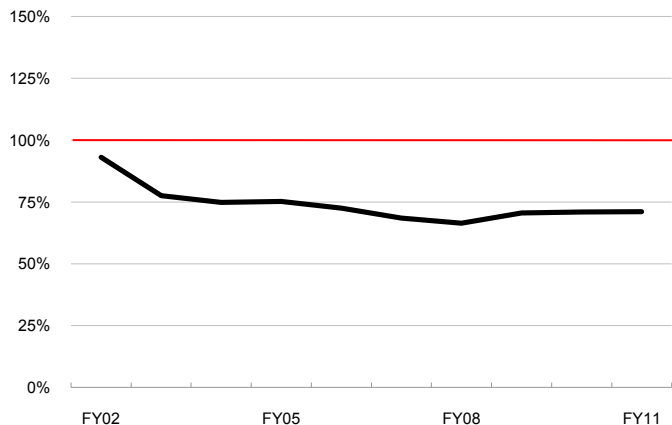


Figure 11: Nontraffic Infraction

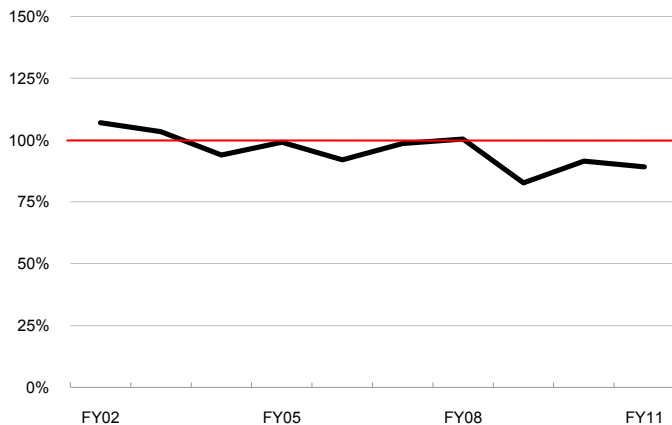
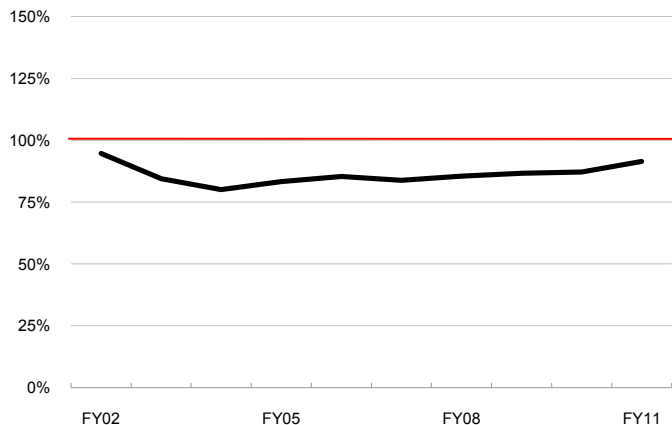


Figure 12: Traffic Infraction



**Appendix B (continued): CalCourTools, Caseload Clearance Rates
Family Law, Juvenile Delinquency, Juvenile Dependency
Fiscal Years 2001–02 through 2010–11**

