



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MATERIALS FOR MAY 21, 2020 TELEPHONIC MEETING

#### Meeting Contents

<b>Agenda</b> .....	1
<b>Minutes</b>	
Draft minutes from the April 30, 2020 Meeting .....	5
<b>Discussion and Possible Action Items</b>	
<b>Item 1</b> – 2020-21 Court-Appointed Dependency Counsel Allocations (Action Required).....	7
<b>Attachment 1A</b> – 2020-21 Allocation of Dependency Counsel Funding (Current Level) .....	10
<b>Attachment 1B</b> – 2020-21 Allocation of Dependency Counsel Funding (Including Funding Reduction) .....	11
<b>Item 2</b> – Review of General Ledger Accounts for Inclusion in the Workload Formula (WF) (Action Required) .....	12
<b>Attachment 2A</b> – Report to Funding Methodology Subcommittee (FMS), Review of General Ledger Accounts for Inclusion in WF, February 3, 2020 .....	17
<b>Item 3</b> – Workload Formula Adjustment Request Process (ARPs) – San Francisco Superior Court Cluster Assignment Evaluation (Action Required) .....	31
<b>Attachment 3A</b> – San Francisco Superior Court ARP Submission.....	35
<b>Item 4</b> – Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for 2020-21 (Action Required).....	40
<b>Attachment 4A</b> – Judicial Council Approved 2019-20 Allocations and 2020-21 Proposed Allocations from the IMF State Operations and Local Assistance Appropriations .....	44
<b>Attachment 4B</b> – Summary of Programs .....	46
<b>Attachment 4C</b> – IMF Fund Condition Statement .....	48

<b>Item 5</b> – Allocations from the TCTF and Trial Court Allocations for 2020-21 (Action Required)..	49
<b>Attachment 5A</b> – 2020-21 TCTF Recommended Preliminary Allocation.....	55
<b>Attachment 5B</b> – 2020-21 Workload Formula Allocation .....	56
<b>Attachment 5C</b> – TCTF Fund Condition Statement .....	59
<b>Item 6</b> – Court Interpreter Program (CIP) Funding Shortfall (Action Required) .....	60
<b>Attachment 6A</b> – Priority in Providing Court Interpreter Services to Parties .....	63
<b>Attachment 6B</b> – TCTF Fund Condition Statement .....	64
<b>Item 7</b> – Update to Children’s Waiting Room (CWR) Policy (Action Required) .....	65
<b>Attachment 7A</b> – Current CWR Distribution and Fund Balance Policy .....	68
<b>Attachment 7B</b> – Amended CWR Distribution and Fund Balance Policy .....	70
<b>Item 8</b> – Minimum Operating and Emergency Reserve Policy (Action Required) .....	72
<b>Attachment 8A</b> – Fund Balance Policy.....	75
<b>Information Only Items (No Action Required)</b>	
<b>Info 2B</b> – Workload Formula Adjustment Request Procedures .....	81
<b>Info 2C</b> – El Dorado Superior Court ARP Submission .....	83
<b>Info 2D</b> – Joint Contra Costa and San Francisco Superior Court ARP Submission .....	87
<b>Info 3</b> – ARP Update on Mental Health Caseweights .....	93
<b>Info 3B</b> – Interim Caseweight Mental Health: Action by Email, March 19, 2020 .....	95
<b>Info 3C</b> – December 14, 2018 Adjustment Request from Los Angeles and San Diego .....	100
<b>Info 3D</b> – Fiscal Year 2018–19 Welfare and Institutions Code 5250 Filings .....	105
<b>Info 4</b> – Cluster 2 Findings.....	106
<b>Info 4D</b> – Report to FMS, Cluster 2 Analysis, February 3, 2020.....	107



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

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**Date:** June 11, 2020  
**Time:** 10:00 a.m. to 2:00 p.m.  
**Public Call-in Number:** <http://jcc.granicus.com/player/event/948?>

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov).

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the April 30, 2020 Trial Court Budget Advisory Committee telephonic meeting.

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

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This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov). Only written comments received by 10:00 a.m. on June 10, 2020 will be provided to advisory body members prior to the start of the meeting.

**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1–8)**

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**\*\*\* As a result of the COVID-19 pandemic and the current recession, final 2020-21 budget actions may have an impact on some of the agenda items listed below. Based on the outcome of the state's final Budget Act, some items may need to be revisited by Judicial Council subcommittees and advisory bodies as recommendations are developed for council consideration. \*\*\***

**Item 1**

**2020-21 Court-Appointed Dependency Counsel Allocations (Action Required)**

Consideration of the 2020-21 allocations from the Trial Court Trust Fund (TCTF) for court-appointed dependency counsel.

Presenter(s)/Facilitator(s): Ms. Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children, and the Courts  
Ms. Vida Terry, Senior Analyst, Judicial Council Center for Families, Children, and the Courts

**Item 2**

**Review of General Ledger Accounts for Inclusion in the Workload Formula (Action Required)**

Consideration of a Funding Methodology Subcommittee (FMS) recommendation on operating expenses and equipment accounts as well as a recommendation resulting from additional revenue general ledger account review.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Judicial Council Business Management Services

**Item 3**

**Workload Formula Adjustment Request Process (ARPs) – San Francisco Superior Court Cluster Assignment Evaluation (Action Required)**

Consideration of an FMS recommendation to change the San Francisco Superior Court's cluster assignment based on the court's current number of authorized judicial positions.

Presenter(s)/Facilitator(s): Ms. Kristin Greenaway, Supervising Research Analyst, Judicial Council Business Management Services

**Item 4**

**Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for 2020-21 (Action Required)**

Consideration of recommendations of the Revenue and Expenditure (R&E) Subcommittee regarding allocations from the IMF for 2020-21.

Presenter(s)/Facilitator(s): Mr. Jason Haas, Senior Analyst, Judicial Council Budget Services

**Item 5**

**Allocations from the TCTF and Trial Court Allocations for 2020-21 (Action Required)**

Consideration of recommendations of the R&E Subcommittee regarding allocations from the TCTF for 2020-21, consideration of recommendations of the FMS regarding one-time funding and a reduction proposed in the 2020-21 May Revision, and consideration of 2020-21 trial court allocations, including the Workload Formula, from the TCTF, Immediate and Critical Needs Account, and General Fund.

Presenter(s)/Facilitator(s): Ms. Oksana Tuk, Senior Analyst, Judicial Council Budget Services

**Item 6**

**Court Interpreter Program (CIP) Funding Shortfall (Action Required)**

Consideration of an FMS recommendation to address the proposed reduction in the 2020-21 May Revision and a projected 2020-21 shortfall in the CIP.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

**Item 7**

**Update to Children's Waiting Room (CWR) Policy (Action Required)**

Consideration of a Fiscal Planning Subcommittee recommendation on revisions to the CWR Distribution and Fund Balance Policy to streamline the process including review and reporting requirements.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

**Item 8**

**Minimum Operating and Emergency Reserve Policy (Action Required)**

Consideration of a recommendation to maintain the suspension of the Minimum Operating and Emergency Fund Balance Policy.

Presenter(s)/Facilitator(s): Ms. Brandy Olivera, Manager, Judicial Council Budget Services

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**IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Info 1**

**2020-21 Budget Update**

Update on the budget for 2020-21.

Presenter(s)/Facilitator(s): Mr. Zlatko Theodorovic, Deputy Director, Judicial Council Budget Services

**Info 2**

**ARP Updates**

An update on the El Dorado Superior Court ARP submission and the joint ARP submission from Contra Costa Superior Court and San Francisco Superior Court.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Ms. Leah Rose-Goodwin, Manager, Judicial Council Business Management Services

**Info 3**

**ARP Update on Mental Health Caseweights**

Update on the joint ARP submission from Los Angeles and San Diego Superior Courts and the Workload Assessment Advisory Committee recommendation to the Judicial Council.

Presenter(s)/Facilitator(s): Ms. Leah Rose-Goodwin, Manager, Judicial Council Business Management Services

**Info 4**

**Cluster 2 Findings**

Includes a report on findings regarding cluster 2 that was provided to the FMS.

Presenter(s)/Facilitator(s): Ms. Kristin Greenaway, Supervising Research Analyst, Judicial Council Business Management Services

**Info 5**

**TCTF Funds Held on Behalf Expenditure Reporting**

Quarterly report to the Trial Court Budget Advisory Committee on how funds were expended for projects and planned expenditures that are complete; nothing to report this quarter.

Presenter(s)/Facilitator(s): Mr. Catrayel Wood, Senior Analyst, Judicial Council Budget Services

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**V. ADJOURNMENT**

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**Adjourn**



# JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET  
ADVISORY COMMITTEE

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## TRIAL COURT BUDGET ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

April 30, 2020  
12:00 p.m. – 12:30 p.m.  
1-877-820-7831 Passcode 1884843 (Listen Only)

**Advisory Body Members Present:** Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jeffrey B. Barton, Hon. Daniel J. Buckley, Hon. Mark A. Cope, Hon. Jill C. Fannin, Hon. Kimberly Gaab, Hon. Joyce D. Hinrichs, Hon. Patricia L. Kelly, Hon. Charles Margines, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Rebecca Fleming (Vice Chair), Ms. Kim Bartleson, Ms. Sherri Carter, Ms. Nancy Eberhardt, Mr. Chad Finke, Mr. Shawn Landry, Mr. Michael D. Planet, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Ms. Kim Turner.

**Advisory Body Members Absent:** Hon. Deborah A. Ryan and Mr. David Yamasaki.

**Others Present:** Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller, and Ms. Brandy Olivera.

#### OPEN MEETING

##### Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 12:02 p.m. and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the modified minutes of the January 23, 2020 Trial Court Budget Advisory Committee telephonic meeting, the January 24, 2020 action by email between meetings, and the March 25, 2020 action by email between meetings.

#### I. INFORMATION ONLY ITEMS (INFO 1)

##### Info 1 - Trial Court Budget Change Proposal (BCP) Concepts for 2021-22 (No Action Required)

Update on BCP concept submissions reviewed by the Judicial Branch Budget Committee at its April 21, 2020 meeting.

Presenter(s)/Facilitator(s): Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Ms. Rebecca Fleming, Vice Chair, Trial Court Budget Advisory Committee

Mr. Zlatko Theodorovic, Deputy Director, Judicial Council Budget Services

Ms. Fran Mueller, Deputy Director, Judicial Council Budget Services

**Action:** No action taken.

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:16 p.m.

Approved by the advisory body on enter date.



JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Action Item)**

**Title:** 2020-21 Court-Appointed Dependency Counsel (CAC) Allocations

**Date:** June 3, 2020

**Contact:** Audrey Fancy, Principal Managing Attorney, Judicial Council Center for Families, Children & the Courts | [audrey.fancy@jud.ca.gov](mailto:audrey.fancy@jud.ca.gov) | 415-865-7706  
Penelope Davis, Supervising Analyst, Judicial Council Center for Families, Children & the Courts | [penny.davis@jud.ca.gov](mailto:penny.davis@jud.ca.gov) | 415-865-8815

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**Issue**

The current annual budget for court-appointed juvenile dependency counsel (CAC) is \$156.7 million. Due to the COVID-19 pandemic and the subsequent recession, the 2020-21 May Revision includes a reduction for CAC in the amount of \$7.835 million which, if included in the final Budget Act, would bring the total CAC allocation to \$148.865 million. Judicial Council Center for Families, Children, and the Courts staff presents two allocations for consideration and a directive to submit the allocation to the Judicial Council at its July 23-24, 2020 business meeting based on the funding level in the final 2020 Budget Act.

**Background**

CAC became a state fiscal responsibility in 1989 through the Brown-Presley Trial Court Funding Act (Sen. Bill 612/Assem. Bill 1197; Stats. 1988, ch. 945), which added section 77003 to the Government Code, defined “court operations” in that section as including CAC, and made an appropriation to fund trial court operations. In 1997, the Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850) provided the funding for, and delineated the parameters of, the transition to state trial court funding that had been outlined in the earlier legislation.

In 2015, the Judicial Council approved recommendations of the Trial Court Budget Advisory Committee (TCBAC) to reallocate funding for CAC among the trial courts based on the caseload funding model. The purpose was to provide a more equitable allocation of funding among the courts. Rather than using historical funding levels dating back to the adoption of state trial court funding, the new funding methodology is based on the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

Dependency, Representation, Administration, Funding and Training (DRAFT) Pilot Program and CAC report.<sup>1</sup>

Another recommendation approved by the Judicial Council at this time was that a joint subcommittee of the TCBCAC and the Family and Juvenile Law Advisory Committee be formed to review that workload model for possible updates and revisions. After a year of research and analysis, the methodology recommended by this joint subcommittee was approved by the Judicial Council.<sup>2</sup>

Discussion at the April and June 2016 Judicial Council meetings indicated that the issues related to workload and funding for small courts required immediate attention. In July 2016, the Judicial Council directed the Executive and Planning Committee to form a working group to consider changes to the court-appointed juvenile dependency counsel funding methodology as it relates to small courts.

The working group determined that changes were justified in light of the unique costs faced by small courts. It recommended that the funding methodology be modified for 2017-18 and 2018-19 to suspend reallocation-related budget reductions for those smallest courts with caseloads under 200, adjust the local economic index for all those small courts with caseloads under 400, and adjust the funding allocations of those larger courts receiving increases related to the reallocation to compensate for these increases to the small court budget.<sup>3</sup>

The Judicial Council adopted the modified funding methodology for small courts approved in May 2017 for fiscal years 2017-18 and 2018-19, as ongoing effective July 1, 2019.<sup>4</sup>

Based on current workload and filings information, 30 courts remain in the small court category; however, some shifting has resulted in only 22 courts meeting the “smallest” court criteria.

### **Analysis/Rationale**

The 2020–21 allocations to trial courts in Attachment 1A and Attachment 1B were derived by using the methodology designated in the Judicial Council reports listed above. The key factors used in this allocation are (for each court):

- A three-year rolling average of original dependency filings<sup>5</sup>;

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<sup>1</sup> Judicial Council report, *Juvenile Dependency: Court-Appointed-Counsel Funding Reallocation* (April 17, 2015), [www.courts.ca.gov/documents/jc-20150417-item1.pdf](http://www.courts.ca.gov/documents/jc-20150417-item1.pdf).

<sup>2</sup> Judicial Council of report, *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology* (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4382676&GUID=E8BCCA8A-5DED-48C3-B946-6E21EBB0BEAF>.

<sup>3</sup> Judicial Council of Cal., *Juvenile Dependency: Small Court Dependency Workload Working Group Final Recommendations* (May 19, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5150554&GUID=7D8E5F4F-6D83-4C73-A246-4F11E877A411>.

<sup>4</sup> Judicial Council of Cal., *Juvenile Law: Court Appointed Juvenile Dependency Counsel Funding Methodology for Small Courts* (January 15, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=6913216&GUID=4DEB6A82-B007-46D8-9885-8D11D907DBF5>

<sup>5</sup> An interim solution was applied to estimate missing and unvalidated data for two courts, the Superior Courts of Plumas County and Santa Clara County, that did not complete certification onto the upgraded Judicial Branch Statistical Information System (JBSIS) 3.0 platform in time for FY

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

- A three-year rolling average of number of children in foster care<sup>6</sup>; and
- The Bureau of Labor Statistics (BLS) governmental salary index average, as modified for other Judicial Council budget allocations.

Additionally, the allocation was adjusted to reduce the impact of the funding methodology on small courts. Two adjustments are made in accordance with Judicial Council action of May 2017. The 21 smallest courts with caseloads under 200 continue to be exempt from reallocation-related budget reductions. Small courts with a BLS average index of under 1.0 are adjusted upwards to 1.0.

**Recommendation**

It is recommended that TCBCAC approve two separate allocations for CAC funding for consideration by the Judicial Council at its July 23-24, 2020 business meeting:

1. \$156.7 million in the event there is not a funding reduction included in the 2020 Budget Act (Attachment 1A); and
2. \$148.865 million in the event the \$7.835 million proposed reduction is included in the final 2020 Budget Act (Attachment 1B).

**Attachments**

Attachment 1A: 2020-21 Allocation of Dependency Counsel Funding (Current Level)

Attachment 1B: 2020-21 Allocation of Dependency Counsel Funding (Including Funding Reduction)

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2018-19 filings data. This approach will only be used for the FY 2020-21 workload formula and will not be used in the Court Statistics Report and not entered into the JBSIS data warehouse.

<sup>6</sup> On February 27, 2020 the California Child Welfare Indicators Project (CCWIP) site was updated to improve navigation and offer new features. With these changes, some previously available views of the data were removed. Cases opened and not identified to a specific court are assigned to the service component, "Missing". Statewide, these cases total 199 and are not reported as service component data on the site.

In order to comply with [CDSS data de-identification guidelines](#), "masking" is performed to protect the privacy of individuals served by CDSS. In reporting the number of children served, any service component with a value between one and ten are "masked". Two courts, Alpine and Sierra, had total values between one and ten, therefore, the number of children served were masked and identified with (M). With the aim of maintaining confidentiality and allocating funds to each of these courts, each were allotted a value of 10 as of reporting period July 1, 2019.

