



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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Date	Action Requested
March 25, 2019	Approve Report
To	Deadline
Trial Court Budget Advisory Committee	March 11, 2019
From	Contact
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Subject	
2018 Budget Outcomes	

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#### **Background**

At the September 2018 Judicial Council meeting, the Trial Court Budget Advisory Committee was tasked by the council to report on outcomes related to new branch funding provided in the 2018 Budget. Specifically:

*The motion for action also included a reporting requirement or survey regarding the use and expenditure of \$75 million, as well as the \$47.8 million and the \$19.1 million previously approved in July. This includes reporting back on various outcomes expressed by the Administration, Legislature, Judicial Council, and trial courts during the Fiscal Year 2018-19 appropriations cycle: including but not limited to: court budget "snapshots"—ensuring court services and staff are available; opening windows previously closed and rehiring staff to service those windows; restoring or expanding line services; reopening or expanding courtroom use where possible; reducing delays and backlogs; and providing even more self-help in those regards. In addition, the \$60.6 million is identified as discretionary and the \$10 million is to increase the level of court reporters in family law cases. However, if a court demonstrates that their family law court reporting services are fully staffed, the \$10 million allocation will become discretionary funds.*

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This memo summarizes the findings from a data request of the trial courts in response to the reporting requirement.

## Methodology

In December 2018, courts were asked to provide information about the use of funds provided in the 2018 Budget Act. Courts were told to use their 2018 Budget Snapshot (<http://www.courts.ca.gov/partners/804.htm>) as a reference. Courts were asked to provide information for each of the three types of funding provided in the Budget Act in the following table (see Table 1):

**Table 1: Responses requested**

Type of funding provided in 2018 Budget Act	Response requested
\$47.8/\$75M discretionary funding	<ul style="list-style-type: none"><li>• The types of services/staffing courts provided;</li><li>• Cuts courts were able to avoid</li></ul>
\$10M court reporters in family law and/or discretionary	<ul style="list-style-type: none"><li>• How the funding is or will be used to increase the level of court reporters in family law; <b>or</b></li><li>• Affirmation that family court reporting services are fully staffed and then, if so, how funding will be used for discretionary purposes</li></ul>
\$19.1M Self help	<ul style="list-style-type: none"><li>• How additional funds would be used, notable accomplishments, website updates</li></ul>

Fifty-six courts responded to the information request; the two smallest courts (Alpine and Sierra) were exempted from responding to the survey because they did not receive any of the new funding. The free-form responses were coded and categorized into uses (i.e. how the funding was used) and benefits (i.e. what the funding achieved) and have been compiled into the following report.

Since there might be differences in interpretation or understanding between what a court submitted and how Judicial Council staff coded the responses, there might be a need to modify a response or reporting. Those changes will be made prior to submission to the Judicial Council.

## Findings

***Discretionary Funding (\$65 million and \$47.8 million to courts below the average funding level)***

Courts were asked to report on how the discretionary funding was utilized/would be utilized or whether the discretionary funding help avoid any cuts. The top five use categories for discretionary funding are shown in Table 2.

**Table 2: Top Five Uses of Discretionary Funding**

<b>Use Category</b>	<b>Responding Courts</b>
Increase Staffing via hiring	43
Increase employee salaries/benefits	30
Records Management/CMS Improvements	23
Extend Service Hours/Days	22
Technological Improvements	21

Courts signaled that this increased funding helped to increase public access, decrease backlog, and increase operational stability. Regarding public access, court responses highlighted expanded counter service and phone hours, reopened courtrooms, and outreach to communities previously-underserved or not served. Courts that were able to use the funding to decrease backlog mentioned large-scale projects to bring matters current and restored or new staffing levels to ensure that filings and other workload were kept current or resolved more expeditiously. Technological enhancements, records management, and case management system (CMS) improvements were another often-mentioned use category that encompasses various efforts to enhance operational stability. Replacing old computers, modernizing sound equipment in a courtroom, or implementing a better records management system for better and faster public access are all examples of the improvements made with this funding.

***Funding for Court Reporters in Family Law***

Courts were asked if they were fully staffed for court reporters in family law. Thirty-nine of the responding courts indicated that they were currently fully staffed, thirteen courts indicated that they were not, and three courts did not provide sufficient information at the time of this report to make a determination (those courts have been asked to clarify their responses.) Of the courts that were not fully staffed, most were smaller, cluster 2 courts.

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Some courts signaled in their responses that they were having difficulties recruiting court reporters. This issue was not exclusive to smaller, rural courts, but was also reported by large, urban courts where ostensibly, the labor pools are larger. Full staffing may be delayed unless there are sufficient resources to meet demand both in the present and in the future.

Furthermore, some courts indicated that while they were able to meet current needs for court reporters in family law, they were uncertain about their ability to sufficiently staff reporters as early as next fiscal year. Some courts specifically mentioned the *Jameson* ruling as a factor that might increase demand for court reporters, as well as increased awareness by the parties of the availability of the service. Difficulties finding qualified reporters both to meet increased demand and to replace retiring reporters is another factor that may affect the number of courts that are able to continue to be fully staffed for court reporters in family law.

- *The court recruited for a court reporter position for family law court however, no applications were received. The court recently reposted the position using a greater number of advertising outlets. Court reporter positions are difficult to recruit in the Central Valley;*
- *The court continues to make every effort to hire additional court reporters for Family Law matters, but recruitments have not yielded qualified candidates;*
- *[The court] added four (4) authorized court reporter positions, however, this endeavor has been met with recruitment challenges.*

### ***Self-Help Funding***

The new self-help funding has allowed for an expansion of service to the public. At least 27 courts were able to expand hours of operation or service locations and the same number of courts (though a slightly different list) were able to expand the number of casetypes that would receive self-help assistance. Courts also highlighted new technology, enhancements to allow for more remote access, and increased services in other languages. A complete cataloging of the service expansion will be given in a report to the Judicial Council later this year.

### **Funding Needs Yet Unmet**

The 2018 Budget funding for trial courts allowed for expanded services, increased access, and operational stability. However, courts indicated the need for additional funding to continue to increase or maintain access to justice, enhance services, or avoid reductions or cuts to service. Some of the comments received include:

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- *Still a long process to close the gap of the extended years of budget shortages;*
- *Courts continue to operate at reduced hours to the public;*
- *The funding only partially meets our need. Most family law proceedings will not have court reporter assigned.*
- *Budget shortfall due to decreased civil assessment revenue;*
- *Added 2 Court Reporter positions to increase coverage in Family Law courtrooms. The added positions have increased our staffing to approximately 80% of our court reporter need.*
- *The added staffing has not been sufficient, to-date, to make a marked improvement on the in-person wait times to speak with a clerk; and*
- *Increased costs of doing business.*

The Funding Methodology Subcommittee reviewed this report at its February 28, 2019 meeting. A few clarifying edits were suggested, and the report was approved unanimously for forwarding to this committee.

**Recommendation**

Approve this report for forwarding to the Judicial Council at its May 16-17, 2019 business meeting.