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

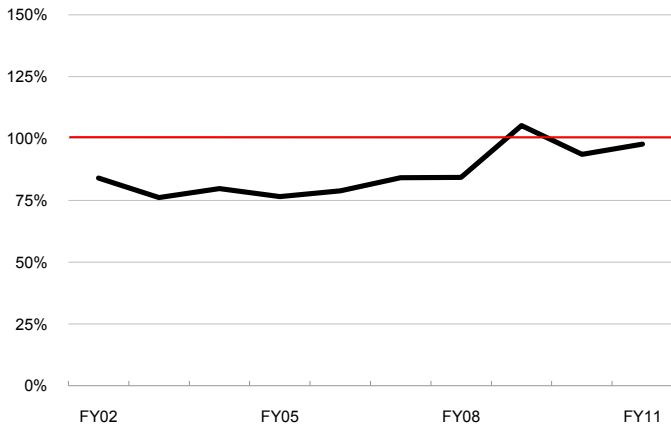


Figure 14: Family Law Petitions

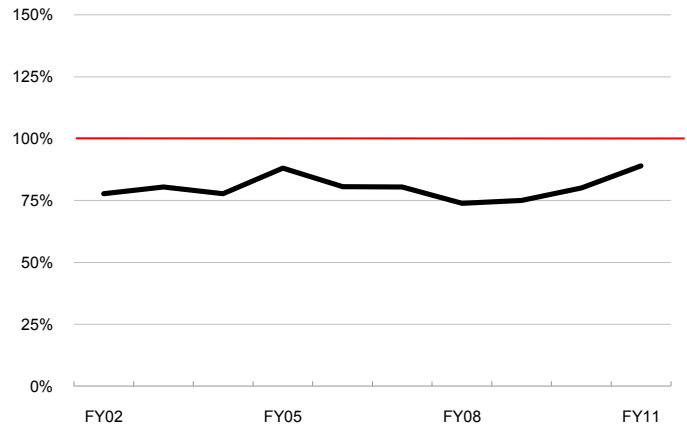


Figure 15: Juvenile Delinquency

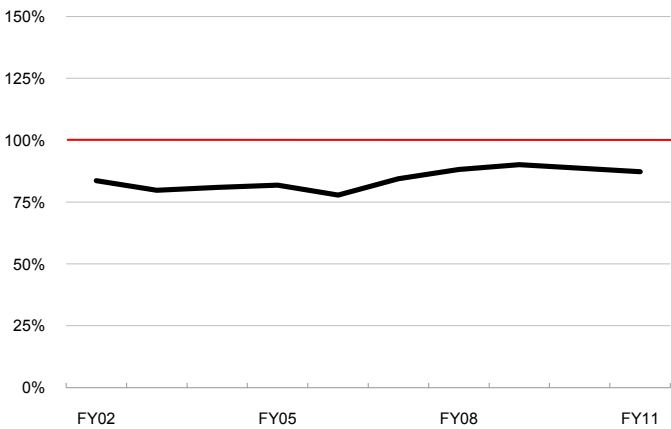
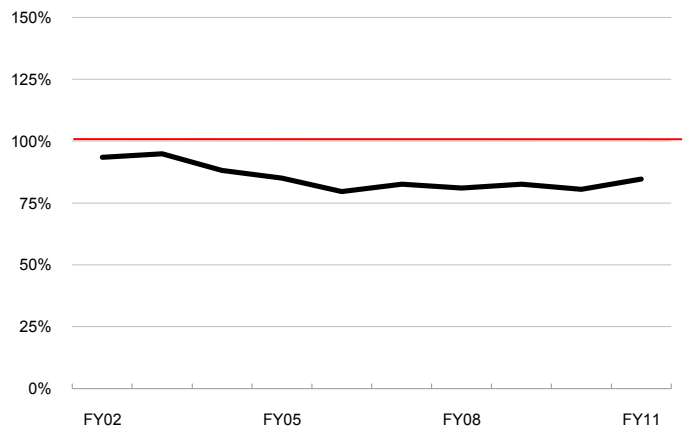


Figure 16: Juvenile Dependency



**Appendix B (continued): CalCourTools, Caseload Clearance Rates
Probate, Mental Health, Appeals, Habeas Corpus**

Figures 17–20

Fiscal Years 2001–02 through 2010–11

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

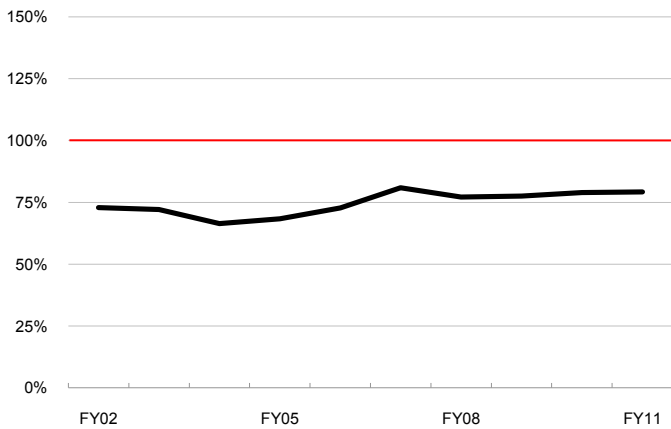


Figure 18: Mental Health

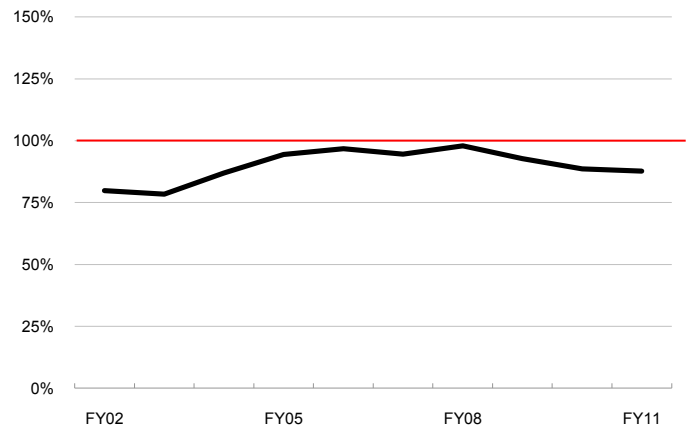


Figure 19: Appeals

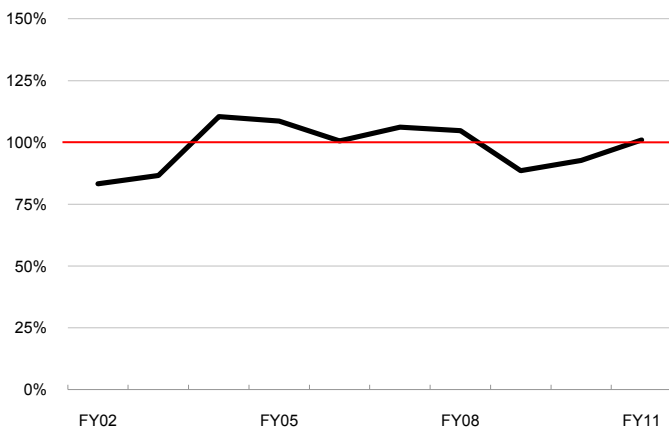
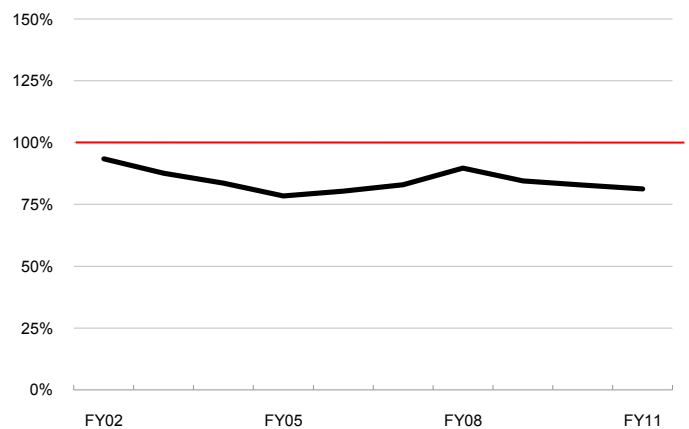