## 2020-21 Allocation of Dependency Counsel Funding

Court	Caseload Funding Model Estimated Funding Need	2015-16 Allocation	2016-17 Allocation	2017-18 Allocation	2018-19 Allocation	2019-20 Allocation	2020-21 Allocation	Diff from Prior Year
	A	B	C	D	E	F	G	H
Alameda	\$4,350,836	\$4,037,391	\$3,618,313	\$3,565,629	\$3,399,620	\$3,629,342	\$3,422,591	(\$206,751)
Alpine	\$10,204	\$0	\$399	\$1,799	\$2,628	\$7,226	\$11,439	\$4,214
Amador	\$157,354	\$115,233	\$115,233	\$143,696	\$144,678	\$145,653	\$126,205	(\$19,447)
Butte	\$1,133,089	\$664,923	\$627,554	\$794,546	\$799,814	\$926,951	\$891,346	(\$35,605)
Calaveras	\$214,466	\$123,940	\$142,758	\$220,822	\$191,355	\$203,567	\$202,088	(\$1,479)
Colusa	\$110,942	\$38,471	\$40,667	\$43,948	\$72,637	\$103,517	\$117,871	\$14,354
Contra Costa	\$3,268,377	\$3,030,406	\$2,600,337	\$2,363,610	\$2,294,410	\$2,617,772	\$2,571,073	(\$46,699)
Del Norte	\$154,518	\$214,730	\$214,730	\$214,730	\$214,730	\$214,730	\$203,096	(\$11,634)
El Dorado	\$712,976	\$788,644	\$655,569	\$548,764	\$505,148	\$582,746	\$560,863	(\$21,883)
Fresno	\$4,235,518	\$2,900,594	\$2,670,600	\$3,015,746	\$2,800,979	\$3,209,875	\$3,302,907	\$93,031
Glenn	\$130,323	\$90,417	\$90,417	\$111,158	\$122,690	\$140,011	\$154,825	\$14,814
Humboldt	\$853,913	\$543,896	\$462,558	\$522,682	\$657,658	\$615,068	\$665,891	\$50,823
Imperial	\$889,611	\$591,128	\$518,512	\$576,150	\$562,114	\$645,919	\$693,729	\$47,810
Inyo	\$32,070	\$72,277	\$72,277	\$45,459	\$51,626	\$48,006	\$39,570	(\$8,436)
Kern	\$3,458,600	\$2,347,548	\$2,277,753	\$2,664,810	\$2,627,276	\$2,864,207	\$2,720,713	(\$143,494)
Kings	\$838,507	\$354,779	\$443,478	\$700,757	\$713,352	\$696,307	\$659,612	(\$36,695)
Lake	\$220,513	\$296,119	\$296,119	\$272,201	\$276,158	\$285,153	\$288,934	\$3,782
Lassen	\$130,789	\$106,891	\$106,891	\$106,891	\$108,967	\$128,825	\$130,683	\$1,858
Los Angeles	\$97,215,159	\$40,230,156	\$45,149,389	\$60,560,884	\$62,434,046	\$73,864,405	\$75,809,513	\$1,945,108
Madera	\$762,978	\$225,443	\$293,833	\$535,074	\$589,946	\$674,047	\$631,797	(\$42,250)
Marin	\$287,842	\$388,488	\$388,488	\$311,538	\$304,984	\$270,557	\$287,842	\$17,285
Mariposa	\$54,999	\$38,070	\$38,070	\$38,070	\$41,897	\$54,019	\$48,793	(\$5,226)
Mendocino	\$521,712	\$711,060	\$566,908	\$440,581	\$458,911	\$527,624	\$510,212	(\$17,412)
Merced	\$1,077,780	\$738,248	\$751,397	\$844,260	\$775,718	\$825,284	\$840,466	\$15,182
Modoc	\$42,601	\$16,090	\$17,128	\$24,065	\$37,161	\$49,493	\$59,313	\$9,820
Mono	\$20,958	\$13,956	\$13,956	\$13,956	\$14,615	\$14,550	\$18,114	\$3,564
Monterey	\$1,013,414	\$434,541	\$494,823	\$682,574	\$715,702	\$829,349	\$797,204	(\$32,146)
Napa	\$530,232	\$212,285	\$232,362	\$315,051	\$311,403	\$384,039	\$417,108	\$33,068
Nevada	\$178,805	\$226,123	\$226,123	\$202,832	\$174,058	\$173,215	\$178,805	\$5,590
Orange	\$8,868,304	\$6,418,278	\$5,648,065	\$5,366,139	\$5,355,390	\$6,553,748	\$6,915,607	\$361,858
Placer	\$763,480	\$518,087	\$687,985	\$895,552	\$747,111	\$710,846	\$600,593	(\$110,253)
Plumas	\$114,569	\$154,059	\$154,059	\$151,555	\$154,059	\$154,059	\$154,059	\$0
Riverside	\$8,742,617	\$6,080,322	\$6,411,055	\$8,806,009	\$8,173,324	\$7,999,219	\$6,877,392	(\$1,121,827)
Sacramento	\$6,377,922	\$5,205,426	\$4,832,997	\$5,609,080	\$5,161,591	\$5,586,032	\$5,017,201	(\$568,831)
San Benito	\$138,965	\$89,163	\$89,163	\$112,410	\$104,920	\$107,040	\$109,317	\$2,277
San Bernardino	\$15,961,184	\$4,963,161	\$5,731,210	\$8,514,703	\$9,751,976	\$11,957,781	\$12,446,717	\$488,936
San Diego	\$6,535,686	\$9,408,199	\$7,711,177	\$6,132,621	\$5,339,513	\$5,525,422	\$5,141,307	(\$384,115)
San Francisco	\$3,430,051	\$3,761,098	\$3,296,146	\$3,060,973	\$2,754,101	\$2,926,579	\$2,698,254	(\$228,324)
San Joaquin	\$3,469,677	\$2,982,578	\$2,601,178	\$2,480,278	\$2,399,805	\$2,739,513	\$2,729,427	(\$10,087)
San Luis Obispo	\$1,030,388	\$699,248	\$647,980	\$703,001	\$672,046	\$795,812	\$803,509	\$7,697
San Mateo	\$1,065,037	\$554,582	\$668,643	\$960,903	\$934,702	\$984,479	\$837,813	(\$146,667)
Santa Barbara	\$1,140,239	\$1,557,379	\$1,267,448	\$979,287	\$826,760	\$865,438	\$889,172	\$23,734
Santa Clara	\$4,183,439	\$4,508,063	\$3,780,956	\$3,223,912	\$2,947,634	\$3,290,686	\$3,262,294	(\$28,391)
Santa Cruz	\$708,207	\$863,289	\$713,676	\$598,314	\$544,197	\$619,253	\$557,112	(\$62,141)
Shasta	\$842,628	\$681,818	\$621,700	\$680,076	\$614,678	\$690,857	\$662,855	(\$28,002)
Sierra	\$0	\$13,759	\$13,759	\$9,848	\$8,323	\$5,045	\$10,829	\$5,783
Siskiyou	\$176,681	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$0
Solano	\$1,103,744	\$875,639	\$801,057	\$883,349	\$805,489	\$880,251	\$868,262	(\$11,989)
Sonoma	\$1,802,734	\$1,137,764	\$990,021	\$918,101	\$945,770	\$1,262,354	\$1,405,793	\$143,439
Stanislaus	\$1,857,984	\$1,107,189	\$1,004,470	\$1,092,505	\$1,091,719	\$1,424,350	\$1,448,878	\$24,527
Sutter	\$471,054	\$143,904	\$146,804	\$220,511	\$260,937	\$353,444	\$374,781	\$21,337
Tehama	\$342,189	\$163,859	\$177,634	\$319,793	\$362,975	\$392,840	\$340,323	(\$52,517)
Trinity	\$73,899	\$93,829	\$93,829	\$96,021	\$93,829	\$93,829	\$93,829	\$0
Tulare	\$2,764,749	\$954,553	\$1,032,410	\$1,591,232	\$1,714,221	\$2,067,711	\$2,155,983	\$88,272
Tuolumne	\$269,381	\$110,593	\$110,593	\$159,147	\$168,548	\$187,463	\$257,399	\$69,936
Ventura	\$2,291,317	\$1,151,975	\$1,284,628	\$1,835,753	\$1,833,055	\$2,017,019	\$1,802,468	(\$214,551)
Yolo	\$1,496,553	\$404,107	\$430,429	\$596,503	\$712,428	\$1,021,991	\$1,167,029	\$145,039
Yuba	\$439,889	\$200,855	\$278,909	\$474,768	\$471,244	\$410,105	\$363,820	(\$46,285)
Reserve	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0
<b>Total</b>	<b>\$199,071,652</b>	<b>\$114,700,000</b>	<b>\$114,700,000</b>	<b>\$136,700,000</b>	<b>\$136,700,000</b>	<b>\$156,700,000</b>	<b>\$156,700,000</b>	<b>\$0</b>

Note: Allocations are based on filings data obtained from the Office of Court Research as of March 16, 2020 and caseload data obtained from the California Child Welfare Indicators Project (CCWIP) as of July 1, 2019.

## 2020-21 Allocation of Dependency Counsel Funding

Court	Caseload Funding Model Estimated Funding Need	2015-16 Allocation	2016-17 Allocation	2017-18 Allocation	2018-19 Allocation	2019-20 Allocation	2020-21 Allocation	Diff from Prior Year
	A	B	C	D	E	F	G	H
Alameda	\$4,350,836	\$4,037,391	\$3,618,313	\$3,565,629	\$3,399,620	\$3,629,342	\$3,251,353	(\$377,990)
Alpine	\$10,204	\$0	\$399	\$1,799	\$2,628	\$7,226	\$10,867	\$3,641
Amador	\$157,354	\$115,233	\$115,233	\$143,696	\$144,678	\$145,653	\$119,891	(\$25,762)
Butte	\$1,133,089	\$664,923	\$627,554	\$794,546	\$799,814	\$926,951	\$846,750	(\$80,201)
Calaveras	\$214,466	\$123,940	\$142,758	\$220,822	\$191,355	\$203,567	\$191,977	(\$11,590)
Colusa	\$110,942	\$38,471	\$40,667	\$43,948	\$72,637	\$103,517	\$111,973	\$8,456
Contra Costa	\$3,268,377	\$3,030,406	\$2,600,337	\$2,363,610	\$2,294,410	\$2,617,772	\$2,442,438	(\$175,335)
Del Norte	\$154,518	\$214,730	\$214,730	\$214,730	\$214,730	\$214,730	\$203,096	(\$11,634)
El Dorado	\$712,976	\$788,644	\$655,569	\$548,764	\$505,148	\$582,746	\$532,802	(\$49,944)
Fresno	\$4,235,518	\$2,900,594	\$2,670,600	\$3,015,746	\$2,800,979	\$3,209,875	\$3,165,176	(\$44,699)
Glenn	\$130,323	\$90,417	\$90,417	\$111,158	\$122,690	\$140,011	\$147,079	\$7,067
Humboldt	\$853,913	\$543,896	\$462,558	\$522,682	\$657,658	\$615,068	\$576,324	(\$38,744)
Imperial	\$889,611	\$591,128	\$518,512	\$576,150	\$562,114	\$645,919	\$600,418	(\$45,501)
Inyo	\$32,070	\$72,277	\$72,277	\$45,459	\$51,626	\$48,006	\$39,570	(\$8,436)
Kern	\$3,458,600	\$2,347,548	\$2,277,753	\$2,664,810	\$2,627,276	\$2,864,207	\$2,584,590	(\$279,617)
Kings	\$838,507	\$354,779	\$443,478	\$700,757	\$713,352	\$696,307	\$626,611	(\$69,696)
Lake	\$220,513	\$296,119	\$296,119	\$272,201	\$276,158	\$285,153	\$288,934	\$3,782
Lassen	\$130,789	\$106,891	\$106,891	\$106,891	\$108,967	\$128,825	\$124,145	(\$4,680)
Los Angeles	\$97,215,159	\$40,230,156	\$45,149,389	\$60,560,884	\$62,434,046	\$73,864,405	\$72,648,280	(\$1,216,125)
Madera	\$762,978	\$225,443	\$293,833	\$535,074	\$589,946	\$674,047	\$600,187	(\$73,860)
Marin	\$287,842	\$388,488	\$388,488	\$311,538	\$304,984	\$270,557	\$287,842	\$17,285
Mariposa	\$54,999	\$38,070	\$38,070	\$38,070	\$41,897	\$54,019	\$46,352	(\$7,667)
Mendocino	\$521,712	\$711,060	\$566,908	\$440,581	\$458,911	\$527,624	\$484,685	(\$42,939)
Merced	\$1,077,780	\$738,248	\$751,397	\$844,260	\$775,718	\$825,284	\$805,418	(\$19,865)
Modoc	\$42,601	\$16,090	\$17,128	\$24,065	\$37,161	\$49,493	\$56,346	\$6,852
Mono	\$20,958	\$13,956	\$13,956	\$13,956	\$14,615	\$14,550	\$17,207	\$2,657
Monterey	\$1,013,414	\$434,541	\$494,823	\$682,574	\$715,702	\$829,349	\$757,318	(\$72,031)
Napa	\$530,232	\$212,285	\$232,362	\$315,051	\$311,403	\$384,039	\$396,239	\$12,199
Nevada	\$178,805	\$226,123	\$226,123	\$202,832	\$174,058	\$173,215	\$178,805	\$5,590
Orange	\$8,868,304	\$6,418,278	\$5,648,065	\$5,366,139	\$5,355,390	\$6,553,748	\$5,985,413	(\$568,335)
Placer	\$763,480	\$518,087	\$687,985	\$895,552	\$747,111	\$710,846	\$570,544	(\$140,302)
Plumas	\$114,569	\$154,059	\$154,059	\$151,555	\$154,059	\$154,059	\$154,059	\$0
Riverside	\$8,742,617	\$6,080,322	\$6,411,055	\$8,806,009	\$8,173,324	\$7,999,219	\$6,533,303	(\$1,465,916)
Sacramento	\$6,377,922	\$5,205,426	\$4,832,997	\$5,609,080	\$5,161,591	\$5,586,032	\$4,766,181	(\$819,851)
San Benito	\$138,965	\$89,163	\$89,163	\$112,410	\$104,920	\$107,040	\$103,848	(\$3,192)
San Bernardino	\$15,961,184	\$4,963,161	\$5,731,210	\$8,514,703	\$9,751,976	\$11,957,781	\$11,927,693	(\$30,088)
San Diego	\$6,535,686	\$9,408,199	\$7,711,177	\$6,132,621	\$5,339,513	\$5,525,422	\$4,884,077	(\$641,344)
San Francisco	\$3,430,051	\$3,761,098	\$3,296,146	\$3,060,973	\$2,754,101	\$2,926,579	\$2,563,256	(\$363,323)
San Joaquin	\$3,469,677	\$2,982,578	\$2,601,178	\$2,480,278	\$2,399,805	\$2,739,513	\$2,592,868	(\$146,645)
San Luis Obispo	\$1,030,388	\$699,248	\$647,980	\$703,001	\$672,046	\$795,812	\$770,003	(\$25,809)
San Mateo	\$1,065,037	\$554,582	\$668,643	\$960,903	\$934,702	\$984,479	\$795,895	(\$188,584)
Santa Barbara	\$1,140,239	\$1,557,379	\$1,267,448	\$979,287	\$826,760	\$865,438	\$852,094	(\$13,344)
Santa Clara	\$4,183,439	\$4,508,063	\$3,780,956	\$3,223,912	\$2,947,634	\$3,290,686	\$3,126,258	(\$164,428)
Santa Cruz	\$708,207	\$863,289	\$713,676	\$598,314	\$544,197	\$619,253	\$529,239	(\$90,014)
Shasta	\$842,628	\$681,818	\$621,700	\$680,076	\$614,678	\$690,857	\$629,691	(\$61,166)
Sierra	\$0	\$13,759	\$13,759	\$9,848	\$8,323	\$5,045	\$10,829	\$5,783
Siskiyou	\$176,681	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$245,373	\$0
Solano	\$1,103,744	\$875,639	\$801,057	\$883,349	\$805,489	\$880,251	\$824,821	(\$55,430)
Sonoma	\$1,802,734	\$1,137,764	\$990,021	\$918,101	\$945,770	\$1,262,354	\$1,216,705	(\$45,649)
Stanislaus	\$1,857,984	\$1,107,189	\$1,004,470	\$1,092,505	\$1,091,719	\$1,424,350	\$1,388,460	(\$35,891)
Sutter	\$471,054	\$143,904	\$146,804	\$220,511	\$260,937	\$353,444	\$356,030	\$2,586
Tehama	\$342,189	\$163,859	\$177,634	\$319,793	\$362,975	\$392,840	\$323,296	(\$69,544)
Trinity	\$73,899	\$93,829	\$93,829	\$96,021	\$93,829	\$93,829	\$93,829	\$0
Tulare	\$2,764,749	\$954,553	\$1,032,410	\$1,591,232	\$1,714,221	\$2,067,711	\$2,066,079	(\$1,632)
Tuolumne	\$269,381	\$110,593	\$110,593	\$159,147	\$168,548	\$187,463	\$244,521	\$57,058
Ventura	\$2,291,317	\$1,151,975	\$1,284,628	\$1,835,753	\$1,833,055	\$2,017,019	\$1,712,287	(\$304,732)
Yolo	\$1,496,553	\$404,107	\$430,429	\$596,503	\$712,428	\$1,021,991	\$1,010,056	(\$11,934)
Yuba	\$439,889	\$200,855	\$278,909	\$474,768	\$471,244	\$410,105	\$345,617	(\$64,488)
Reserve	\$0	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$0
<b>Total</b>	<b>\$199,071,652</b>	<b>\$114,700,000</b>	<b>\$114,700,000</b>	<b>\$136,700,000</b>	<b>\$136,700,000</b>	<b>\$156,700,000</b>	<b>\$148,865,000</b>	<b>(\$7,835,000)</b>

Note: Allocations are based on filings data obtained from the Office of Court Research as of March 16, 2020 and caseload data obtained from the California Child Welfare Indicators Project (CCWIP) as of July 1, 2019.

JUDICIAL COUNCIL OF CALIFORNIA  
BUSINESS MANAGEMENT SERVICES  
Report to the Trial Court Budget Advisory Committee

(Action Item)

**Title:** Review of General Ledger Accounts for Inclusion in the Workload Formula  
**Date:** 5/8/2020  
**Contact:** Leah Rose-Goodwin, Manager  
Office of Court Research, Business Management Services  
415-865-7708 | [Leah.Rose-Goodwin@jud.ca.gov](mailto:Leah.Rose-Goodwin@jud.ca.gov)

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**Issue**

The judicial branch's Workload Formula computes the total resources needed for trial court workload using the Resource Assessment Study (RAS) model and compares that to the total funding allocated for the same purpose. This report contains recommendations from the Funding Methodology Subcommittee (FMS) on several issues related to the general ledger accounts used in the Workload Formula.

**Operating Expenses and Equipment (OE&E) Computation Analysis**

The attached memo to FMS outlines an updated analysis of the OE&E computation (Attachment 2A). This is the first time that the OE&E computation has been updated since the Workload Formula was first adopted. At its February 20, 2020 meeting, FMS approved a recommendation to transmit this analysis to the Trial Court Budget Advisory Committee (TCBAC) for its approval and subsequent transmittal to the Judicial Council. Since the March 2020 TCBAC meeting was cancelled so that court leaders could focus on local issues related to the COVID-19 pandemic, this item, if approved, will be heard at the July 23-24, 2020 council meeting and would be effective July 1, 2020 for use in the 2020-21 trial court allocations.

**Ongoing Work to Standardize Usage of Chart of Accounts**

Attachment 2A further outlines ongoing work between the Court Executives Advisory Committee (CEAC) and the Judicial Council Branch Accounting and Procurement (BAP) office to standardize usage of the chart of accounts to ensure that courts are utilizing the account codes uniformly. Updates will be given at future CEAC meetings.

JUDICIAL COUNCIL OF CALIFORNIA  
 BUSINESS MANAGEMENT SERVICES  
 Report to the Trial Court Budget Advisory Committee

**Follow up to General Ledger Review**

As a follow up to the general ledger review conducted last year, BAP identified a few updates to the Phoenix general ledger that required review and a decision on whether to include these items in the Workload Formula (WF) calculation. The ad hoc subcommittee of FMS that had previously led the general ledger review last year reconvened via email following the February 20, 2020 FMS meeting and made determinations on each of the accounts that needed action. The following table describes the account in question, the issue raised by BAP, and the recommendation made by the FMS group:

<b>GL Account Number</b>	<b>GL Account Name</b>	<b>Chart of Account Category</b>	<b>BAP Observation</b>	<b>FMS Determination</b>
821113	Children's Court Parking Fee	Local Fee Revenue	The WF recommendation did not include a recommendation for this account.	Do NOT include. Pass through.
821193	VC42006a Night Court	Local Fee Revenue	The WF recommendation did not include a recommendation for this account.	Do NOT include. This is an off-set to expenditures.
826010	Dividend Income	Investment Income	The WF recommendation did not include a recommendation for this account.	Do NOT include. Same as other income accounts - are not ongoing and help off-set expenditures.
826011	Realized Gain on Investment	Investment Income	The WF recommendation did not include a recommendation for this account.	Do NOT include. Revenue, if posted, would not be on-going.
826012	Unrealized Gain on Investment	Investment Income	The WF recommendation did not include a recommendation for this account.	Do NOT include. Revenue, if posted, would not be on-going.