Figure 20: Criminal Habeas Corpus



**Appendix C: CalCourTools, Time to Disposition
Civil Unlimited, Civil Limited, Small Claims**

Fiscal Years 2001–02 through 2010–11

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

The Standards of Judicial Administration establishes 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

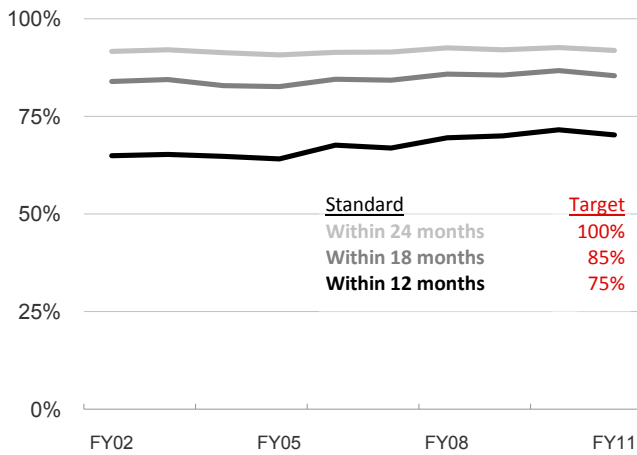


Figure 22: Limited Civil

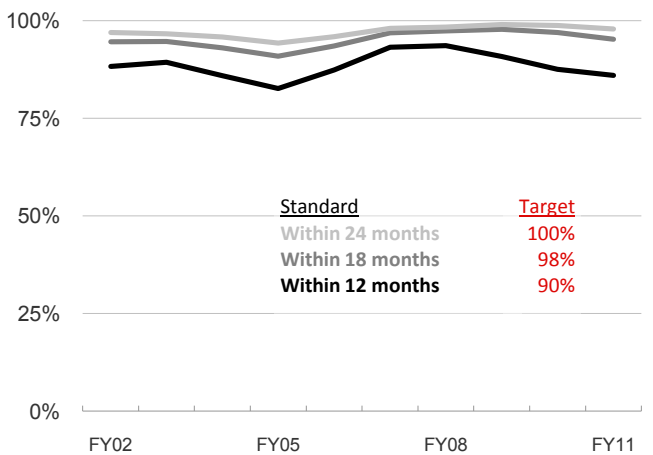


Figure 23: Unlawful Detainer

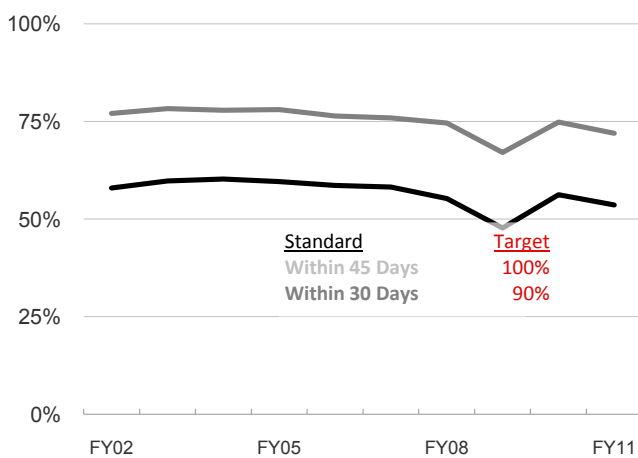


Figure 24: Small Claims

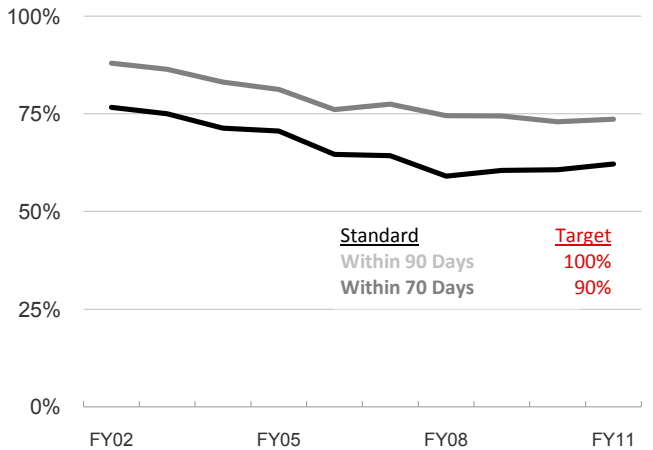
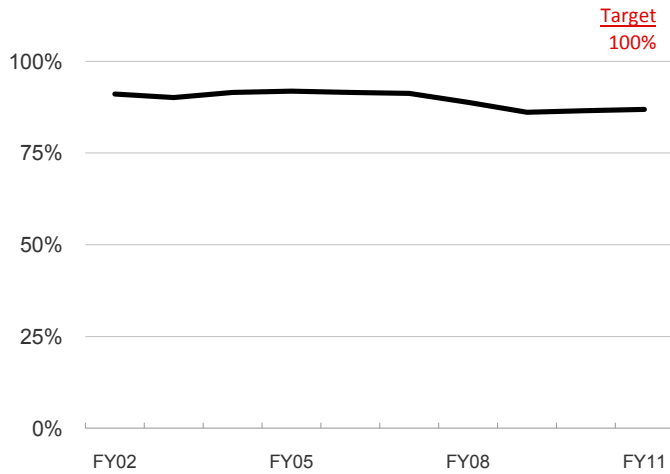


Figure 25: Felonies disposed within 12 months



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

The Standards of Judicial Administration establishes 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

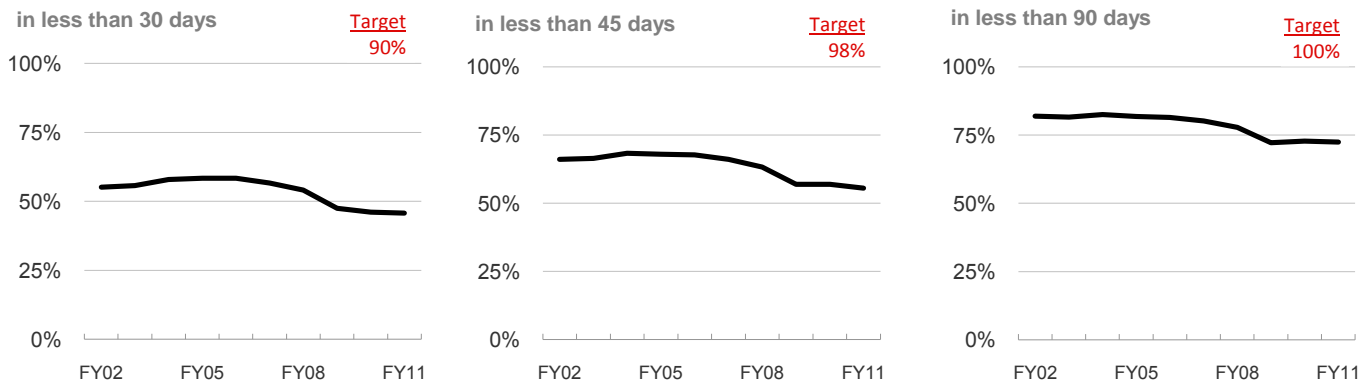
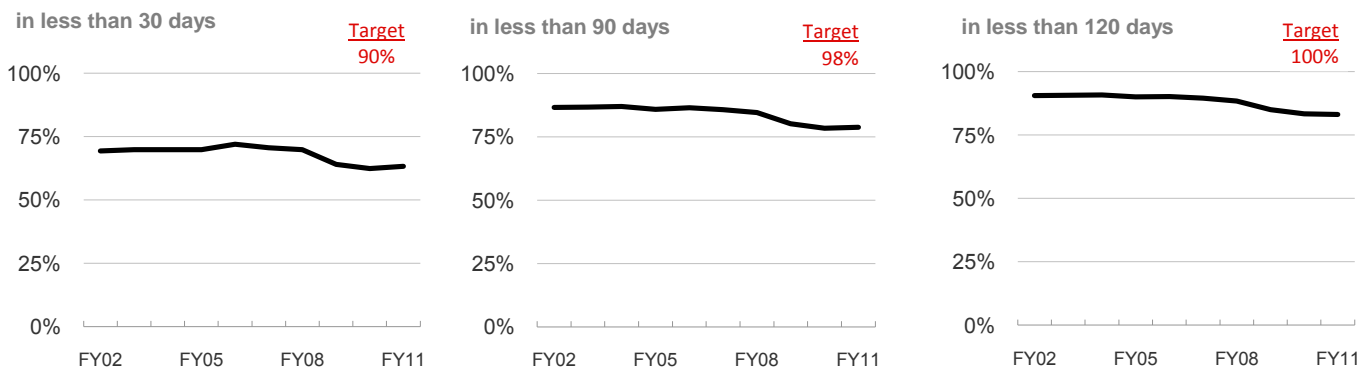


Figure 27: Misdemeanors disposed



Appendix D: Stage of Case at Disposition Civil

Fiscal Year 2010–11

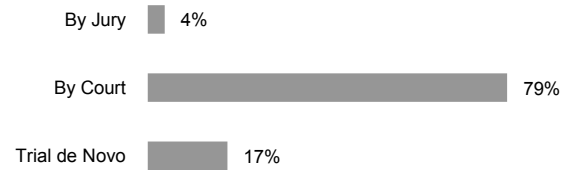
Figure 28: How and at what stage are civil cases resolved?