JUDICIAL COUNCIL OF CALIFORNIA  
 BUSINESS MANAGEMENT SERVICES  
 Report to the Trial Court Budget Advisory Committee

GL Account Number	GL Account Name	Chart of Account Category	BAP Observation	FMS Determination
821181	Installment Account Fees	Local Fee Revenue	<p>The Trial Court Revenue Chart of Accounts was changed in October 2017 to remove code section PC1205(d) from the general ledger account name. Code section VC40510.5(g) was added to the existing code section PC1205(d) under the relevant legislation column as this account can be used to record revenue collected pursuant to both of these code sections. The recommendation identified this account to be included in WF.</p> <p>The WF recommendation did not reflect this account change. In addition, this account recommendation appears to conflict with the recommendation for account 821132 which references code section VC40510.5(g) and is identified <u>not</u> to be included in WF.</p>	Do NOT include. This is not mandatory work. Also, the fees off-set expenditures for those courts that allow installment payments.



JUDICIAL COUNCIL OF CALIFORNIA  
 BUSINESS MANAGEMENT SERVICES  
 Report to the Trial Court Budget Advisory Committee

GL Account Number	GL Account Name	Chart of Account Category	BAP Observation	FMS Determination
821132	Local Fees	Local Fee Revenue	<p>This general ledger account is part of a series of local fee revenue accounts that were created to allow courts to have the flexibility to designate these revenues that did not already have a designated account. This results in the courts designating the same general ledger account for different purposes.</p> <p>The WF recommendation indicated a description for this account as</p> <p>"primarily from traffic payment plan revenue per VC40510.5". This description conflicts with the Revenue Chart of Accounts which identifies GL 821181-Installment Fees for recording revenue pursuant to VC40510.5. The recommendation identified this account to <u>not</u> be included in WF whereas account 821181 is recommended to be included in WF.</p>	Do NOT include. ALL local fees are not mandatory work and the local fees off-set expenditures for those courts that provide the resulting services.

JUDICIAL COUNCIL OF CALIFORNIA  
BUSINESS MANAGEMENT SERVICES  
**Report to the Trial Court Budget Advisory Committee**

Additionally, FMS reviewed and approved a recommendation that BAP create a new project<sup>1</sup> specifically for Civil Transcripts so that it can be aligned with revenue for this workload. Currently, the project being used for transcripts does not differentiate between criminal and civil.

**Recommendation**

TCBAC should consider adopting the following recommendations:

1. Approve the designations on accounts to include/not include in the OE&E computation for transmittal to the Judicial Council for its July 23-24, 2020 meeting. If approved, this recommendation would be effective July 1, 2020 for use in the 2020-21 allocations;
2. Recommend that CEAC and BAP include these accounts as part of existing efforts to standardize usage of the chart of accounts and that these groups review work breakdown structure (WBS) elements periodically for new WBS elements added/eliminated each year;
3. Approve the recommendations made by the FMS subcommittee that reviewed the additional general ledger accounts that did not previously receive a designation for inclusion/exclusion in the Workload Formula; and
4. Recommend that BAP create a new project specifically for Civil Transcripts so that it can be aligned with revenue for this workload. Currently, the project being used for transcripts does not differentiate between criminal and civil.

**Attachments**

**Attachment 2A:** Report to FMS, Review of General Ledger Accounts for Inclusion in Workload Formula, February 3, 2020

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<sup>1</sup> In the report to FMS, the recommendation read that BAP create a new General Ledger (GL) but the correct terminology should have been “project” and has been corrected in this report as such.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Funding Methodology Subcommittee

**(Action Item)**

**Title:** Review of General Ledger Accounts for Inclusion in Workload Formula  
**Date:** 2/3/2020  
**Contact:** Leah Rose-Goodwin, Manager  
Office of Court Research, Business Management Services

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**Issue**

The branch's workload formula computes the total resources needed for trial court workload using the Resource Assessment Study (RAS) model and compares that to the total funding allocated for the same purpose. Following the general ledger review that was conducted last year to confirm that all revenue sources matched the "need" side of the workload formula, the small working group that conducted that work on behalf of the Funding Methodology Subcommittee recommended that a subsequent review of the accounts used in the OE&E (Operating Expenses and Equipment) calculation be conducted, as they had not been reviewed nor changed since the workload formula was first approved in 2013. Also, the expedited timeline for that process did not allow enough time to review some of the accounts, so several were noted as "pending" or requiring "further review" but no review has been conducted until now.

In addition to taking action on that issue, this memo provides information on two issues following the general ledger review that took place last year.

**Operating Expenses and Equipment Computation Analysis**

The OE&E calculation is used to assess a per full-time equivalent (FTE) overhead amount to account for expenditures that should be included as part of the workload formula, but that are not personnel nor benefit costs.

A small group of Chief Financial Officers and other Finance staff from courts throughout the state (Contra Costa, Orange, Monterey, Los Angeles, Lake and Tehama) convened multiple times over the past year by teleconference to establish a set of decision principles for review and to analyze and discuss the hundreds of account codes that make up the OE&E calculation. Attachment A summarizes the approach the group took to the work and attachment B shows the various accounts where the recommendation differs from the current designation in the workload formula.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
**Report to the Funding Methodology Subcommittee**

As can be seen in the write up, one of the biggest areas of difficulty experienced by the reviewers was assessing one-time versus ongoing expenses. In principle, one-time expenditures, such as replacing a case management system, should be excluded from the OE& calculation. But many expenses are not as easy to categorize as either one time or ongoing, and the coding used to designate one time versus ongoing expenses is not being used consistently across courts. Therefore, the group also recommends that a larger project, to be administered by the Court Executives Advisory Committee and partnering with the Judicial Council's Trial Court Administrative Services division, be instituted to create new account codes for one-time expenses and to regularly audit and update the use of account codes. Any proposed changes that impact the workload formula calculations would be brought back to this body for approval and recommendation to the Trial Court Budget Advisory Committee, and, in turn, the Judicial Council.

The group also reviewed a recommendation made previously by FMS to apply the estimated California statewide CPI to the OE&E estimate, using fiscal year data from the State Department of Finance. The group agreed that use of the state CPI factor appeared fair and although there were no major concerns, consideration should be given to future calculations in order to apply the factor more appropriately.

### **Follow up to General Ledger Review**

As a follow up to the general ledger review conducted last year, the branch's Trial Court Administrative Services division has identified a few updates to the Phoenix general ledger that require review and a decision on whether to include these items in the workload formula calculation. It is recommended that the small subcommittee of FMS be convened to review these accounts and make a recommendation to TCBAC at its March 2020 meeting for inclusion in the 2020-2021 allocation process<sup>1</sup>

Finally, as an informational item, the Judicial Council Trial Court Administrative Services Division (TCAS) has proposed an approach to reviewing and implementing some standardization in the use of the general ledger "local fees" accounts, working through CEAC to develop a recommendation for the use of the accounts. Those changes would then be brought to FMS and TCBAC for review and consideration as to whether they should be part of the workload formula. This is an informational item only and requires no current action from the subcommittee.

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<sup>1</sup> The recommendation will be made directly to TCBAC since FMS does not have a planned meeting until Fall 2020.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Funding Methodology Subcommittee

**Recommendation**

FMS should consider adopting the recommendations made by the OE&E review group as follows:

1. Include or exclude the accounts as recommended and make any necessary adjustment for the revenue accounts; and
2. Recommend that the Court Executives Advisory Committee and the JCC Trial Court Administrative Services division include these accounts as part of existing efforts to standardize usage of the chart of accounts; and
3. Review WBS elements periodically for new WBS elements added / eliminated each year; and
4. Recommend that TCAS create a new GL specifically for Civil Transcripts so that it can be aligned with revenue for this workload. Currently, the GL being used for transcripts does not differentiate between criminal and civil.

**Financial Subject Matter Expert (SME) General Ledger (GL) Use Review for Funding Methodology Subcommittee**

**OPERATING EXPENSES AND EQUIPMENT (OE&E) GL USE**

**General Comments:**

- The Financial SME Team (Team) reviewed expenditure data provided from JCC staff for FY 2016-17 and 2017-18. The team reviewed the expenditures by fund, program-element-component-task (PECT) functional area, GL account, and work breakdown structure (WBS) element project code. The review encompassed 28 funds, 20 PECTS, 461 expenditure GLs, and 978 WBS elements.
- Similar to the experience when reviewing and making a recommendation for the revenue GLs, it has been a challenge to make general recommendations by individual OE&E fund, PECT, GL accounts, and WBS elements because of the variation in usage by the 58 trial courts. In order for the calculation to be applied equitably, the committee should consider whether chart of accounts usage should be standardized for use by the courts. This analysis should assess the impact of standardization as well as the impact of these changes on courts' financial reporting, including impacts for historical usage comparisons, which are often used for budgeting and forecasting.

Some pros and cons of this effort are noted below for consideration:

- **Pros:**
  - Improved reporting capability at the state level. Trial courts are moving towards improved data analytics/Business Intelligence. Standardization of use of accounts would improve the underlying data for future comparison and analysis.
  - Categorization of GLs would be improved for Workload Funding (WF) calculation purposes.
- **Cons:**
  - Courts would have difficulty with historical comparisons and may need to footnote and map changes manually. This change may increase the potential for errors.
  - May reduce local control / discretion over court budgeting structure/practices
  - Timing should be considered; would this type of standardization take time (is more analysis needed on impacts to courts) and should it be integrated with the Phoenix upgrade project (currently underway with JCC)?

**Approach / Recommendations:**

- Please refer to the attachments that reflect more detail related to the recommendations for Fund, PECT, WBS, and GL with a comparison to the original JCC categorization. The Team provided an include/exclude recommendation based upon court-wide usage of the funds/PECTs/WBS/GL during FY 16/17 and 17/18.

Fund - Recommendations were made where the JCC reflected pending, further, or not reviewed for five funds, and changes were made to the recommendations for five funds, including federal/state/local/and private grants. A comprehensive listing of funds can be found in Attachment A.

Funds	Fund Description	SME Recommendation	Current JCC Recommendation	Exceptions/Notes
120002	Donation	Excluded	Pending	Revenue GLs are excluded. Donations are used for specific purposes. (e.g. juror enrichment and juror appreciation)
120005	Grand Jury	Excluded	Further Review	Majority of the expenses are county responsibility offset by county revenue. Expenses related to Grand Jury that are a court responsibility such as advertisement should be posted to the court's general fund.
120009	Other County Svc - Pgm -Restricted	Excluded	Further Review	Offset by county revenue.
120013	Public Access	Excluded	Not Reviewed	Align with the revenue recommendations.
120020	Court Facilities Maintenance Fund	Excluded	Further Review	Offset by revenue from the Judicial Council.
120012	Traffic Violator Fee	Excluded	Included	Align with the revenue recommendations. Offsetting revenue stream
190200	Federal Grant	Excluded	Included	Align with revenue recommendation. Expenses should be offset by revenue.
190300	State Grant	Excluded	Included	Align with revenue recommendation. Expenses should be offset by revenue.
190400	Local Govt. Grant	Excluded	Included	Align with revenue recommendation. Expenses should be offset by revenue.
190500	Private Grant	Excluded	Included	Align with revenue recommendation. Expenses should be offset by revenue.

PECT – Although PECT has not been used for the calculation in the past, the Team recommends the exclusion of the Collection Enhancement PECT 2110 to ensure that collection related expenses align with the revenue recommendation for cost recovery and exclusion of PECT 1340, to ensure that specific security expenses align with the adjustment to the security funding that occurs prior to the WF calculation. All other PECTS were reviewed and recommended to be included. All PECTs are listed below and included in Attachment B:

PECT	Description	SME Recommendation	JCC Recommendation
1100	Judges and Courtroom Support	Included	Not reviewed
1211	Traffic and Other Infractions	Included	Not reviewed
1212	Criminal	Included	Not reviewed
1220	Civil	Included	Not reviewed
1231	Families and Children Services	Included	Not reviewed
1232	Probate, Guardianship	Included	Not reviewed
1233	Juvenile Dependency Services	Included	Not reviewed
1234	Juvenile Delinquency Services	Included	Not reviewed
1310	Other Courtroom Operations	Included	Not reviewed
1320	Court Interpreters	Included	Not reviewed
1330	Jury Services	Included	Not reviewed
1340	Security	Excluded	Not reviewed
2110	Enhanced Collections	Excluded	Not reviewed
2120	Other Non-Court Operations	Included	Not reviewed
9100	Executive Office	Included	Not reviewed
9200	Fiscal Services	Included	Not reviewed
9300	Human Resources	Included	Not reviewed
9400	Business and Facilities Services	Included	Not reviewed
9500	Information Technology	Included	Not reviewed
9600	Distributed Administration	Included	Not reviewed

WBS Element (Grants and MOUs) – The Team made recommendations to exclude 20 Grant and MOU programs listed below primarily because the expenses reflected in these projects are offset by revenue and/or the funding need is being addressed by another committee (ie AB1058). The detail of the WBS elements assigned to the Grant and MOU programs is contained in Attachment C.



WBS to exclude	Name of Funded Programs
G-BA1058-1-FY	40031-AB1058 FAMILY LAW FACILITATOR
G-BA1059-1-FY	40031-AB1058 CHILD SUPPORT COMMISSIONER
G-BA1061-1-FY	40033 - ACCESS TO VISITATION
G-BA1063-1-FY	47033-MODEL SELF HELP PROGRAM
G-BA1065-1-FY	47032-FAMILY LAW INFORMATION CENTER
G-BA1077-1-FY	40058-AUTH TO ADMIN PSYCHOTROPIC MEDICAT
G-BA1080-1-FY	CIGP
G-BA1080-2-FY	CIGP
G-BA1080-3-FY	CIGP
G-BA1080-4-FY	CIGP
G-BA1080-5-FY	CIGP
M-BA01-2FY	CALIFORNIA JUSTICECORPS OF SAN MATEO
M-BA02-2FY	SHOWCASE DMS AND DESKTOP SCANNERS
M-BA16-2FY	ADMIN SUPPORT UNIT EDUCATIONAL ASSISTANCE
M-BA23-2FY	CALIFORNIA JUSTICECORPS OF SAN FRANCISCO
M-BA24-2FY	CALIFORNIA JUSTICE CORPS OF CONTRA COSTA
M-BA42-2FY	DUALY INVOLVED YOUTH INITIATIVE
M-BA47-1FY	CIVIL CMS REPLACEMENT
M-BA48-1FY	MADERA MANAGED SERVICES TRANSITION
M-BA49-1FY	BCP FUNDING-CMS CONVERSION

WBS Element (O Project) – In an attempt to further analyze one-time versus recurring expenses, the Team looked at O-projects and the feasibility of excluding one-time costs based on utilization of O-projects. Close to 600 O-projects were reviewed; however, the Team noted there is such a wide variation in the use of O-projects, that an exclusion due to use of the O project may inequitably adjust the total expenses included in the WF calculation. More specifically, when the team excluded O-projects established for one-time costs per court, the percentage of OE&E excluded for each court ranged from 0% to over 21%. This analysis further supports our assumption that the O-projects are not being used consistently.

The Team noted that using O-projects to exclude one-time costs could be further explored if they are consistently used and standardized for identifying and tracking one-time costs, for example, by requiring one-time WBS Elements to have an alpha-numeric sequence that is defined as one-time. Enforcing usage of these types of O-projects may prove to be a challenge. Additionally, if WBS Elements are being used for project tracking purposes, requiring 1-time costs to be posted to certain WBSes could be in conflict and prevent courts from being able to use the WBS Elements as they were intended.

As another option for tracking certain one-time costs, a series of GLs could be created. This would prevent issues with conflicting WBS Elements; however, the consistent use

of the GLs by all courts for the defined one-time costs remains a concern. New GLs could be created under the Capital Cost series (GL 983100), that are specifically for CMS implementation, Rule 810 unallowable expenses, and other non-recurring facilities costs. However, if the new GL series is created and the use of the GL is presented as a guideline as opposed to a mandate, there is a risk of misstating OE&E included in the calculation. JCC GL leads or some other oversight panel may need to be created to ensure that the GLs are being used appropriately.

GL - For each GL account, the financial SME group provided an “include or exclude” recommendation based upon each court’s current use of that GL account. This review included categorizing and making general recommendations for the expenses posted to these GL accounts in FY 16/17 and 17/18. Changes are being recommended for 5 expenditure GLs reflected below with justification listed in the notes column Attachment D.

GL Account Number Col. A	Expense Detail Account Name Col. B	Court-Specific Code Account Name Col. C	Court-Specific Code Description Col. D	SME Recommendation Col. E	WAFM OE&E Designation Col. F	Notes Col. G
920301	Fees/Permits	Merchant Fees	Credit card fees.	Excluded	Included (Default)	Align with revenue; previous recommendation to exclude revenue (Revenue GL 861013)
972299	Grand Jury Costs	Grand Jury Costs	Costs associated with a Grand Jury.	Excluded	Included	Align with revenue and fund. (Revenue GL 841012 and Fund 120005)
938514	Court Interpreter Services	Court Interpreter-Language Line-Non Court	Used to record court interpreter services received over the phone for non court appearances (i.e., at the counter). These expenses are not reimbursable under court interpreter program 45.45.	Included	Excluded	Non-reimbursable on-going expenses funded by the courts.
938599	Court Interpreter Services	Court Interpreter Services	May be used in lieu of the individual court specific codes within such corresponding expense detail code. Note: Expenses reimbursed by Judicial Council should be recorded in accounts identified as a reimbursement account.	Included	Excluded	Non-reimbursable on-going expenses funded by the courts.
965106	Juror Costs	Meals (Non Sequestered Jurors)	Meals for non-sequestered jurors.	Included	Excluded	Non-reimbursable on-going expenses funded by the courts.

In addition to the changes above, the Team recommends that a new GL be created specifically for Civil Transcripts. The GL for Civil transcripts should be excluded to align with the revenue recommendation (GL 861012). Currently, the GL being used for transcripts does not differentiate between criminal and civil. Many Courts use funds 110001 and 120001 as a mechanism to track criminal (110001) and Civil (120001); however, if the funds are to be merged, there will be no way to track this. Creating a GL specifically for civil transcripts, if used appropriately, will resolve the issues. The net impact will be the expenses recorded for criminal transcripts will be included as a part of the calculation, while the civil revenue and expenses will be offsetting. The only costs included in this GL are for transcript costs.

## **Revenue Adjustments**

As a part of this review, the Team re-considered revenue accounts during the expense discussion. In those instances where the revenue recommendations need to change as a result of the discussion, they are listed below:

Small Claims Advisory (841010) – Recommendation is to change the revenue GL from include to exclude to align with the expense recommendation.