Unlimited Civil

Number disposed before trial



Number disposed after trial

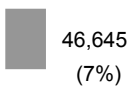


Limited Civil

Number disposed before trial



Number disposed after trial



Small Claims

Number disposed before trial



Number disposed after trial



Appendix D (continued): Stage of Case at Disposition Felony

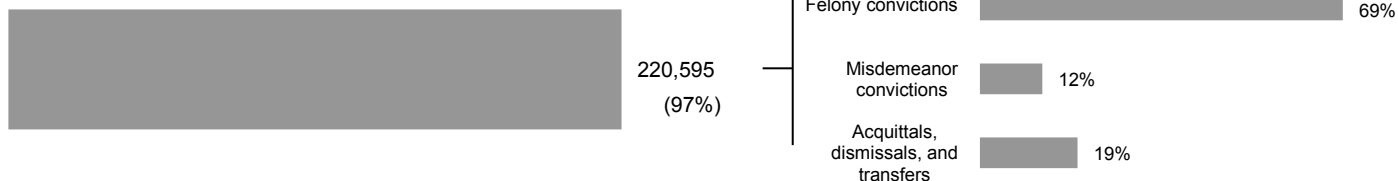
Fiscal Year 2010-11

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

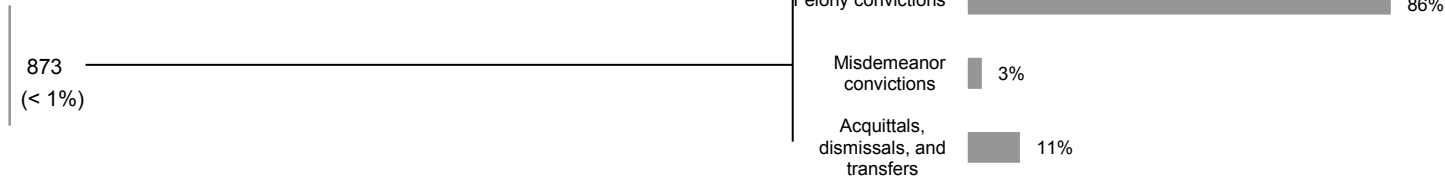
Total felony dispositions (not including felony petitions)



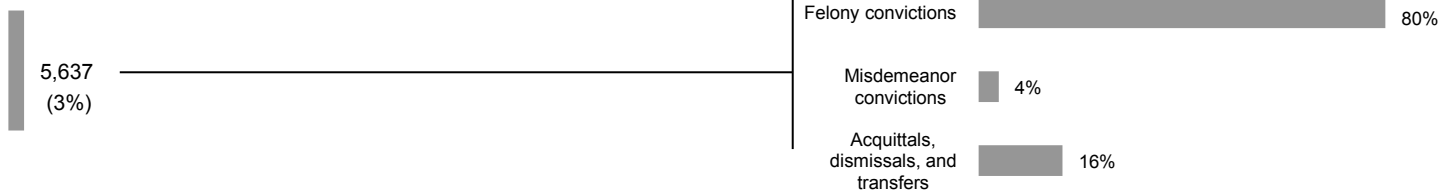
Number disposed before trial



Court trials



Jury trials



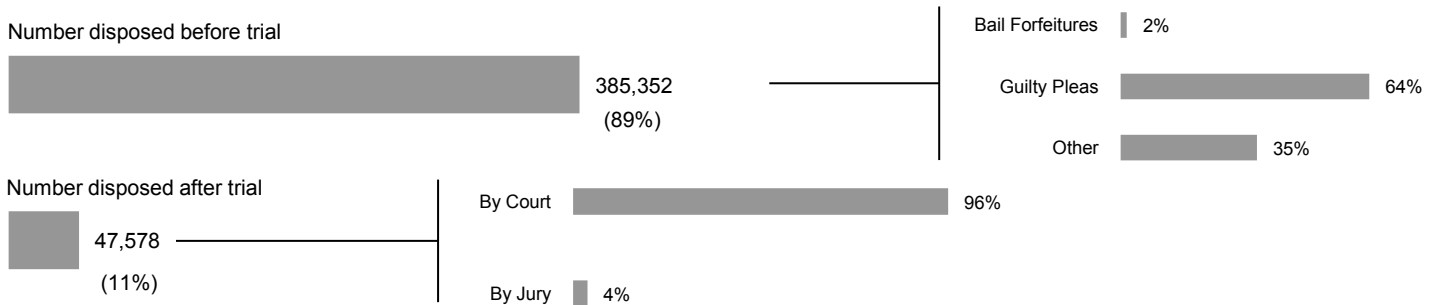
Appendix D (continued): Stage of Case at Disposition Misdemeanors and Infractions

Figure 30

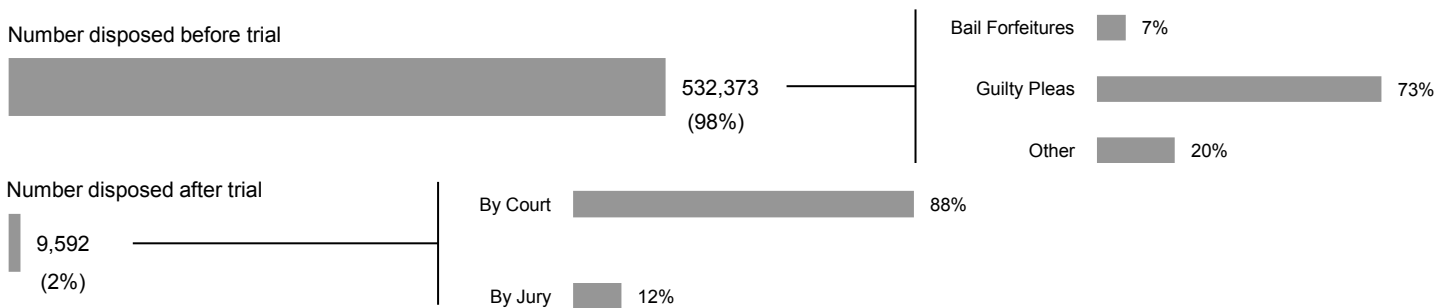
Fiscal Year 2010–11

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

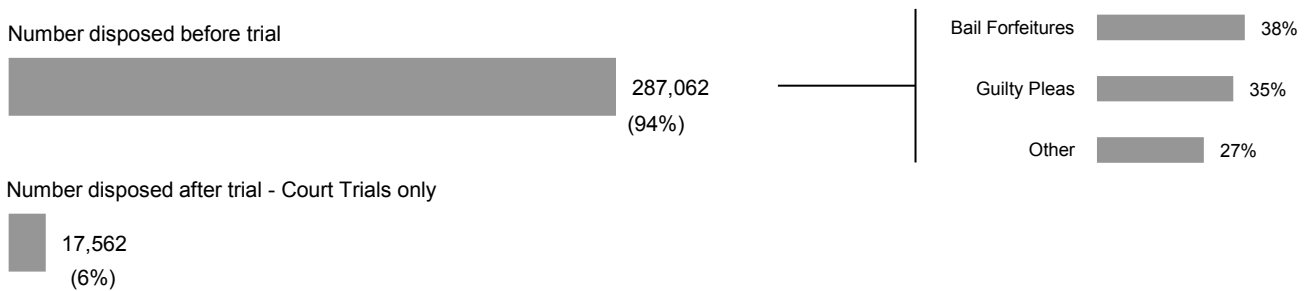
Nontraffic Misdemeanors



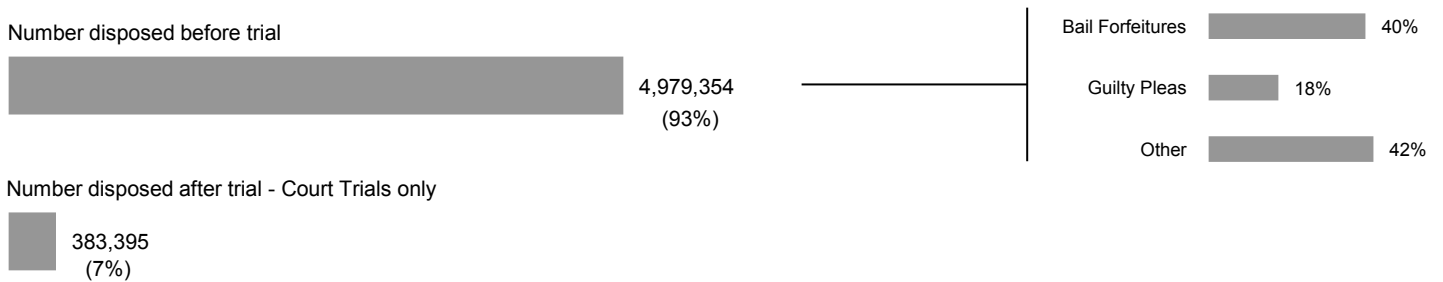
Traffic Misdemeanors



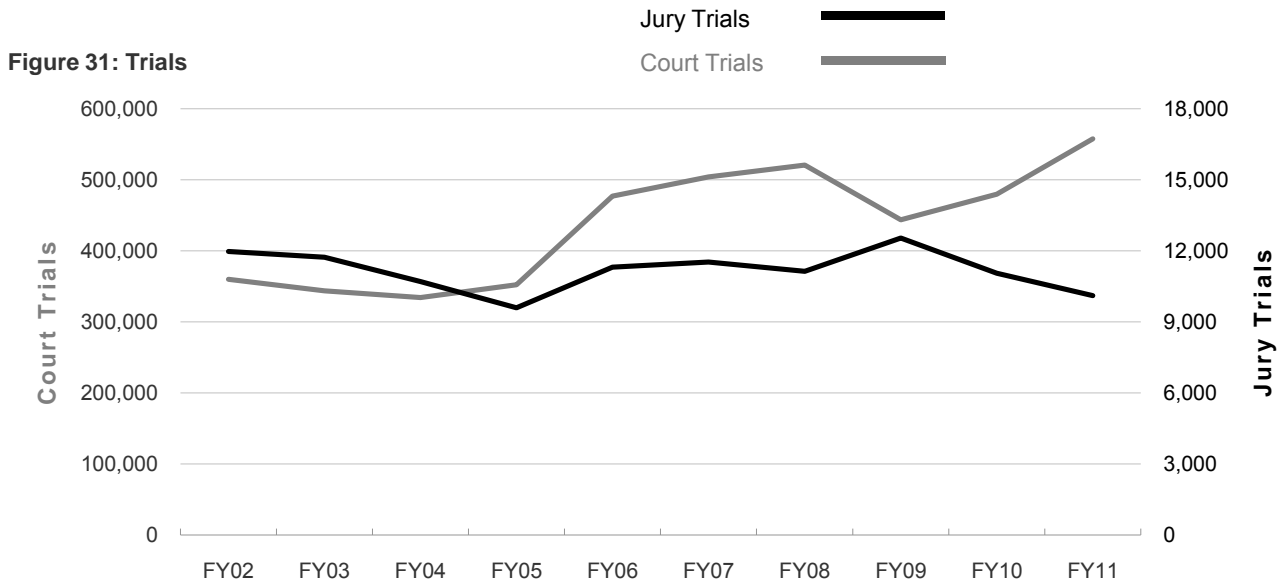
Nontraffic Infractions



Traffic Infractions



Fiscal Years 2001–02 through 2010–11



Jury Trials

Figure 32: Felony

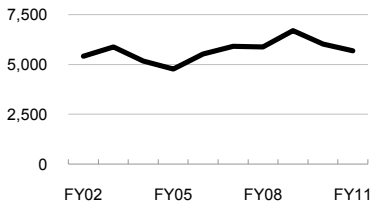


Figure 33: Misdemeanor

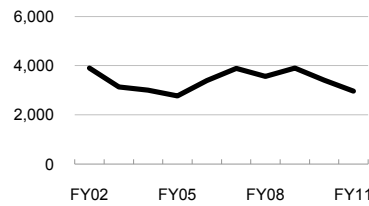


Figure 34: P/DPD/WD Civil Unlimited

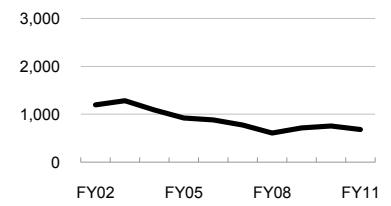


Figure 35: Other Civil Unlimited