### **Options to Consider for approach:**

1. Adopt the Financial SME Team's recommendations to include or exclude for the fund / PECT / WBS and expenditure GL accounts reviewed, and re-adjust for the revenue GLs.
2. Consider whether standardization of all chart of accounts use is needed and analyze the potential impacts to courts.
3. Review WBS elements periodically for new WBS elements added / eliminated each year.
4. Research whether the elimination of fund 120001 will impact the calculation; some courts use fund 120001 to distinguish revenue streams that are not a part of the TCTF distribution (ie transcripts)

## **APPLICATION OF CONSUMER PRICE INDEX (CPI) INDEX FACTOR TO WF CALCULATION**

### **Funding Methodology Subcommittee (FMS) Recommendation**

The committee recommends that the estimated California statewide CPI be applied to the OE&E estimate. The calculation will be done with fiscal year data from the State Department of Finance. Estimates will be used if complete data are not available at the time that allocation decisions are made and then adjusted as needed the following year.

### **General Comments/Observations:**

The group noted that the recommended approach is appropriate for initial implementation. The group agreed that use of the state CPI factor appeared fair and although there were no major concerns, consideration should be given to future calculations in order to apply the factor more appropriately.

### **Options for Consideration:**

1. Regional / area adjustments – Because CPI has variations by area / region, future consideration should be given to applying CPI that is published by region / metropolitan area / city.
2. Separation of goods / services – There may be value in exploring a more complex break down of the application of CPI between goods and services components. The group noted that this would be a lengthy effort, however, and poses potential risk in terms of coding consistency throughout the state.
3. Salary and Benefits – The group notes that the salary and benefits data that is used for RAS is outdated by the time funds are allocated to trial courts. Although state funding is provided for medical and retirement benefits, and recognizing that this benefits funding stream will no longer be funded in arrears, future consideration should be given for an adjustment factor to ensure the percentage need per FTE is appropriately reflected.
4. If the Trial Court Funding Stabilization BCP that will be submitted to the JCC is approved, consideration should be given as to whether a CPI adjustment is appropriate to determine funding need.

**ATTACHMENT A  
RECOMMENDATIONS FOR CHANGES TO FUNDS**

**REVIEW OF FUNDS USED BY THE COURTS IN FY 16/17 AND FY 17/18**

<b>Funds</b>	<b>Fund Description</b>	<b>Current JCC Designation</b>	<b>Change Recommended</b>	<b>Exceptions/Notes</b>
120002	Donation	Pending	Excluded	Revenue GLs are excluded. Donations are used for specific purposes. (e.g. juror enrichment and juror appreciation)
120005	Grand Jury	Further Review	Excluded	Majority of the expenses are county responsibility offset by county revenue. Expenses related to Grand Jury that are a court responsibility such as advertisement should be posted to the court's general fund.
120009	Other County Svc - Pgm -Restricted	Further Review	Excluded	Offset by county revenue.
120013	Public Access	Not Reviewed	Excluded	Align with the revenue recommendations.
120020	Court Facilities Maintenance Fund	Further Review	Excluded	Offset by revenue from the Judicial Council.
120012	Traffic Violator Fee	Included	Excluded	Align with the revenue recommendations. Offsetting revenue stream
190200	Federal Grant	Included	Excluded	Align with revenue recommendation. Expenses should be offset by revenue.
190300	State Grant	Included	Excluded	Align with revenue recommendation. Expenses should be offset by revenue.
190400	Local Govt. Grant	Included	Excluded	Align with revenue recommendation. Expenses should be offset by revenue.
190500	Private Grant	Included	Excluded	Align with revenue recommendation. Expenses should be offset by revenue.

New Recommendation  
 Recommendation to Change

**ATTACHMENT B  
RECOMMENDATIONS FOR PECT**

**REVIEW OF PECTS USED BY THE COURTS IN FY 16/17 AND FY 17/18**

<b>PECT</b>	<b>Description</b>	<b>Current JCC Designation</b>	<b>Change Recommended</b>	<b>Notes</b>
1100	Judges and Courtroom Support	Not reviewed	Included	
1211	Traffic and Other Infractions	Not reviewed	Included	
1212	Criminal	Not reviewed	Included	
1220	Civil	Not reviewed	Included	
1231	Families and Children Services	Not reviewed	Included	
1232	Probate, Guardianship	Not reviewed	Included	
1233	Juvenile Dependency Services	Not reviewed	Included	
1234	Juvenile Delinquency Services	Not reviewed	Included	
1310	Other Courtroom Operations	Not reviewed	Included	
1320	Court Interpreters	Not reviewed	Included	
1330	Jury Services	Not reviewed	Included	
1340	Security	Not reviewed	Excluded	Security revenue adjusted out of the calculation; aligns expenses to funds.
2110	Enhanced Collections	Not reviewed	Excluded	Align with revenue recommendation. All expenses are cost recoverable.
2120	Other Non-Court Operations	Not reviewed	Included	
9100	Executive Office	Not reviewed	Included	
9200	Fiscal Services	Not reviewed	Included	
9300	Human Resources	Not reviewed	Included	
9400	Business and Facilities Services	Not reviewed	Included	
9500	Information Technology	Not reviewed	Included	
9600	Distributed Administration	Not reviewed	Included	

**ATTACHMENT C  
RECOMMENDATIONS FOR WBS ELEMENTS**

<b>WBS to exclude</b>	<b>Name of Funded Programs</b>
G-BA1058-1-FY	40031-AB1058 FAMILY LAW FACILITATOR
G-BA1059-1-FY	40031-AB1058 CHILD SUPPORT COMMISSIONER
G-BA1061-1-FY	40033 - ACCESS TO VISITATION
G-BA1063-1-FY	47033-MODEL SELF HELP PROGRAM
G-BA1065-1-FY	47032-FAMILY LAW INFORMATION CENTER
G-BA1077-1-FY	40058-AUTH TO ADMIN PSYCHOTROPIC MEDICAT
G-BA1080-1-FY	CIGP
G-BA1080-2-FY	CIGP
G-BA1080-3-FY	CIGP
G-BA1080-4-FY	CIGP
G-BA1080-5-FY	CIGP
M-BA01-2FY	CALIFORNIA JUSTICECORPS OF SAN MATEO
M-BA02-2FY	SHOWCASE DMS AND DESKTOP SCANNERS
M-BA16-2FY	ADMIN SUPPORT UNIT EDUCATIONAL ASSISTANCE
M-BA23-2FY	CALIFORNIA JUSTICECORPS OF SAN FRANCISCO
M-BA24-2FY	CALIFORNIA JUSTICE CORPS OF CONTRA COSTA
M-BA42-2FY	DUALLY INVOLVED YOUTH INITIATIVE
M-BA47-1FY	CIVIL CMS REPLACEMENT
M-BA48-1FY	MADERA MANAGED SERVICES TRANSITION
M-BA49-1FY	BCP FUNDING-CMS CONVERSION

BA= Business Area (varies by Court location)

FY = Fiscal Year Designation

Include G-BA3005-1-FY parolee reentry program

Include M-BA02-1FY Self Help Center

**ATTACHMENT D  
RECOMMENDATIONS FOR CHANGES TO GL ACCOUNTS**

<b>GL Account Number</b>	<b>Expense Detail Account Name</b>	<b>Court-Specific Code Account Name</b>	<b>Court-Specific Code Description</b>	<b>Current JCC Designation</b>	<b>Change Recommended</b>	<b>Notes</b>
920301	Fees/Permits	Merchant Fees	Credit card fees.	Included (Default)	Exclude	Align with revenue; previous recommendation to exclude revenue (Revenue GL 861013)
972299	Grand Jury Costs	Grand Jury Costs	Costs associated with a Grand Jury.	Included	Exclude	Align with revenue and fund. (Revenue GL 841012 and Fund 120005)
938514	Court Interpreter Services	Court Interpreter-Language Line-Non Court	Used to record court interpreter services received over the phone for non court appearances (i.e., at the counter). These expenses are not reimbursable under court interpreter program 45.45.	Excluded	Include	Non-reimbursable on-going expenses funded by the courts.
938599	Court Interpreter Services	Court Interpreter Services	May be used in lieu of the individual court specific codes within such corresponding expense detail code. Note: Expenses reimbursed by Judicial Council should be recorded in accounts identified as a reimbursement account.	Excluded	Included	Non-reimbursable on-going expenses funded by the courts.
965106	Juror Costs	Meals (Non Sequestered Jurors)	Meals for non-sequestered jurors.	Excluded	Included	Non-reimbursable on-going expenses funded by the courts.



JUDICIAL COUNCIL OF CALIFORNIA  
BUSINESS MANAGEMENT SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Action Item)**

**Title:** Workload Formula Adjustment Request Process (ARP) - San Francisco Superior Court Cluster Assignment Evaluation

**Date:** 5/7/2020

**Contact:** Kristin Greenaway, Supervising Analyst  
Office of Court Research, Business Management Services  
415-865-7832 | [kristin.greenaway@jud.ca.gov](mailto:kristin.greenaway@jud.ca.gov)

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**Introduction**

On February 20, 2020, the Funding Methodology Subcommittee (FMS) approved a recommendation on an ARP submitted by the San Francisco Superior Court for consideration by the Trial Court Budget Advisory Committee (TCBAC) and the Judicial Council. San Francisco Superior Court is seeking a revision to its existing cluster assignment and to make cluster re-evaluation a regular part of workload formula revision. Specifically, the court’s request is to:

- a) Reassign the San Francisco Superior Court to Cluster 3 immediately.
- b) Change the basis of cluster assignment to a more suitable measure for application to the Resource Assessment Study (RAS) and the Workload Formula (i.e., RAS staffing level).
- c) Ask the Workload Assessment Advisory Committee (WAAC) and/or the Judicial Council Office of Court Research (OCR) to conduct a thorough analysis of cluster assignment in order to update this variable (just as all other RAS/Workload Formula variables are updated).
- d) Ask WAAC and/or the OCR to make the reevaluation of cluster assignment a regular part of RAS model updates.
- e) Recalculate the Workload Formula base to correct the outdated cluster assignments that were used to formulate it. The use of outdated cluster assignments was a flaw in Workload Formula implementation that can only be remedied by recalculating the base with the correct cluster assignments.

**Background**

The current four-cluster model was developed in the early 2000s. It was based on the number of Authorized Judicial Positions (AJP). Courts were ranked by their number of AJPs first and then grouped into four clusters. Cluster boundaries were created based on clear “breaks” or differentiation in the number of AJPs. The smallest of the 58 trial courts, those with two AJPs, comprised cluster 1 courts. The remaining three clusters were identified based on natural breaks—or jumps—in total number of AJPs.

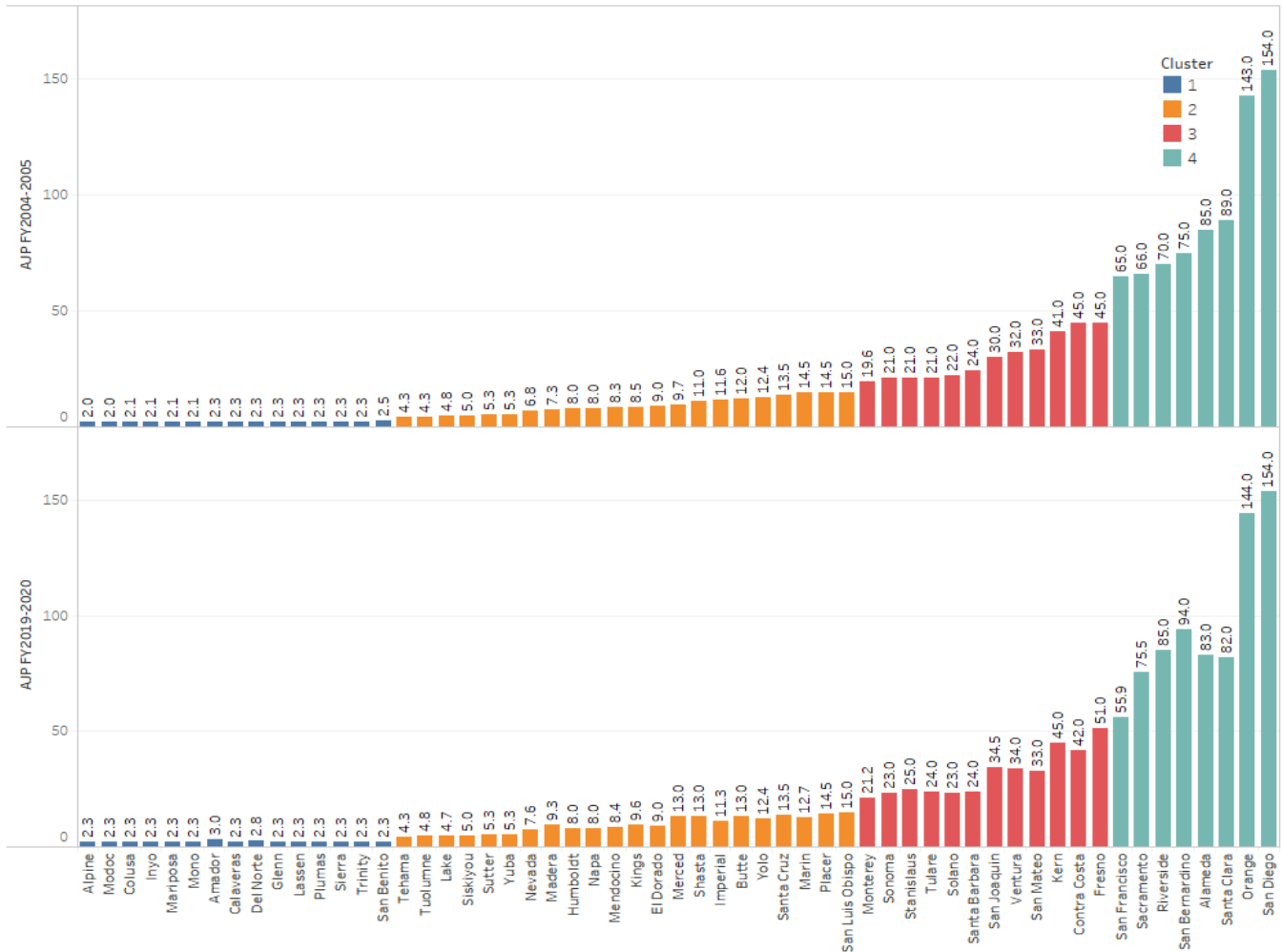
JUDICIAL COUNCIL OF CALIFORNIA  
 BUSINESS MANAGEMENT SERVICES  
 Report to the Trial Court Budget Advisory Committee

The number of AJPs at most courts has not changed significantly since the initial use of clusters in the RAS model in 2004-05. Over this period, some courts have received new judgeships and some courts have received authorization from the Judicial Council through the Executive and Planning Committee to increase or decrease the number of authorized subordinate judicial officer (SJO) positions. San Francisco has experienced the most significant change in its authorized judicial positions, having eliminated 10 SJO positions in 2014 or about 15% of its total AJP.

**Analysis**

Clusters are based on authorized judicial positions. Graph 1 below compares the 2004-05 AJPs to the current AJPs (2019-20). In 2004-05 when the clusters were first established, San Francisco had 65 AJPs, which was significantly higher than any cluster 3 court. However, the 2014 drop in San Francisco’s AJP number brought the court’s AJPs down to 55.9, similar to several Cluster 3 courts. If the clusters were established today using the same methodology, San Francisco would have been assigned to Cluster 3.

**Graph 1: Authorized Judicial Positions, 2004-05 and 2019-20**

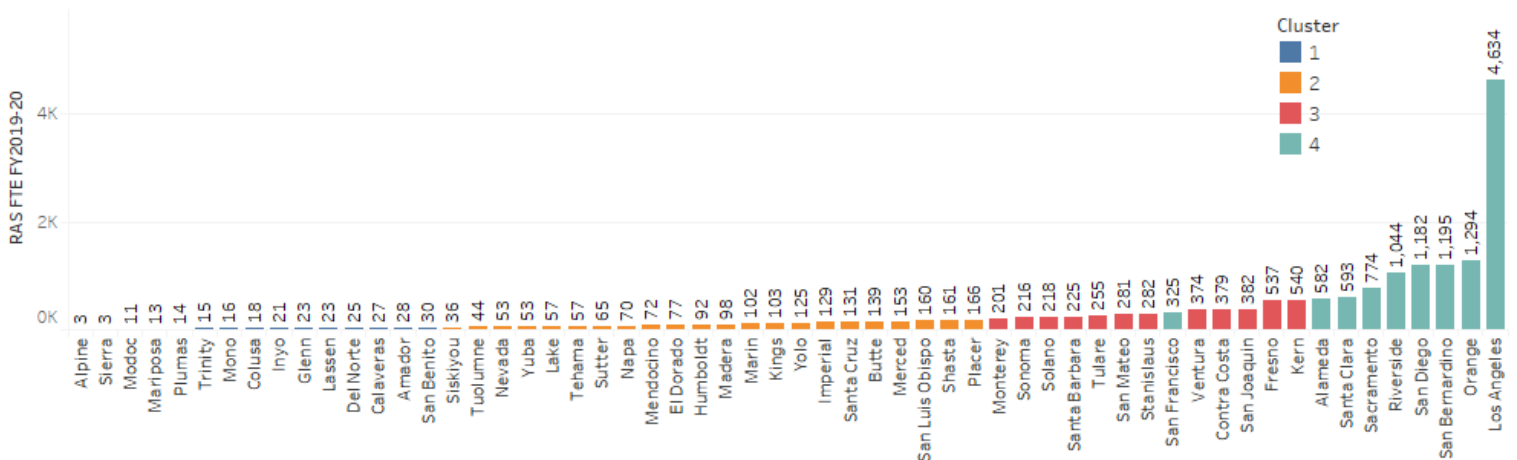


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BUSINESS MANAGEMENT SERVICES  
Report to the Trial Court Budget Advisory Committee

While clusters were established solely on the basis of AJPs, OCR also analyzed the number of RAS full-time equivalents (FTEs) for all courts based on the most recent filings data and model parameters. While judicial positions are stable over time, providing a more consistent basis for the clusters, RAS FTE measurement can provide a secondary look at court groupings, predicated on the assumption that courts of similar size have similar needs for staffing.

This data also suggests that San Francisco belongs to cluster 3. According to the RAS FTE model, San Francisco needs 325 FTE staff to handle the workload at the court. Graph 2 shows that San Francisco’s RAS FTE need is lower than five cluster 3 courts. Apart from San Francisco, the RAS FTE ranking is consistent with the current cluster groupings.

**Graph 2: RAS Staff Full-Time Equivalent, 2019-20**



The analysis does not suggest that other changes to cluster assignment are warranted at this time. The cluster 2 analysis that was conducted separately and was presented to FMS in February 2020 did not suggest that a re-grouping of the clusters was needed at this time.

OCR will continue to monitor AJPs and will recommend changes if needed. However, it is not anticipated that there will be major changes to judicial positions in the near future that would warrant a change in the cluster groupings.

The ARP also requested that the basis for clusters be changed to a different factor, such as RAS FTE. FMS discussed folding this request to reexamine the cluster system as well as floor funding into an item on FMS’ work plan, to also include an ad hoc subcommittee to perform the reevaluation, which is scheduled to be presented to the TCBAC for approval in July 2020.

JUDICIAL COUNCIL OF CALIFORNIA  
BUSINESS MANAGEMENT SERVICES  
Report to the Trial Court Budget Advisory Committee

**Recommendation**

FMS recommends that TCBAC approve the following for consideration by the Judicial Council at its July 23-24, 2020 business meeting:

1. Change San Francisco Superior Court’s cluster assignment from cluster 4 to cluster 3 based on the court’s current number of AJPs and its RAS estimated workload effective July 1, 2020.
2. Include the other items concerning cluster re-analysis in the FMS work plan item concerning clusters.
3. Reject the last item in the request, concerning re-calculation of base funding. The concept of funding “base” was discontinued when the Workload Formula was updated in 2018. Also, the principles of the RAS and Workload Formula models are that changes may be made to the models at any time, as more data becomes available and as policy decisions evolve. However, there is no policy in place to retroactively change funding need or allocations as changes to the models are made.

**Attachments**

Attachment 3A: San Francisco Superior Court ARP Submission

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

400 McAllister Street, Room 205  
San Francisco, CA 94102-4512  
Phone: 415-551-5707  
FAX: 415-551-5701



T. MICHAEL YUEN  
COURT EXECUTIVE OFFICER

January 13, 2020

Mr. Martin Hoshino  
Administrative Director  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

***Re: Workload Formula Adjustment Request***

Dear Mr. Hoshino:

The Superior Court of California, County of San Francisco submits the attached workload formula adjustment request, which seeks revise existing cluster assignments and to make cluster re-evaluation a regular part of workload formula revision. The court respectfully request the Judicial Council and the Trial Court Budget Advisory Committee give due consideration to this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "T. Michael Yuen".

T. Michael Yuen  
Court Executive Officer

cc: Trial Court Budget Advisory Committee

## Proposal to Update Cluster Assignments in the RAS and Workload Formula Models

Proposed by the San Francisco Superior Court

### 1. Description of How the Factor is not Currently Accounted for in the Workload Formula

The workload formula was founded on the premise that the “[f]unding needs for each trial court would be based upon workload as derived from filings through a specified formula.”<sup>1</sup> This formula includes variables representing the number of filings by case type, average time to disposition per filing (case weights), average case-processing minutes per staff year, the local cost of labor, local benefit ratios, and staffing ratios based upon the size of the court (cluster). Almost all these variables are updated annually (number of filings, cost of labor, and benefit ratios) or every five-to-six years (case weights, staffing ratios, and staff year), but one is not.

Court size, grouped by cluster, is used by RAS and the workload formula to determine the number of FTEs a manager or supervisor can supervise. It has also at times been used to determine the number of operations FTEs each administration position can support. It is assumed by the models that larger courts can be more efficient in their management and administration and can manage or serve more employees per management and administration position than smaller courts. Unlike the other variables in RAS and the workload formula, however, **cluster assignment has never been updated** and there is presently no system or procedure in place for doing so.<sup>2</sup>

Clusters were established at least twenty years ago, and despite the rapid growth of some courts and the contraction of others, cluster assignment has not been revised or evaluated since. As cluster assignment is used in the evaluation of management/supervision workload need and allocation of funding under the workload formula, it should be updated at least as regularly as every other component of the model.

Cluster assignment presently represents a ranking of courts by authorized judgeship. As such, clusters do not account for subordinate judicial officers, which are not proportionately distributed among all courts and might affect the rankings. Clusters also do not contemplate judicial (or staff) assessed need, which is likewise disproportionately distributed. A workload model that determines need should cluster its courts by a consistent measure.

### 2. Identification and Description of the Basis for Which Adjustment Is Requested

In both RAS and the workload formula, clusters are used to estimate the number of managers and supervisors needed to oversee the number of line staff that the models determine are necessary to process the court’s workload. Unlike every other workload formula variable, cluster assignment **was not updated at any point during workload formula implementation** and has not, in fact, been updated for decades. Moreover, the number of authorized judgeships is an imperfect basis on which to determine management/supervision need in a staff workload model. In order to be relevant to

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<sup>1</sup> “Trial Court Budget Working Group: Recommendation of New Budget Development and Allocation Methodology,” April 24, 2013, <http://www.courts.ca.gov/documents/jc-20130426-itemP.pdf> (accessed November 14, 2019).

<sup>2</sup> While the actual management/supervision and administration *ratios* for each cluster are updated every five-to-six years, the actual *assignment* of courts to clusters has not been updated at all.

differentiating the management ratios of various levels of staffing need, cluster assignment should be based upon the assessed staff need of the court.

### 3. Analysis of Adjustment Necessity

The workload formula has been phased in (and continues to be implemented) with outdated cluster assignments. For many years now, San Francisco has been much smaller than every other Cluster 4 court (and many Cluster 3 courts as well) by nearly every measure. While these outdated cluster assignments remain in place, San Francisco is being asked to make do with Cluster 3-level RAS staffing allocations while being held to the higher efficiency standards of Cluster 4 management/supervision ratios. **No other court is being asked to do this.**

The San Francisco Superior Court estimates that outdated cluster assignment is costing it **13 FTEs** of management/supervision need worth **\$2.3M annually**.

### 4. Unique or Broad Application

Cluster assignment pertains to all courts, and like all other variables in RAS and the workload formula it should be based upon an appropriate measure and updated regularly.

### 5. Detailed Description of Staffing Needs and or Costs Required to Support the Unaccounted for Factor (\*Employee compensation must be based on workload formula compensation levels, not the requesting court's actual cost.)

Current cluster assignments are outdated and fail to represent the current staffing needs of each court. Table 1 ranks all courts (excluding Cluster 1) by assessed staffing need (RAS workload). Based upon these criteria, the San Francisco Superior Court **ranks below five existing Cluster 3 courts**. In fact, there is a significant **13 percent drop** from the next largest court to San Francisco and a **40 percent drop** from the largest Cluster 3 court. The largest Cluster 3 court is within nine percent of both Alameda and Santa Clara according to this measure.

Chart 1 in the appendix graphically illustrates this.

**TABLE 1. Superior Court of California Courts Ranked by RAS Staffing Need: FY 2019-20 Workload Formula**

County	Cluster	RAS FTEs (FY 2019-20 Formula)
Los Angeles	4	4,633
Orange	4	1,294
San Bernardino	4	1,194
San Diego	4	1,182
Riverside	4	1,044
Sacramento	4	774
Santa Clara	4	592
Alameda	4	582
Kern	3	540
Fresno	3	537
San Joaquin	3	382
Contra Costa	3	379
Ventura	3	374
<b>San Francisco</b>	<b>4</b>	<b>324</b>
Stanislaus	3	282
San Mateo	3	281
Tulare	3	255
Santa Barbara	3	225
Solano	3	218
Sonoma	3	216
Monterey	3	201
Placer	2	166
Shasta	2	161
San Luis Obispo	2	159
Merced	2	153
Butte	2	139
Santa Cruz	2	131
Imperial	2	129
Yolo	2	125
Kings	2	103
Marin	2	102
Madera	2	97
Humboldt	2	92
El Dorado	2	77
Mendocino	2	72
Napa	2	70
Sutter	2	65
Lake	2	57
Tehama	2	57
Nevada	2	53
Yuba	2	53
Tuolumne	2	44
Siskiyou	2	36

Ranking clusters by assessed judicial need (AJN model) likewise shows that San Francisco is significantly smaller than existing Cluster 3 courts (see Table 2).

Based upon these criteria, the San Francisco Superior Court **ranks below two existing Cluster 3 courts**, with a significant **18 percent drop** from the next largest court to San Francisco and a **23 percent drop** from the largest Cluster 3 court. The largest Cluster 3 court is within nine percent of Santa Clara according to this measure.

This is graphically illustrated by Chart 2 in the appendix.

## 6. Public Access Consequence

Without workload formula funding to cover appropriate management/supervision and administration need, the courts must divert funding from other under-resourced areas, including service to the public. Availability of window clerks and case-processing times may suffer from the funding short-fall. All clerks' offices in San Francisco, for example, currently close at 2:00 pm each day, and the Public Viewing Room closes at 1:00 pm.

## 7. Consequences of Not Receiving Funding

San Francisco estimates that outdated cluster assignment is costing it **13 FTEs** of management/supervision need worth **\$2.3M annually**. Other courts that are misclassified might also be receiving inappropriate levels of management/supervision funding.

## 8. Additional Information

The San Francisco Superior Court respectfully requests that the following actions be taken to correct this situation:

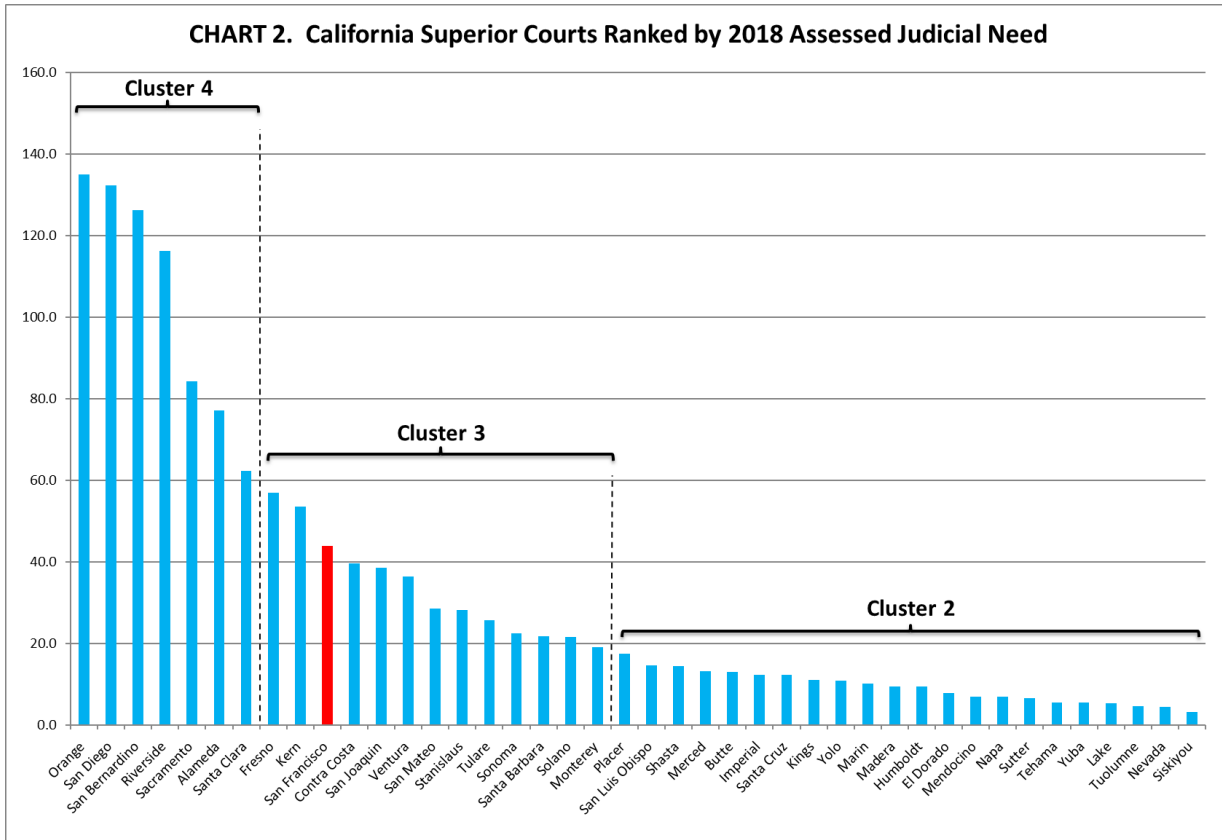
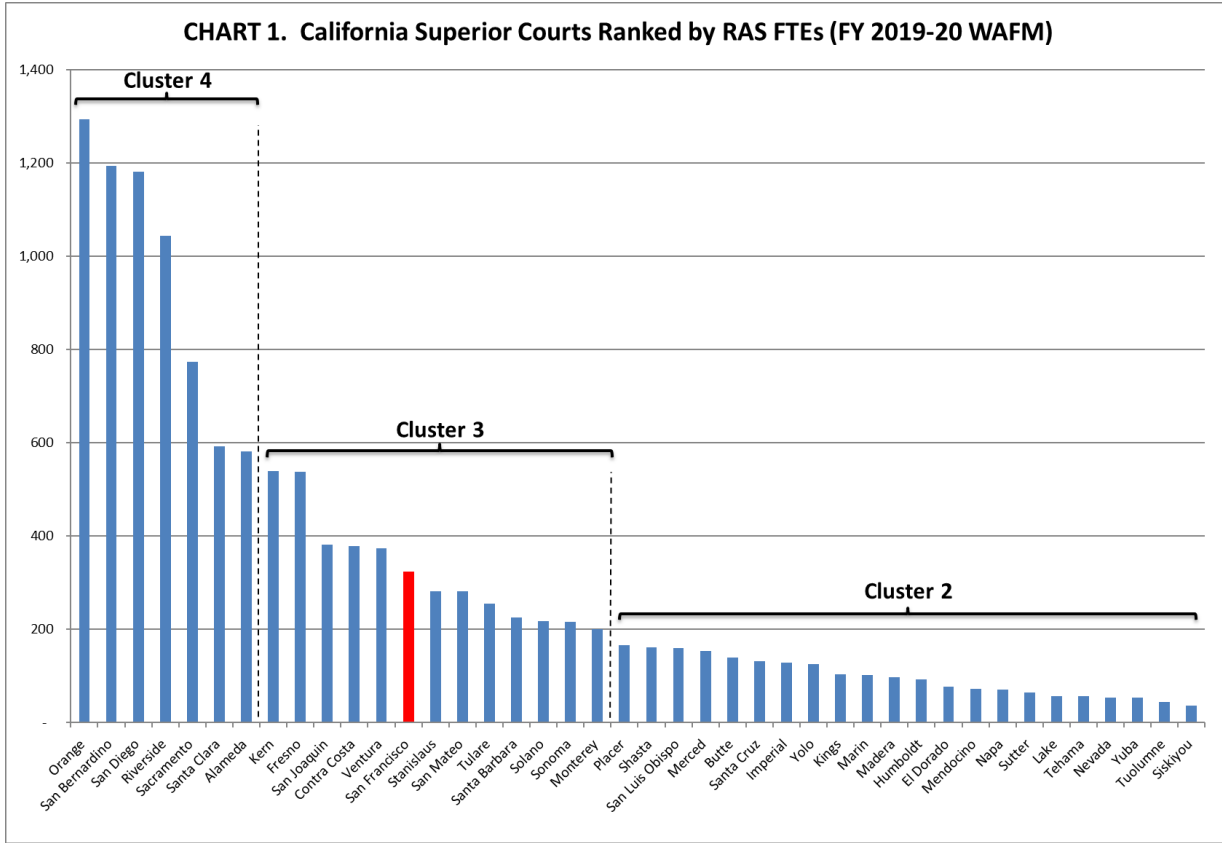
- a) Reassign the San Francisco Superior Court to Cluster 3 immediately.
- b) Change the basis of cluster assignment to a more suitable measure for application to RAS and the workload formula (i.e. RAS staffing level).
- c) Ask the Workload Assessment Advisory Committee and/or the Office of Court Research to conduct a thorough analysis of cluster assignment in order to update this variable (just as all other RAS/workload formula variables are updated).
- d) Ask the Workload Assessment Advisory Committee and/or the Office of Court Research to make the reevaluation of cluster assignment a regular part of RAS model updates.
- e) Recalculate the workload formula base to correct the outdated cluster assignments that were used to formulate it. The use of outdated cluster assignments was a flaw in workload formula implementation that can only be remedied by recalculating the base with the correct cluster assignments.

**TABLE 2. Superior Court of California Courts Ranked by Assessed Judicial Need (AJN)**

County	Cluster	2018 AJN Revision (for 3-yr avg through FY 2017)
Los Angeles	4	533.3
Orange	4	135.0
San Diego	4	132.3
San Bernardino	4	126.2
Riverside	4	116.2
Sacramento	4	84.3
Alameda	4	77.1
Santa Clara	4	62.2
Fresno	3	56.9
Kern	3	53.5
<b>San Francisco</b>	<b>4</b>	<b>43.8</b>
Contra Costa	3	39.6
San Joaquin	3	38.6
Ventura	3	36.3
San Mateo	3	28.6
Stanislaus	3	28.2
Tulare	3	25.6
Sonoma	3	22.4
Santa Barbara	3	21.8
Solano	3	21.5
Monterey	3	19.1



# Appendix



Note: Los Angeles Superior Court and Cluster 1 courts have been excluded from both charts because they distort the scale.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Action Item)**

**Title:** Allocations from the State Trial Court Improvement and Modernization Fund (IMF) for 2020-21

**Date:** 5/29/2020

**Contact:** Jason Haas, Senior Analyst, Judicial Council Budget Services  
916-643-7061 | [Jason.Haas@jud.ca.gov](mailto:Jason.Haas@jud.ca.gov)

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**Issue**

Consider adopting recommendations from the Revenue and Expenditure (R&E) Subcommittee for the 2020-21 preliminary allocations from the IMF for consideration by the Judicial Council at its July 23-24, 2020 business meeting.

Total requested allocations for 2020-21 are \$54,488,999, a decrease of \$25,590,861 from the prior year. This value represents updated costs for current service levels, but no longer includes budget change proposals (BCPs) previously proposed in the 2020-21 Governor’s Budget as they were removed in the May Revision to the budget.

Due to the ongoing COVID-19 crisis and subsequent recession, further modifications to the allocations may be necessary based on available state revenues and final budget decisions.

**Proposed 2020-21 Allocations**

**The following are the proposed 2020-21 allocation requests by Judicial Council office (additional details on each of the programs are located in Attachment 4B):**

1. **Audit Services** – Conducts operational audits and risk assessments and recommends improvement to all judicial branch entities.
  - a. *Approve an allocation of \$409,804; no change from the 2019-20 allocation.*
  
2. **Branch Accounting and Procurement** – Supports the trial courts’ financial and human resources Phoenix System.
  - a. *Approve an allocation of \$151,500; an increase of \$12,875 from the 2019-20 allocation.*
    - i. The allocation is for staff supporting the procurement needs of courts.
    - ii. The increase is due to increased staffing costs.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

3. **Business Management Services** – Supports the judicial branch research, data, and analytic programs and manages the Temporary Assigned Judges Program. This is a newly established office.
  - a. *Approve an allocation of \$8,500; no change from the 2019-20 allocation.*
    - i. The allocation is for travel related expenses for the Workload Assessment Advisory Committee; in the previous fiscal year this budget resided in Budget Services.
  
4. **Center for Families, Children and the Courts** – Supports various programs within the courts for litigants.
  - a. *Approve an allocation of \$6,957,692; an increase of \$1,050,000 from the 2019-20 allocation.*
    - i. The increase is for the specific use of funds for Shriver Civil Counsel from Cy Pres funds that are held in reserve on the fund condition statement and may only be used for this purpose.
    - ii. Provisional language in the Budget Act requires unspent funds for Self-Help to revert to the General Fund.
    - iii. This program absorbed the Court Interpreter Testing and funding of \$143,000 during 2019-20 on an ongoing basis.
  