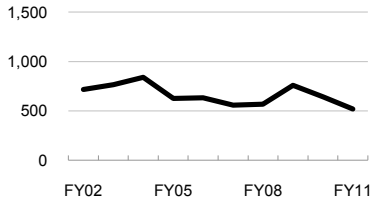


Figure 36: Civil Limited

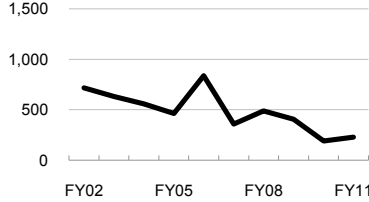
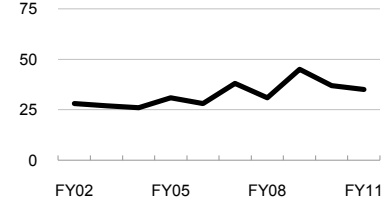


Figure 37: Probate and Mental Health



Court Trials

Figure 38: Felony

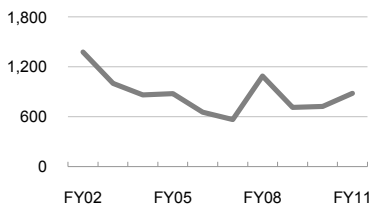


Figure 39: Misdemeanor and Infractions

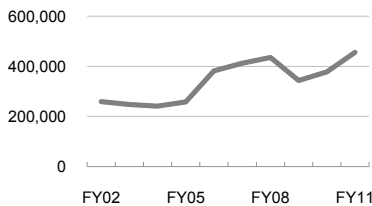


Figure 40: P/DPD/WD Civil Unlimited

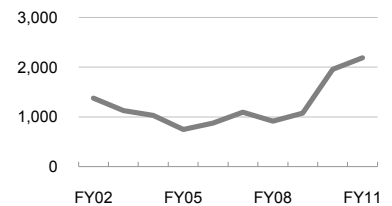


Figure 41: Other Civil Unlimited

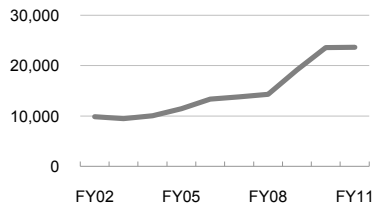


Figure 42: Civil Limited

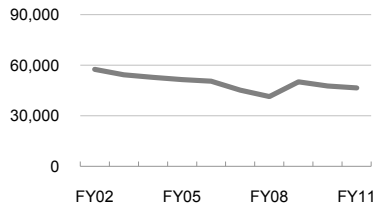
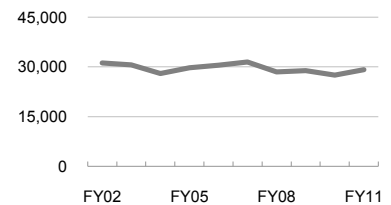