5. **Center for Judiciary Education & Research** – Provides education to judges, court leaders, court staff faculty, managers, supervisors, and lead staff.
  - a. *Approve an allocation of \$1,202,000; no change from the 2019-20 allocation.*
  
6. **Budget Services** - Supports meetings of various committees and subcommittees as they relate to the trial court funding, policies, and other issues.
  - a. *Approve an allocation of \$371,500; an increase of \$13,784 from the 2019-20 allocation.*
    - i. The two main expenditures are for Treasury Services-Cash Management and Budget Focused Training and Meetings.
    - ii. A portion of last fiscal year's allocation, \$8,500, was moved to the recently established Business Management Services office and is not reflected in the increased requested amount.
    - iii. The increase is due to increased staffing costs.
  
7. **Human Resources** – Supports the Trial Court Labor Relations Academy to provide assistance to trial court staff in addressing its many labor issues (not mandated).
  - a. *Approve an allocation of \$22,700; no change from the 2019-20 allocation.*
  
8. **Information Technology** – Supports information technology systems for the 58 superior courts.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
**Report to the Trial Court Budget Advisory Committee**

- a. *Approve an allocation of \$43,255,865; a decrease of \$24,850,119 from the 2019-20 allocation.*
    - i. The decrease is primarily due to sunsetting BCP funding and program completion from prior years (see Attachment 4A, Column J, Rows 33-37).
9. **Legal Services Office** – Supports the Judicial Council staff divisions and courts, manages litigation, and is responsible for rules and projects including the California Rules of Court and Judicial Council forms.
- a. *Approve an allocation of \$2,109,438; a reduction of \$1,817,401 from the 2019-20 allocation.*
    - i. The reduction is primarily due to litigation that did not materialize.

The 2020-21 IMF preliminary allocation request of \$54,488,999 is reflected in the IMF Fund Condition Statement (Attachment 4C). The fund condition statement includes revenue forecasts as provided to the Department of Finance for the May Revision to the Governor’s Budget. The revenue projection is lower than previously estimated at the time of the Governor’s Budget, and as presented to the R&E Subcommittee on April 20, 2020 for current and future years because of the estimated impact of COVID-19. Further impacts to revenue are likely to occur. In addition, the May Revision reduced the General Fund support to the IMF in 2020-21 by \$7.84 million and this reduction increases to \$9 million in 2021-22.

Based on preliminary revenue estimates related to COVID-19 and including the General Fund reduction, the fund is still estimated to remain solvent in 2020-21 (see Attachment 4C, Row 26) and will support the allocation requests included in this report. Assuming the General Fund reduction is ongoing, and based on current estimates of future revenues and expenditures, an estimated \$4,800,000 expenditure reduction to programs would be necessary in 2021-22 for the fund to remain solvent. Due to the uncertainty of funding levels and possible further reductions to revenue estimates, programs will need to begin planning for possible mid-year reductions to their allocation requests.

**Recommendation**

The following R&E Subcommittee recommendation is presented to the Trial Court Budget Advisory Committee for consideration by the Judicial Council at its July 23-24, 2020 business meeting:

Approve a total of \$54,488,999 in allocations for 2020-21 from the IMF. Due to the COVID-19 pandemic and subsequent recession, final allocation amounts for 2020-21 will be based on available state revenues and final budget decisions.

**Attachments**

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**Attachment 4A:** Judicial Council Approved 2019-20 Allocations and 2020-21 Proposed Allocations from the IMF State Operations and Local Assistance Appropriations

**Attachment 4B:** Summary of Programs

**Attachment 4C:** IMF Fund Condition Statement

**Judicial Council Approved 2019-20 Allocations and 2020-2021 Proposed Allocations  
from the State Trial Court Improvement and Modernization Fund (IMF) State Operations and Local Assistance Appropriations**

#	Program Name	Office	2019-20 Allocations	Recommended 2020-21 Allocations			\$ Change from 2019-20	% Change from 2019-20
			Judicial Council Approved Allocations	State Operations	Local Assistance	Total		
A	B	C	D	E	F	G = (E + F)	H = (G - D)	I = (H/D)
<b>Program Adjustments</b>								
1	Audit Services	AS	\$ 409,804	\$ 409,804		\$ 409,804	-	0%
2	Trial Court Procurement/TCAS-MSA-IMF	BAP	\$ 138,625	\$ 151,500		\$ 151,500	12,875	9%
3	Workload Assessment Advisory Committee	BMS	\$ 8,500		\$ 8,500	\$ 8,500	-	0%
4	Budget Focused Training and Meetings	BSO	\$ 50,000		\$ 50,000	\$ 50,000	-	0%
5	Treasury Services - Cash Management	BSO	\$ 298,216	\$ 312,000		\$ 312,000	13,784	5%
6	Revenue Distribution Training	BSO	\$ 9,500		\$ 9,500	\$ 9,500	-	0%
7	Domestic Violence Forms Translation	CFCC	\$ 17,000		\$ 17,000	\$ 17,000	-	0%
8	Interactive Software - Self-Rep Electronic Forms	CFCC	\$ 60,000		\$ 60,000	\$ 60,000	-	0%
9	Self-Help Center	CFCC	\$ 5,000,000		\$ 5,000,000	\$ 5,000,000	-	0%
10	Statewide Multidisciplinary Education	CFCC	\$ 67,000		\$ 67,000	\$ 67,000	-	0%
11	Shriver Civil Counsel- Cy Pres Funding	CFCC	\$ 520,692		\$ 1,570,692	\$ 1,570,692	1,050,000	202%
12	Statewide Support for Self-Help Programs	CFCC	\$ 100,000		\$ 100,000	\$ 100,000	-	0%
13	Court Interpreter Testing etc.	CFCC	\$ 143,000		\$ 143,000	\$ 143,000	-	0%
14	CJER Faculty	CJER	\$ 36,000		\$ 61,500	\$ 61,500	25,500	71%
15	Essential Court Management Education	CJER	\$ 35,000		\$ 38,500	\$ 38,500	3,500	10%
16	Essential Court Personnel Education	CJER	\$ 215,000		\$ 136,500	\$ 136,500	(78,500)	-37%
17	Judicial Education	CJER	\$ 916,000		\$ 965,500	\$ 965,500	49,500	5%
18	Trial Court Labor Relations Academies and Forums	HR	\$ 22,700		\$ 22,700	\$ 22,700	-	0%
19	Data Center and Cloud Service (formerly CCTC Operations)	IT	\$ 1,718,714	\$ 1,787,268		\$ 1,787,268	68,554	4%
20	ISB Support	IT	\$ 946,153	\$ 800,828		\$ 800,828	(145,325)	-15%
21	Uniform Civil Filing Services	IT	\$ 423,779	\$ 382,382	\$ 27,000	\$ 409,382	(14,397)	-3%
22	CCPOR Development	IT	\$ 524,200	\$ 374,534		\$ 374,534	(149,666)	-29%
23	V3 - ICMS/CMS Release Management Support	IT	\$ 619,669			\$ -	(619,669)	-100%
24	Telecommunications Support	IT	\$ 11,749,425		\$ 13,204,519	\$ 13,204,519	1,455,094	12%
25	Enterprise Policy & Planning (Statewide Planning and Dev Support)	IT	\$ 4,342,185	\$ 124,187	\$ 4,275,494	\$ 4,399,681	57,496	1%
26	Interim Case Management Systems	IT	\$ 1,441,032			\$ -	(1,441,032)	-100%
27	Data Integration	IT	\$ 1,841,149		\$ 1,507,514	\$ 1,507,514	(333,635)	-18%
28	Data Center and Cloud Service (formerly CCTC)	IT	\$ 7,995,247		\$ 7,361,614	\$ 7,361,614	(633,633)	-8%
29	Jury Management System	IT	\$ 665,000		\$ 665,000	\$ 665,000	-	0%
30	CCPOR (ROM)	IT	\$ 364,848		\$ 878,171	\$ 878,171	513,323	141%
31	V3 Case Management System (2018-19 BCP)	IT	\$ 1,481,970			\$ -	(1,481,970)	-100%
32	CMS Replacement - Phase IV (2019-20 BCP)	IT	\$ 22,777,259		\$ 6,358,000	\$ 6,358,000	(16,419,259)	-72%
33	Telecom	IT	\$ 5,509,354		\$ 5,509,354	\$ 5,509,354	-	0%
34	Futures Commission (2019-20 BCP)	IT	\$ 853,000			\$ -	(853,000)	-100%
35	Digitizing Court Records (2019-20 BCP)	IT	\$ 4,853,000			\$ -	(4,853,000)	-100%
36	Judicial Performance Defense Insurance	LSO	\$ 1,200,000		\$ 1,312,438	\$ 1,312,438	112,438	9%
37	Jury System Improvement Projects	LSO	\$ 19,000		\$ 19,000	\$ 19,000	-	0%
38	Regional Office Assistance Group	LSO	\$ 589,192	\$ 778,000		\$ 778,000	188,808	32%
39	Litigation Management Program	LSO	\$ 2,118,647			\$ -	(2,118,647)	-100%
40	<b>Total</b>		<b>\$ 80,079,860</b>	<b>\$ 5,120,503</b>	<b>\$ 49,368,496</b>	<b>\$ 54,488,999</b>	<b>\$ (25,590,861)</b>	

1/ The approval of this Budget Change Proposal shifted these IMF expenditures to the General Fund.

**Judicial Council Approved 2019-20 Allocations and 2020-2021 Proposed Allocations  
from the State Trial Court Improvement and Modernization Fund (IMF) State Operations and Local Assistance Appropriations**

41  
42  
43  
44  
45  
46  
47  
48  
49  
50

	Office	Judicial Council Approved Allocations	State Operations	Local Assistance	Total	\$ Change from 2019-20	% Change from 2019-20
Totals by Office	C	D	G	H	I = (G + H)	J = (I - F)	K = (J/F)
	AS	\$ 409,804	\$ 409,804	\$ -	\$ 409,804	\$ -	0.00%
	BAP	\$ 138,625	\$ 151,500	\$ -	\$ 151,500	\$ 12,875	9.29%
	BMS	\$ 8,500		\$ 8,500	\$ 8,500	\$ -	0.00%
	CFCC	\$ 5,907,692	\$ -	\$ 6,957,692	\$ 6,957,692	\$ 1,050,000	17.77%
	CJER	\$ 1,202,000	\$ -	\$ 1,202,000	\$ 1,202,000	\$ -	0.00%
	BSO	\$ 357,716	\$ 312,000	\$ 59,500	\$ 371,500	\$ 13,784	3.85%
	HR	\$ 22,700	\$ -	\$ 22,700	\$ 22,700	\$ -	0.00%
	IT	\$ 68,105,984	\$ 3,469,199	\$ 39,786,666	\$ 43,255,865	\$ (24,850,119)	-36.49%
	LSO	\$ 3,926,839	\$ 778,000	\$ 1,331,438	\$ 2,109,438	\$ (1,817,401)	-42.99%
<b>Total Allocations</b>		<b>\$ 80,079,860</b>	<b>\$ 5,120,503</b>	<b>\$ 49,368,496</b>	<b>\$ 54,488,999</b>	<b>\$ (25,590,861)</b>	<b>-31.96%</b>

## Summary of Programs

Row #	Program Name	Office	Program Description
A	B	C	D
1	Audit Services	AS	Conducts performance and compliance audits of the State's 58 trial courts per the annual audit plan.
2	Trial Court Procurement/TCAS-MSA-IMF	BAP	Pays for phone services and rent allocation for one position in Business Services that provided procurement and contract related services at a statewide level.
3	Workload Assessment Advisory Committee	BMS	Pays for meeting expenses of the Workload Assessment Advisory Committee and travel expenses for court personnel and judges related to workload studies.
4	Budget Focused Training and Meetings	BSO	Supports meetings of the Trial Court Budget Advisory Committee and associated subcommittees on the preparation, development, and implementation of the budget for trial courts and provides input to the Judicial Council on policy issues affecting Trial Court Funding.
5	Treasury Services - Cash Management	BSO	Used for the compensation, operating expenses and equipment costs for two accounting staff.
6	Revenue Distribution Training	BSO	Pays for annual training on Revenue Distribution to all the collection programs as well as annual CRT training.
7	Domestic Violence Forms Translation	CFCC	This program makes available to all courts, translation of domestic violence protective order forms in languages other than English. Since 2000, these forms have been translated into Spanish, Vietnamese, Chinese and Korean based on data from various language needs studies.
8	Interactive Software - Self-Rep Electronic Forms	CFCC	This program enables all courts to use Hotdocs Document Assembly Applications, which present court users with a Q&A format that automatically populates fields across all filing documents.
9	Self-Help Center	CFCC	Provides court-based assistance to self-represented litigants.
10	Statewide Multidisciplinary Education	CFCC	Supports the biannual Beyond the Bench Conference, biannual Child & Family Focused Education Conference and annual Youth Summit.
11	Shriver Civil Counsel- Cy Pres Funding	CFCC	This program provides funding for legal services agencies and their court partners to provide representation to indigent persons in cases involving housing, child custody, guardianship, conservatorships, and domestic violence.
12	Statewide Support for Self-Help Programs	CFCC	The Self-represented Litigants Statewide Support Program updates and expands the online California Courts Self-Help Center on the judicial branch website. Further, this program facilitates the translating of over 50 Judicial Council forms that are used regularly by self-represented litigants.
13	Court Interpreter Testing etc.	CFCC	Pays for the testing, orientation, and recruitment of new interpreters.
14	CJER Faculty	CJER	Lodging, meals, and travel for faculty development participants. Primarily development of pro bono judge and court staff faculty who will teach all CJER programs for the trial courts.
15	Essential Court Management Education	CJER	National and statewide training for court leaders, including Institute for Court Management (ICM) courses, CJER Core 40 and Core 24 courses, & other local & regional courses for managers, supervisors and lead staff.
16	Essential Court Personnel Education	CJER	The Court Clerks Training Institute - courtroom and court legal process education in civil, traffic, criminal, probate, family, juvenile, appellate. Regional and local court personnel courses. The biennial Trial Court Judicial Attorneys Institute.
17	Judicial Education	CJER	Programs for all newly elected or appointed judges and subordinate judicial officers required by Rule of Court 10.462 (c)(1) to complete the new judge education programs offered by CJER; Judicial Institutes, courses for experienced judges; programs for PJs, CEOs & Supervising Judges.
18	Trial Court Labor Relations Academies and Forums	HR	The Labor Relations Academy and Forums provide court management staff with comprehensive labor relations knowledge that assists the courts in meeting its labor challenges. The Academies are held once per year in the spring and the Forums are held once per year in the fall. The allocation pays for costs tied to the setup and operations of HR's annual Labor Relations Academies and Forums. Typical expenses include: reimbursement of travel expenses for trial court employees who participate as faculty; lodging for all trial court attendees (including those who serve as faculty); meeting room/conference room rental fees; books/reference materials if needed; and meals for trial court participants of the Labor Relations Forum. Following each Academy, program staff send out surveys to gather feedback and receive suggestions for future events. In addition, participant attendance is gathered and reported to the Judicial Council as part of the Administrative Director's Report to the Council.
19, 28	Data Center and Cloud Service (formerly CCTC and/or CCTC Operations)	IT	The CCTC hosts some level of services for the 58 California superior courts, all the Courts of Appeal and the Supreme Court and has over 10,000 supported users. Major installations in the CCTC include the following: <ul style="list-style-type: none"> <li>• Appellate Court Case Management System (ACCMS)</li> <li>• California Court Protective Order Registry (CCPOR)</li> <li>• Phoenix - Trial Court Financial and Human Resources System</li> <li>• Sustain Interim Case Management System (ICMS)</li> <li>• Computer Aided Facilities Management (CAFM) system</li> <li>• Civil, Small Claims, Probate, and Mental Health Trial Court Case Management System (V3)</li> <li>• Integration Services Backbone (ISB)</li> </ul> This program provides consistent, cost effective, and secure hosting services, including ongoing maintenance and operational support, data network management, desktop computing and local server support, tape back-up and recovery, help desk services, email services, and a disaster recovery program.



Row #	Program Name	Office	Program Description
A	B	C	D
20, 27	ISB Support (Data Integration)	IT	Data Integration provides system interfaces between Judicial Council systems and the computer systems of our justice partners, be they courts, law enforcement agencies, the department of justice and others. Without the Integrated Services Backbone (ISB), the current systems for sharing protective orders, for example, would not function.
21	Uniform Civil Filing Services	IT	This program supports the distribution and mandated reporting of uniform civil fees collected by all 58 superior courts, with an average of \$52 million distributed per month. The system generates reports for the State Controller's Office and various entities that receive the distributed funds. There are over 200 fee types collected by each court, distributed to 31 different entities (e.g. Trial Court Trust Fund, County, Equal Access Fund, Law Library, etc.), requiring 65,938 corresponding distribution rules that are maintained by UCFS. UCFS benefits the public by minimizing the amount of penalties paid to the state for incorrect or late distributions and ensuring that the entities entitled to a portion of the civil fees collected, as mandated by law, receive their correct distributions.
22	California Courts Protective Order Registry (CCPOR)	IT	The California Courts Protective Order Registry (CCPOR) 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. CCPOR allows judges and law enforcement officers to view orders issued by other court divisions and across county lines.
24, 33	Telecommunications Support	IT	This program develops and supports a standardized level of network infrastructure for the California superior courts. This infrastructure provides a foundation for local systems (email, jury, CMS, VOIP, etc.) and enterprise system applications such as Phoenix, via shared services at the CCTC provides operational efficiencies, and secures valuable court information resources.
25	Enterprise Policy & Planning (Statewide Planning and Dev Support)	IT	The Enterprise Policy and Planning program provides the trial courts access to a variety of Oracle products (e.g., Oracle Enterprise Database, Real Application Clusters, Oracle Security Suite, Oracle Advanced Security, Diagnostic Packs, Oracle WebLogic Application Server) without cost to the courts.
29	Jury Management System	IT	The allocation for the Jury Program is used to distribute funds to the trial courts in the form of grants to improve court jury management systems. All trial courts are eligible to apply for the jury funding. The number of courts receiving grants varies according to the amount of grant funding available and the number of jury grant requests received.
31	V3 Case Management System	IT	V3 is used by the California Superior Courts of Orange, Sacramento, San Diego, and Ventura Counties. The courts use it to process approximately 25% of civil, small claims, probate, and mental health cases statewide.
36	Judicial Performance Defense Insurance	LSO	The allocation for the Judicial Performance Defense Insurance program is used to pay the insurance premium for trial court judges and judicial officers for the Commission on Judicial Performance (CJP) defense master insurance policy. The program (1) covers defense costs in CJP proceedings related to CJP complaints; (2) protects judicial officers from exposure to excessive financial risk for acts committed within the scope of their judicial duties, and (3) lowers the risk of conduct that could lead to complaints through required ethics training for judicial officers.
37	Jury System Improvement Projects	LSO	This program is related to Jury Instructions and is a "self-funding" PCC. Funds in this account are generated by royalties generated from sales of criminal and civil jury instructions. The funds are deposited pursuant to the Government Code.
38	Regional Office Assistance Group	LSO	The allocation for the Regional Office Assistance Group is used to pay for attorneys and support personnel to provide direct legal services to the trial courts in the areas of transactions/business operations, legal opinions, ethics, and labor and employment law.

\*Row 3, 24, 28, 33, 36-38, 42-44 - 2020-21 Allocation value is \$0 therefore program description has been omitted.

**State Trial Court Improvement and Modernization Fund  
Fund Condition Statement  
2020-21 IMF Allocations**

Updated: May 27, 2020

#	Description	2016-17	2017-18	2018-19	Estimated		
		(Year-end Financial Statement)	(Year-end Financial Statement)	(Year-end Financial Statement)	2019-2020	2020-2021	2021-22
		A	B	C	D	E	F
1	Beginning Balance	6,956,187	9,300,938	14,796,514	15,865,292	14,102,630	4,153,631
2	Prior-Year Adjustments <sup>1</sup>	4,187,917	-5,979,333	-973,149	-1,292	0	0
3	<b>Adjusted Beginning Balance</b>	<b>11,144,104</b>	<b>3,321,605</b>	<b>13,823,364</b>	<b>15,864,000</b>	<b>14,102,630</b>	<b>4,153,631</b>
4	<b>REVENUES<sup>2</sup>:</b>						
5	Jury Instructions Royalties	607,672	604,495	648,480	560,000	489,000	489,000
6	Interest from SMIF	415,663	863,725	1,565,780	1,236,000	915,000	915,000
7	Escheat-Unclaimed Checks, Warrants, Bonds	7,615	2,158	244	0	0	0
8	50/50 Excess Fines Split Revenue	13,160,903	22,077,608 <sup>1/</sup>	11,177,463	6,982,000	6,982,000	6,982,000
9	2% Automation Fund Revenue	12,792,097	12,367,362	10,698,861	8,899,000	7,696,000	7,696,000
10	Other Revenues/SCO Adjustments	0	146	359,153	60,000	2,000	2,000
11	Class Action Residue		205,615	1,311,975	995,000	0	0
12	<b>Subtotal Revenues</b>	<b>26,983,950</b>	<b>36,121,109</b>	<b>25,761,957</b>	<b>18,732,000</b>	<b>16,084,000</b>	<b>16,084,000</b>
13	<b>Transfers and Other Adjustments</b>						
14	To TCTF (GC 77209(j))	-13,397,000	-13,397,000	-13,397,000	-13,397,000	-13,397,000	-13,397,000
15	To Trial Court Trust Fund (Budget Act)	-594,000	-594,000	-594,000	-594,000	-594,000	-594,000
16	From State General Fund	0					
17	<b>Total Revenues, Transfers, and Other Adjustments</b>	<b>12,992,950</b>	<b>22,130,109</b>	<b>11,770,957</b>	<b>4,741,000</b>	<b>2,093,000</b>	<b>2,093,000</b>
18	<b>Total Resources</b>	<b>24,137,054</b>	<b>25,451,714</b>	<b>25,594,322</b>	<b>20,605,000</b>	<b>16,195,630</b>	<b>6,246,631</b>
19	<b>EXPENDITURES<sup>3</sup>:</b>						
20	Judicial Branch Total State Operations	6,002,342	4,405,086	4,724,200	4,786,893	5,120,503	5,205,000
21	Judicial Branch Total Local Assistance	65,451,774	63,462,762	49,813,207	71,110,477	49,368,496	42,914,000
22	Pro Rata and Other Adjustments	659,579	305,352	305,622	106,000	289,000	289,000
23	<b>Possible Expenditure Reduction to Programs (if needed)</b>						<b>-4,800,000</b>
24	Less funding provided by General Fund (Local Assistance)	-56,618,000	-57,518,000	-45,114,000	-69,501,000	-42,736,000	-37,864,000
25	<b>Total Expenditures and Adjustments</b>	<b>14,836,116</b>	<b>10,655,200</b>	<b>9,729,029</b>	<b>6,502,370</b>	<b>12,041,999</b>	<b>5,744,000</b>
26	<b>Fund Balance</b>	<b>9,300,938</b>	<b>14,796,514</b>	<b>15,865,292</b>	<b>14,102,630</b>	<b>4,153,631</b>	<b>502,631</b>
27	<b>Reserve Funds (June 24, 2016 JCC)</b>		<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>	<b>2,000,000</b>
28	<b>Restricted Funds - Jury Management</b>	<b>1,104,525</b>	<b>900,431</b>	<b>826,656</b>	<b>702,656</b>	<b>507,656</b>	<b>312,656</b>
29	<b>Restricted Funds - Sargent Shriver Civil Counsel</b>		<b>205,615</b>	<b>1,517,590</b>	<b>1,991,898</b>	<b>0</b>	<b>0</b>
30	<b>Restricted Funds - Case Management Systems (CMS)</b>			<b>1,659,989</b>	<b>0</b>	<b>0</b>	<b>0</b>
31	<b>Fund Balance - less restricted funds</b>	<b>9,300,938</b>	<b>11,690,468</b>	<b>9,861,057</b>	<b>9,408,076</b>	<b>1,645,976</b>	<b>-1,810,024</b>
32	<b>Structural Balance</b>	<b>-1,843,166</b>	<b>11,474,909</b>	<b>2,041,928</b>	<b>-1,761,370</b>	<b>-9,948,999</b>	<b>-3,651,000</b>

<sup>1</sup> State Controllers Office (SCO) recorded 50/50 revenues incorrectly in 2016-17. Actual 50/50 revenue for 2016-17 is \$12,109,826 and 2017-18 is \$12,120,300

<sup>2</sup> Revenue estimates include actuals through January 2020 and estimated effects of COVID-19.

<sup>3</sup> 2019-20 expenditures reflect anticipated savings as recognized by programs in relation to the 2019-20 JCC approved allocations.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

(Action Item)

**Title:** Allocations from the Trial Court Trust Fund (TCTF) and Trial Court Allocations for 2020-21

**Date:** 6/5/2020

**Contact:** Oksana Tuk, Senior Analyst, Judicial Council Budget Services  
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**Issue**

Government Code section 68502.5(c)(2)(A) requires the Judicial Council to make a preliminary allocation to the trial courts in July and finalize allocations in January of each fiscal year. The Trial Court Budget Advisory Committee (TCBAC) will consider approval of 2020-21 TCTF, Immediate and Critical Needs Account (ICNA), and General Fund (GF) allocations that incorporate one-time funding and an ongoing reduction as proposed in the 2020-21 May Revision for recommendation to the Judicial Council at its July 23-24, 2020 business meeting.

**2020-21 May Revision**

**Reduction**

To address a projected \$54.3 billion budget gap due to the COVID-19 pandemic and subsequent recession, the 2020-21 May Revision reflects budget reductions throughout state government, including all entities within the judicial branch. Specifically, the May Revision includes a \$178.1 million GF reduction to the trial courts for 2020-21 based on a 10 percent reduction to base operations funding. Of this amount, \$168.937 million reflects a reduction to trial court operations<sup>1</sup>.

During the Funding Methodology Subcommittee (FMS) meeting on June 2, 2020<sup>2</sup>, several reduction allocation methodology options were discussed, and a pro rata reduction recommendation was made by the subcommittee for TCBAC consideration (via seven “yes” votes, two “no” votes, and one member absent). The approach for this option keeps base funding floors funded at the current, Judicial Council-approved amount of \$800,000. All other courts receive a pro rata reduction based on their 2020-21 workload allocation, including the cluster 1 courts.

The May Revision also proposes an additional \$28.121 million GF reduction for fiscal year 2021-22 based on a five percent reduction to base operations funding, of which \$26.674 million impacts trial

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<sup>1</sup> The remaining \$9.165 million impacts the following: \$1.325 million GF (prisoner hearing, service of process, and extraordinary homicide); and \$7.84 million Improvement and Modernization Fund (IMF).

<sup>2</sup> FMS meeting materials (June 2, 2020), <https://www.courts.ca.gov/documents/tcbac-20200602-materials.pdf>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

courts' allocations<sup>3</sup>. The subcommittee has chosen not to recommend an allocation methodology for this reduction at this time, and instead will revisit in the 2020-21 fiscal year.

### **One-Time Funding for COVID-19 Related Backlog**

In response to the COVID-19 pandemic, the judicial branch had to radically change its operations to protect court users, while maintaining access to justice. Actions taken by the Judicial Council and trial courts to protect the public and court staff, have resulted in delays in court operations and a backlog of cases that will take time for courts to process as they continue to comply with public health and safety directives. To assist courts in addressing the backlog of filings that have accumulated due to court closures and help them resume normal operations, the May Revision includes \$50 million GF in one-time funding in 2020-21.

During the FMS meeting on June 2, 2020, several allocation methodology options for the COVID-related backlog funding were discussed. An allocation recommendation similar to the Workload Formula policy for new funding was made by the subcommittee for TCBAC consideration. The approach for this option allocates, based on the Workload Formula, the first 50 percent to courts below the statewide average funding level scaled by courts' distance from the statewide average and size based on the courts' Workload Formula need. The remaining funding will be allocated to all courts, including the cluster 1 courts and excluding the base funding floor courts. The approach for this option excludes non-sheriff security funding and bringing cluster 1 courts to 100 percent of funding need.

### **Recommendation**

The following recommendations presented to the TCBAC for consideration include FMS allocation methodologies noted above, Revenue and Expenditure (R&E) Subcommittee recommendations<sup>4</sup>, an informational update on Resource Assessment Study's (RAS) filings data, and assume the funding adjustments in the May Revision remain in the final 2020 Budget Act:

- Approve base, discretionary, and non-discretionary programs from the TCTF in the amount of \$2.2 billion (Attachment 5A, line 69);
- Approve a GF allocation in the amount of \$68.8 million for employee benefits (Attachment 5A, line 8);
- Approve an ICNA allocation in the amount of \$50.0 million for support for operation of the trial courts (Attachment 5A, line 9);
- Approve a Workload Allocation of \$2.0 billion based on methodologies approved by the Judicial Council (Attachment 5B, column W); and

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<sup>3</sup> The remaining \$1.447 million impacts the following: \$210,000 GF (prisoner hearing, service of process, and extraordinary homicide); and \$1.237 million IMF.

<sup>4</sup> R&E meeting materials (April 9, 2020), <https://www.courts.ca.gov/documents/tcbac-20200409-RandE-materials.pdf>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

- Approve the methodology used to estimate the RAS Full-Time Equivalent (FTE) for the 2020-21 Workload Formula, specifically the filings data used in the workload model.

**Base, Discretionary, and Non-Discretionary Programs**

1. Program 0140010 – Judicial Council
  - a. R&E Subcommittee recommendation for Judicial Council staff in the amount of \$3,764,417 (Attachment 5A, line 64).
  
2. Program 0150010 – Support for Operation of the Trial Courts
  - a. TCTF allocation in the amount of \$1,850,807,312 (Attachment 5A, line 24).
    - i. Includes a net reduction of \$32,761,989 for 2019-20 allocation adjustments (Attachment 5A, line 6);
    - ii. Includes \$10,907,514 for 2% automation replacement (Attachment 5A, line 12); and
    - iii. Includes \$943,840 for telephonic appearances (Attachment 5A, line 13).
  - b. New and changed allocations totaling a net reduction of \$72,951,220 (Attachment 5A, line 23).
    - i. Includes \$28,936,780 for non-court interpreter benefits cost change for 2020-21 (Attachment 5A, line 16);
    - ii. Includes \$9,223,000 for criminal justice realignment funding (Attachment 5A, line 17);
    - iii. Includes \$2,929,000 for one-time cannabis conviction resentencing (Attachment 5A, line 18);
    - iv. Includes \$4,798,075 for support for new judgeships (Attachment 5A, line 19);
    - v. Includes \$98,925 for non-sheriff security for new judgeships (Attachment 5A, line 20);
    - vi. Includes \$50,000,000 for one-time COVID-19 related case filing backlog included in the May Revision (Attachment 5A, line 21); and
    - vii. Includes a reduction of \$168,937,000 included in the May Revision (Attachment 5A, line 22).
  - c. R&E Subcommittee recommendation for Support of Operation of Trial Courts in the amount of \$42,712,686 (Attachment 5A, line 53).
  
3. Program 0150011 – Court Appointed Dependency Counsel
  - a. An allocation in the amount of \$148,865,000 for Court Appointed Dependency Counsel (Attachment 5A, line 27).
    - i. Reflects a funding reduction of \$7,835,000 included in the May Revision; and
    - ii. Assumes TCBAC recommendation to the Judicial Council as presented under Item 1 of today’s meeting agenda.
  
4. Program 0150037 – Court Interpreters
  - a. An allocation in the amount of \$124,445,000 (Attachment 5A, line 34).

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

- i. Reflects a funding reduction of \$6,035,000 included in the May Revision.
5. Program 0150095 – Expenses on Behalf of the Trial Courts
- a. R&E Subcommittee recommendation in the amount of \$21,186,152 for expenditures incurred by the Judicial Council on behalf of the trial courts (Attachment 5A, line 61).
    - i. Reflects a funding reduction of \$963,000 to the State Controller’s Office Audits of trial courts included in the May Revision.

**General Fund**

Approve \$68,818,575 GF for employee benefits (Attachment 5A, line 8).

**Immediate and Critical Needs Account**

Approve \$50,000,000 from the ICNA for support for operation of the trial courts (Attachment 5A, line 9).

**2020-21 Workload Allocation**

The 2020-21 Workload Allocation includes allocations, revenues, and adjustments in the amount of \$2.0 billion (Attachment 5B, columns W).

Changes to the prior year Workload Allocation include:

- a. Adjustment to subordinate judicial officer (SJO) allocation totaling \$790,204 (Attachment 5B, column L).
- b. A change of \$157,163 in Automated Recordkeeping and Micrographics collections from fiscal year 2017-18 to 2018-19 (Attachment 5B, column M).
- c. 2020-21 non-interpreter benefits cost change totaling \$28,936,780 (Attachment 5B, column N).
- d. An allocation of \$10,000,000 in discretionary funding that was previously designated for court reporters in family law in 2018-19 (Attachment 5B, column O).
- e. Criminal Justice Realignment funding of \$9,223,000 (Attachment 5B, column P).
- f. 2018-19 revenues collected totaling \$104,343,805 (Attachment 5B, column Q)<sup>5</sup>.
- g. Remaining support for new judgeships totaling \$4,798,075, which includes a \$98,925 reduction for non-sheriff security (Attachment 5B, columns R-T).
- h. 2020-21 Workload Funding Floor Adjustment, which includes funding floor allocations for two courts (Alpine and Sierra Superior Courts) totaling \$77,520, with all other courts sharing pro rata in the reduction to cover the funding floor allocations (Attachment 5B,

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<sup>5</sup> Includes all other applicable revenue sources as recommended by the FMS, presented under item 2 of today’s agenda.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

column V). The funding floor adjustment may change based on final appropriations included the 2020 Budget Act.

**RAS Full-Time Equivalent**

The RAS FTE estimates are based on the most recent three-year average of filings (2016-17, 2017-18, and 2018-19) and RAS caseweights approved by the Judicial Council in 2017. All courts were required to get certified on the new Judicial Branch Statistical Information System (JBSIS) 3.0 platform in order to submit 2018-19 filings data. Two courts—Santa Clara and Plumas—were unable to complete data certification in time, so the Workload Assessment Advisory Committee approved an action by email to recommend a methodology to fill in the missing and unvalidated filings data for those courts<sup>6</sup>. The motion was carried unanimously, with one member not voting.

**Pending Allocations**

Items pending allocation from the Program 0150010 appropriation include:

- a. Under Government Code section 77203(b), a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year, effective June 30, 2020. Because the courts have until July 15, 2020, to provide preliminary 2019-20 ending fund balances, the preliminary reduction amounts related to trial court reserves above the 3 percent cap referenced in Government Code section 68502.5(c)(2)(A) will not be available for consideration by the TCBAC prior to recommendation to the council at its July 23-24, 2020 business meeting. The TCBAC will consider the final allocation reductions for fund balances above the 3 percent cap prior to recommendation to the Judicial Council before January 2021.
- b. The allocation of monies, using the council-approved formula, collected through the dependency counsel collections program will be brought to the TCBAC and council once final 2019–20 collections are known.
- c. Various revenue distributions as required by statute or as authorized charges for the cost of programs or cash advances.

**Potential Impacts to Allocations**

- a. Any changes to appropriations provided for in the final 2020 Budget Act.
- b. Due to the COVID-19 pandemic, final TCTF allocation amounts for 2020-21 will be based on available state revenues and final budget decisions. Some modification might be necessary based on potential state revenue reductions and priority changes.

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<sup>6</sup> Report to the Workload Assessment Advisory Committee (April 28, 2020), <https://www.courts.ca.gov/documents/waac-20200506-materials.pdf>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

- c. The \$10 million in urgent needs funding assumes no allocations in 2020–21. If monies are allocated in 2020-21, courts would need to replenish the monies up to what was allocated by the council from their 2021-22 base allocation<sup>7</sup>.

The projected 2020–21 ending TCTF fund balance is \$56.9 million (Attachment 5C, column E, row 28). Approximately \$28.4 million are monies that are either statutorily restricted or restricted by the council (Attachment 5C; column E, row 30). The estimated unrestricted fund balance is \$28.5 million (Attachment 5C; column E, row 31). The 2020-21 preliminary allocation requests totaling \$2.2 billion can be supported by the TCTF based on current revenue projections and 2019-20 projected savings.