Figure 43: Probate and Mental Health



Appendix F: Assessed Judicial Need, 2012 Update

County	Authorized Judicial Positions ¹	2010 Update Assessed Judicial		2012 Update Assessed Judicial		Change in Need from 2010
		Need: 2010 Update ²	Net Need (AJP-AJN)	Need: 2012 Update ³	Net Need (AJP-AJN)	
Alameda	85.0	81.6	3.4	80.0	5.0	-1.6
Alpine	2.3	0.2	2.1	0.2	2.1	0.0
Amador	2.3	2.6	-0.3	2.6	-0.3	0.0
Butte	14.0	16.0	-2.0	14.7	-0.7	-1.3
Calaveras	2.3	2.9	-0.6	2.9	-0.6	0.0
Colusa	2.3	1.6	0.7	1.6	0.7	-0.1
Contra Costa	47.0	45.4	1.6	46.1	0.9	0.7
Del Norte	3.8	3.4	0.4	3.8	0.0	0.4
El Dorado	9.0	10.3	-1.3	10.6	-1.6	0.3
Fresno	53.0	78.1	-25.1	61.6	-8.6	-16.4
Glenn	2.3	2.3	0.0	2.1	0.2	-0.3
Humboldt	8.0	9.8	-1.8	10.2	-2.2	0.4
Imperial	11.4	12.5	-1.1	14.8	-3.4	2.3
Inyo	2.3	1.7	0.6	1.7	0.6	0.0
Kern	46.0	59.5	-13.5	57.8	-11.8	-1.7
Kings	9.5	12.2	-2.7	11.7	-2.2	-0.4
Lake	4.8	5.2	-0.4	5.2	-0.4	0.1
Lassen	2.3	3.2	-0.9	3.4	-1.1	0.2
Los Angeles	586.3	619.8	-33.6	626.4	-40.2	6.6
Madera	10.3	13.3	-3.0	11.4	-1.1	-1.9
Marin	14.5	11.5	3.0	11.7	2.8	0.2
Mariposa	2.3	1.1	1.2	1.6	0.7	0.4
Mendocino	8.4	8.2	0.2	7.7	0.7	-0.5
Merced	14.0	20.7	-6.7	19.0	-5.0	-1.6
Modoc	2.3	0.9	1.4	0.8	1.5	-0.1
Mono	2.3	1.2	1.1	1.1	1.2	0.0
Monterey	22.2	24.1	-1.9	23.6	-1.4	-0.5
Napa	8.0	8.5	-0.5	8.9	-0.9	0.4
Nevada	7.6	5.8	1.8	5.7	1.9	-0.1
Orange	145.0	168.1	-23.1	166.5	-21.5	-1.6
Placer	16.5	21.8	-5.3	20.4	-3.9	-1.4
Plumas	2.3	1.6	0.7	1.6	0.7	-0.1
Riverside	83.0	146.4	-63.4	137.8	-54.8	-8.6
Sacramento	78.5	115.0	-36.5	93.6	-15.1	-21.3
San Benito	2.5	3.6	-1.1	3.4	-0.9	-0.2
San Bernardino	91.0	156.7	-65.7	156.1	-65.1	-0.5
San Diego	154.0	165.6	-11.6	158.9	-4.9	-6.7
San Francisco	65.0	54.1	10.9	59.4	5.6	5.3
San Joaquin	36.5	53.2	-16.7	47.5	-11.0	-5.8
San Luis Obispo	15.0	17.3	-2.3	17.1	-2.1	-0.2
San Mateo	33.0	32.6	0.4	33.8	-0.8	1.1
Santa Barbara	24.0	25.7	-1.7	24.8	-0.8	-0.9
Santa Clara	89.0	78.5	10.5	78.9	10.1	0.5
Santa Cruz	13.5	14.5	-1.0	14.7	-1.2	0.2
Shasta	13.0	16.9	-3.9	16.6	-3.6	-0.3
Sierra	2.3	0.3	2.0	0.3	2.0	0.0
Siskiyou	5.0	3.9	1.1	3.7	1.3	-0.1
Solano	24.0	32.6	-8.6	28.6	-4.6	-4.0
Sonoma	24.0	28.0	-4.0	28.3	-4.3	0.3
Stanislaus	26.0	39.8	-13.8	36.1	-10.1	-3.6
Sutter	5.3	8.4	-3.1	7.3	-2.0	-1.1
Tehama	4.3	5.6	-1.3	5.8	-1.5	0.2
Trinity	2.3	1.2	1.1	1.6	0.7	0.4
Tulare	25.0	32.5	-7.5	28.4	-3.4	-4.1
Tuolumne	4.8	4.3	0.4	4.5	0.2	0.2
Ventura	33.0	40.9	-7.9	43.7	-10.7	2.8
Yolo	13.4	13.5	-0.1	12.3	1.1	-1.2
Yuba	5.3	5.8	-0.5	5.4	0.0	-0.4
Statewide	2,022.2	2,351.9	-329.7	2,286.1	-263.9	-65.8

¹ Includes the 50 judgeships that were authorized in AB 159 but not funded.

² Calculated using the average of FY 06-07 through FY 08-09 filings and old (2001) caseweights.

³ Calculated using the average of FY 08-09 through FY 10-11 filings and new (2010) caseweights.

Appendix G: Subordinate Judicial Officer Conversions

Fiscal Years 2007–08 through 2010–11

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 a 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.

Government Code 69615(b)(1)(A) provides for the annual conversion of a maximum of 16 SJO positions to judgeships in the 25 courts identified by the judicial workload assessment.

	Total Eligible for Conversion	2007–08	2008–09	2009–10	2010–11	Positions Remaining for Conversion
Alameda	6	0	0	1	2	3
Contra Costa	6	3	0	1	0	2
El Dorado	2	0	1	0	1	0
Fresno	3	0	1	0	1	1
Imperial	1	0	0	0	1	0
Kern	2	0	1	0	0	1
Los Angeles	78	4	5	7	7	55
Marin	2	0	0	0	0	2
Merced	2	0	1	0	0	1
Napa	1	0	0	0	0	1
Orange	14	1	2	2	2	7
Placer	1	0	0	0	0	1
Riverside	6	1	1	0	0	4
Sacramento	5	1	2	0	0	2
San Diego	7	2	0	0	0	5
San Francisco	9	1	0	1	0	7
San Luis Obispo	2	1	0	0	0	1
San Mateo	2	0	0	0	0	2
Santa Barbara	2	0	0	2	0	0
Santa Cruz	1	0	0	0	0	1
Solano	3	1	2	0	0	0
Sonoma	2	0	0	1	1	0
Stanislaus	1	0	0	0	1	0
Tulare	2	0	0	1		1
Yolo	2	1	0	0	0	1
Total	162	16	16	16	16	98

Note: Courts shaded in grey have completed all of the conversions for which they are eligible.