**Attachments**

**Attachment 5A:** 2020-21 TCTF Recommended Preliminary Allocation

**Attachment 5B:** 2020-21 Workload Formula Allocation

**Attachment 5C:** TCTF Fund Condition Statement

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<sup>7</sup> Judicial Branch Budget Committee report (March 18, 2019), <https://www.courts.ca.gov/documents/jbbc-20190318-materials.pdf>



## 2020-21 TCTF Allocation

1	<b>2019-20 Ending Ongoing TCTF Base Allocation</b>	<b>1,944,669,167</b>
2	<b>2019-20 Allocation Adjustments</b>	
3	Remove Remaining Self-Help - Reimbursement Program	(3,700,000)
4	Remove Allocation Funded from the ICNA	(50,000,000)
5	2019-20 Non-Interpreter Benefits Funding Augmentation	20,938,011
6		<b>(32,761,989)</b>
7	<b>2019-20 Adjusted TCTF Ongoing Base Allocation</b>	<b>1,911,907,178</b>
8	GF Employee Benefits	68,818,575
9	Trial Court Operations Funded from ICNA	50,000,000
10	<b>2019-20 Total Base Allocation including GF and ICNA</b>	<b>2,030,725,753</b>
11	<b>Other Allocations</b>	
12	2% Automation Replacement	10,907,514
13	Telephonic Appearances	943,840
14		<b>11,851,354</b>
15	<b>New and Changed Allocations</b>	
16	2020-21 Non-Court Interpreter Benefits Cost Change	28,936,780
17	Criminal Justice Realignment	9,223,000
18	Cannabis Conviction Recentencing	2,929,000
19	Support for New Judgeships	4,798,075
20	Non-Sheriff Security for New Judgeships	98,925
21	Funding for COVID-19 Related Case Filing Backlog*	50,000,000
22	Baseline Reduction *	(168,937,000)
23		<b>(72,951,220)</b>
24	<b>2020-21 TCTF Ongoing Base, Other and New and Changed Allocations - Program 0150010</b>	<b>1,850,807,312</b>
25	<b>Other Program Allocations</b>	
26	<b>Court-Appointment Dependency Counsel - Program 0150011</b>	
27	Dependency Counsel Allocation *	<b>148,865,000</b>
28	<b>Court Interpreters - Program 0150037</b>	
29	2019-20 Appropriation	<b>120,686,000</b>
30	2020-21 Court Interpreter Employee Benefits Cost Change	1,114,000
31	2020-21 New Judgeships Funding	257,000
32	2020-21 BCP Funding *	8,423,000
33	Baseline Reduction *	(6,035,000)
34		<b>124,445,000</b>
35	<b>R&amp;E Subcommittee Recommendations</b>	
36	<b>Judicial Council (Staff) - Program 0140010</b>	
37	Sargent Shriver Civil Counsel Pilot Program	596,000
38	Equal Access Fund	246,000
39	Court-Appointed Dependency Counsel Collections	260,000
40	Statewide Support for Collections Programs	656,000
41	Phoenix Financial Services	79,250
42	Phoenix Human Resources Services	1,505,000
43	Statewide E-Filing Implementation	422,167
44		<b>3,764,417</b>
45	<b>Allocation for Reimbursements - Program 0150010</b>	
46	Jury	14,500,000
47	Screening Equipment Replacement	1,800,000
48	Self-Help Center	25,300,000
49	Elder Abuse	332,340
50	Juvenile Dependency Counsel Collections Program Rollover	pending
51	Juvenile Dependency Counsel Collections Program	455,346
52	California State Auditor Audits	325,000
53		<b>42,712,686</b>
54	<b>Expenses on Behalf of the Trial Courts - Program 0150095</b>	
55	Children in Dependency Case Training	113,000
56	Sargent Shriver Civil Counsel Pilot Program	18,094,937
57	Civil, Small Claims, Probate and Mental Health (V3) Case Management System	1,626,767
58	California Courts Technology Center	688,803
59	Other Post Employment Benefits Valuations	122,645
60	State Controller's Office Audits of Trial Courts *	540,000
61		<b>21,186,152</b>
62	<b>2020-21 Total TCTF Trial Court/Other Allocations</b>	<b>2,191,780,567</b>
63	<b>2020-21 Trial Court Allocation by Program</b>	
64	0140010 - Judicial Council	3,764,417
65	0150010 - Support for Operation of the Trial Courts	1,893,519,998
66	0150011 - Court-Appointed Dependency Counsel	148,865,000
67	0150037 - Court Interpreters	124,445,000
68	0150095 - Expenses on Behalf of the Trial Courts	21,186,152
69	<b>Total 2020-21 TCTF Allocation by Program</b>	<b>2,191,780,567</b>

\* Amounts reflect funding changes proposed in the 2020-21 May Revision.  
 Displayed numbers may differ from Attachment 5B due to rounding.

Court	2019-20 Total Base (TCTF, GF, ICNA) Allocation	2019-20 NON-BASE ADJUSTMENTS USED TO CALCULATE WORKLOAD ALLOCATION			2019-20 BASE ADJUSTMENTS USED TO CALCULATE WORKLOAD ALLOCATION					Court
		Automated Recordkeeping & Micrographics	% Automation Replacement	Self-Help	Security Base (FY 10-11) Adjustment	Remove Funding for Court Reporters in Family Law (Discretionary)	Remove Funding for Court Reporters in Family Law	SJO Adjustment	Total Workload Formula Related Adjustments	
		A	B	C	D	E	F	G	H	
Alameda	80,178,307	101,727	424,792	1,005,139	(3,310,250)	(397,540)	-	(2,038,482)	(4,214,615)	Alameda
Alpine	749,248	20	2,034	34,679	-	-	-	-	36,733	Alpine
Amador	3,309,653	687	11,006	56,654	-	-	-	-	68,347	Amador
Butte	11,996,311	13,452	59,332	167,630	(486,597)	-	(60,749)	(351,075)	(658,007)	Butte
Calaveras	2,821,885	890	18,652	60,659	-	-	-	-	80,201	Calaveras
Colusa	2,010,225	377	13,708	47,010	-	-	-	-	61,096	Colusa
Contra Costa	42,313,195	67,729	218,186	706,574	-	-	(213,434)	(986,003)	(206,947)	Contra Costa
Del Norte	3,089,307	465	11,208	50,009	-	-	-	-	61,683	Del Norte
El Dorado	7,623,140	3,449	54,374	143,229	-	(37,609)	-	(118,284)	45,159	El Dorado
Fresno	52,102,101	65,655	181,080	621,854	-	(265,110)	-	(1,127,888)	(524,410)	Fresno
Glenn	2,253,830	494	19,264	50,958	(10,186)	-	-	-	60,530	Glenn
Humboldt	6,945,902	7,608	48,160	114,834	(174,787)	-	(34,954)	(122,238)	(161,377)	Humboldt
Imperial	9,470,100	8,574	67,678	145,160	(437,987)	-	(47,852)	-	(264,427)	Imperial
Inyo	2,262,864	247	30,402	44,989	(194,430)	-	-	(66,958)	(185,750)	Inyo
Kern	55,306,341	61,684	277,328	562,321	(68,297)	-	(281,681)	(1,988,380)	(1,437,024)	Kern
Kings	8,219,626	8,712	57,026	122,261	(439,486)	(41,393)	-	(206,922)	(499,802)	Kings
Lake	4,173,132	1,295	20,328	72,332	(204,675)	(20,545)	-	(67,039)	(198,303)	Lake
Lassen	2,408,885	437	20,156	52,249	(306,071)	-	-	-	(233,230)	Lassen
Los Angeles	574,868,320	924,417	3,144,530	6,078,704	(14,889,678)	(2,886,810)	-	(22,477,693)	(30,106,530)	Los Angeles
Madera	8,514,767	2,713	52,502	126,366	(397,287)	(43,218)	-	-	(258,924)	Madera
Marin	12,048,832	15,895	114,766	189,587	(10,026)	(62,936)	-	-	247,286	Marin
Mariposa	1,379,403	326	3,904	44,711	-	-	-	(34,500)	14,441	Mariposa
Mendocino	6,467,503	4,818	30,068	86,610	(311,814)	(31,965)	-	-	(222,284)	Mendocino
Merced	13,473,390	14,324	55,652	196,115	-	-	(68,995)	(331,916)	(134,819)	Merced
Modoc	1,071,107	294	6,134	39,654	(822)	-	-	-	45,261	Modoc
Mono	2,012,882	204	12,446	42,094	(25,162)	-	-	(17,401)	12,181	Mono
Monterey	20,941,046	20,620	183,464	295,097	(906,226)	(103,764)	-	(345,025)	(855,834)	Monterey
Napa	7,866,465	2,562	30,550	118,053	(307,859)	-	(40,006)	(422,851)	(619,550)	Napa
Nevada	5,529,589	5,078	49,946	92,331	(451,479)	-	(28,461)	(308,250)	(640,834)	Nevada
Orange	144,231,157	250,121	923,882	1,919,207	(2,847,608)	(734,637)	-	(4,485,435)	(4,974,470)	Orange
Placer	18,354,193	23,870	77,378	259,962	-	-	(90,332)	(862,171)	(591,293)	Placer
Plumas	1,370,628	420	9,206	45,698	-	-	-	-	55,324	Plumas
Riverside	106,421,603	56,063	532,226	1,441,569	(2,011,947)	(514,099)	-	(3,224,055)	(3,720,243)	Riverside
Sacramento	87,562,992	206,758	340,254	928,062	(1,942,057)	(415,809)	-	(406,404)	(1,289,197)	Sacramento
San Benito	3,511,682	1,148	14,700	67,557	-	-	-	-	83,404	San Benito
San Bernardino	111,256,348	167,675	435,474	1,309,047	(3,405,583)	(554,088)	-	(3,436,483)	(5,483,958)	San Bernardino
San Diego	146,288,635	227,243	718,442	1,991,314	(684,557)	(742,318)	-	(4,407,483)	(2,897,358)	San Diego
San Francisco	56,263,001	71,963	272,528	549,995	-	(280,480)	-	(491,065)	122,941	San Francisco
San Joaquin	39,447,630	53,784	201,698	474,823	(299,729)	(194,123)	-	(961,545)	(725,091)	San Joaquin
San Luis Obispo	15,021,320	15,361	130,020	199,324	(251,739)	(74,917)	-	(445,458)	(427,410)	San Luis Obispo
San Mateo	38,992,294	13,552	329,518	488,596	(461,490)	(198,431)	-	(1,653,021)	(1,481,276)	San Mateo
Santa Barbara	24,279,618	25,073	162,858	299,995	(1,099,046)	(121,916)	-	(552,146)	(1,285,183)	Santa Barbara
Santa Clara	80,445,085	96,684	452,782	1,177,971	-	(400,368)	-	(766,176)	560,893	Santa Clara
Santa Cruz	13,443,980	13,167	113,210	197,259	-	-	(67,302)	(266,678)	(10,344)	Santa Cruz
Shasta	15,487,199	3,732	44,394	139,418	(2,743,529)	-	(77,290)	(301,456)	(2,934,731)	Shasta
Sierra	712,676	55	1,830	35,893	-	-	-	-	37,778	Sierra
Siskiyou	3,209,596	863	37,000	60,376	-	(16,379)	-	(179,015)	(97,155)	Siskiyou
Solano	23,713,222	32,548	119,364	291,354	(453,530)	(116,378)	-	(448,631)	(575,273)	Solano
Sonoma	25,180,662	28,982	119,004	332,137	(458,321)	(125,413)	-	(584,160)	(687,772)	Sonoma
Stanislaus	26,398,689	33,615	88,718	357,479	(9,714)	(133,542)	-	(572,037)	(235,481)	Stanislaus
Sutter	6,034,069	1,908	37,382	91,226	(257,359)	-	-	-	(156,064)	Sutter
Tehama	4,640,864	1,228	28,100	71,772	-	(23,006)	-	-	78,094	Tehama
Trinity	2,166,252	653	7,648	42,044	(536,359)	-	-	-	(486,014)	Trinity
Tulare	23,145,805	26,812	204,932	312,495	(16,225)	(114,677)	-	(543,948)	(130,611)	Tulare
Tuolumne	4,004,125	1,024	16,642	66,290	(229,698)	(19,861)	-	(61,207)	(226,810)	Tuolumne
Ventura	40,019,287	53,750	205,304	540,054	(1,624,079)	-	(201,238)	(804,479)	(1,830,688)	Ventura
Yolo	12,465,928	10,207	48,556	163,199	(607,160)	(61,382)	-	-	(446,580)	Yolo
Yuba	5,249,859	1,602	15,788	78,018	(138,089)	-	-	-	(68,452)	Yuba
<b>Total</b>	<b>2,030,725,754</b>	<b>2,754,613</b>	<b>10,907,514</b>	<b>25,300,000</b>	<b>(43,010,938)</b>	<b>(8,787,706)</b>	<b>(1,212,294)</b>	<b>(56,463,957)</b>	<b>(70,512,768)</b>	

<sup>1</sup> Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

Court	2020-21 Beginning Workload Allocation	Changes to Workload Allocation													2020-21 Final Workload Allocation	Court
		Fiscal Neutral Cost Change	Fiscal Neutral Offset	Change in Revenue Collected	Fiscal Neutral Cost Change	Proportional Share	Current Methodology	Revenue Collected	Same Allocation Methodology Applied in 2019-20			Pro Rata	RAS Methodology			
		Reduction for SJO Conversion	SJO Adjustment (Change from PY)	Automated Recordkeeping & Micrographics (Change from PY)	2020-21 Benefit Cost Change Funding <sup>1</sup>	Court Reporters in Family Law (Discretionary)	Criminal Justice Realignment	All Other Applicable Revenue Sources	Remaining Support for New Judgeships (Cluster 1 Courts to 100%)	Remaining Support for New Judgeships (Courts Below Statewide Average)	Remaining Support for New Judgeships (Courts Below 100%)	2020-21 May Revision Allocation Reduction	2020-21 Workload Funding Floor Adjustment			
		J	K	L	M	N	O	P	Q	R	S	T	U	V		
Alameda	75,963,692	-	(194,581)	2,926	382,965	397,540	234,162	3,912,553	-	-	64,809	(6,445,172)	(2,957)	74,315,937	Alameda	
Alpine	785,981	-	-	-	25,363	-	163	31,812	-	-	-	-	(43,319)	800,000	Alpine	
Amador	3,378,000	-	(124,455)	63	2,688	-	3,753	241,681	131,205	-	-	(289,917)	(133)	3,342,886	Amador	
Butte	11,338,304	-	(43,123)	855	162,858	60,749	103,782	363,511	-	258	10,991	(957,485)	(439)	11,040,262	Butte	
Calaveras	2,902,086	-	-	62	30,845	-	8,159	65,497	-	-	-	(239,938)	(110)	2,766,601	Calaveras	
Colusa	2,071,320	-	-	(1)	18,921	-	3,916	121,696	4,439	-	-	(177,185)	(81)	2,043,025	Colusa	
Contra Costa	42,106,248	-	198,046	6,370	661,377	213,434	116,020	4,651,361	-	-	41,530	(3,830,070)	(1,758)	44,162,558	Contra Costa	
Del Norte	3,150,990	-	-	21	42,067	-	14,523	92,021	-	-	-	(263,318)	(121)	3,036,183	Del Norte	
El Dorado	7,668,299	-	92,945	327	159,495	37,609	35,084	208,956	-	-	7,074	(655,161)	(301)	7,554,327	El Dorado	
Fresno	51,577,691	-	(64,493)	4,174	1,107,907	265,110	319,179	3,078,473	-	6,503	52,118	(4,496,603)	(2,063)	51,847,995	Fresno	
Glenn	2,314,359	-	-	2	68,717	-	7,506	148,281	121,659	-	-	(212,316)	(97)	2,448,111	Glenn	
Humboldt	6,784,525	-	(93,565)	171	(1,975)	34,954	36,987	666,863	-	-	6,603	(593,296)	(272)	6,840,994	Humboldt	
Imperial	9,205,673	-	(170,987)	1,075	27,038	47,852	20,724	811,876	-	-	7,574	(794,100)	(364)	9,156,359	Imperial	
Inyo	2,077,114	-	20,895	(8)	10,710	-	6,038	108,009	-	-	-	(177,382)	(81)	2,045,295	Inyo	
Kern	53,869,316	-	(79,127)	5,390	27,915	281,681	355,404	6,403,585	-	-	52,938	(4,861,335)	(2,231)	56,053,536	Kern	
Kings	7,719,823	-	8,014	(203)	72,565	41,393	67,556	1,280,246	-	-	7,917	(733,968)	(337)	8,463,006	Kings	
Lake	3,974,829	-	(4,472)	179	60,331	20,545	19,745	37,898	-	7,504	4,011	(328,832)	(151)	3,791,586	Lake	
Lassen	2,175,655	-	(8,471)	35	2,957	-	4,406	288,345	-	-	-	(196,548)	(90)	2,266,290	Lassen	
Los Angeles	544,761,790	-	3,234,221	78,689	8,716,568	2,886,810	3,008,209	16,061,460	1,001,197	563,809	(46,310,390)	(21,250)	533,981,112	Los Angeles		
Madera	8,255,843	-	5,620	277	150,937	43,218	50,749	537,565	-	22,503	8,936	(724,259)	(332)	8,351,056	Madera	
Marin	12,296,118	-	(70,847)	(304)	294,533	62,936	19,908	1,164,020	-	-	10,711	(1,099,444)	(505)	12,677,124	Marin	
Mariposa	1,393,844	-	(4,547)	21	51	-	6,527	89,275	142,786	-	-	(129,915)	(60)	1,497,982	Mariposa	
Mendocino	6,245,220	-	-	344	140,527	31,965	39,000	236,709	-	-	5,472	(534,616)	(245)	6,164,375	Mendocino	
Merced	13,338,571	-	12,616	1,171	83,198	68,995	97,092	679,218	-	-	12,831	(1,140,672)	(523)	13,152,496	Merced	
Modoc	1,116,368	-	-	9	18,176	-	1,958	36,178	-	-	-	(93,583)	(43)	1,079,063	Modoc	
Mono	2,025,063	-	(8,669)	(9)	13,343	-	326	187,552	-	-	-	(176,970)	(81)	2,040,554	Mono	
Monterey	20,085,213	-	(30,710)	1,088	488,865	103,764	32,799	1,240,004	-	-	19,565	(1,750,913)	(803)	20,188,871	Monterey	
Napa	7,246,915	-	235,463	376	115,757	40,006	25,238	750,882	-	-	7,441	(672,103)	(308)	7,749,667	Napa	
Nevada	4,888,755	-	(65,925)	324	(65,925)	28,461	-	263,711	-	-	4,690	(412,353)	(189)	4,754,626	Nevada	
Orange	139,256,687	-	586,665	15,904	2,745,091	734,637	476,810	11,504,887	-	-	140,973	(12,406,224)	(5,693)	143,049,737	Orange	
Placer	17,762,900	-	(180,508)	1,455	223,749	90,332	47,648	1,442,645	-	11,476	18,352	(1,549,608)	(711)	17,867,731	Placer	
Plumas	1,425,952	-	-	(50)	32,266	-	3,916	23,207	186,010	-	-	(133,374)	(61)	1,537,866	Plumas	
Riverside	102,701,360	-	(244,395)	8,231	2,455,622	514,099	720,110	13,256,648	-	-	102,279	(9,537,508)	(4,376)	109,972,068	Riverside	
Sacramento	86,273,796	-	(1,726,249)	(20,623)	1,506,489	415,809	163,832	1,647,041	-	443,893	90,466	(7,086,017)	(3,252)	81,705,186	Sacramento	
San Benito	3,595,086	-	-	39	46,372	-	9,138	72,590	338,504	-	-	(324,136)	(149)	3,737,444	San Benito	
San Bernardino	105,772,390	-	(266,871)	5,042	828,496	554,088	1,146,008	3,198,033	-	165,066	107,806	(8,898,778)	(4,083)	102,607,196	San Bernardino	
San Diego	143,391,277	-	156,171	16,143	3,891,099	742,318	424,919	10,356,357	-	-	130,622	(12,697,283)	(5,826)	146,405,795	San Diego	
San Francisco	56,385,942	-	(1,414)	3,612	851,398	280,480	68,862	2,867,977	-	-	45,021	(4,828,199)	(2,216)	55,671,463	San Francisco	
San Joaquin	38,722,539	-	(121,948)	1,994	499,859	194,123	62,334	529,521	-	103,660	39,485	(3,194,618)	(1,466)	36,835,484	San Joaquin	
San Luis Obispo	14,593,910	-	(21,112)	1,568	235,451	74,917	79,142	1,169,255	-	337	14,791	(1,288,671)	(591)	14,858,997	San Luis Obispo	
San Mateo	37,511,018	-	457,303	930	4,381	198,431	56,786	2,433,744	-	-	33,616	(3,247,658)	(1,490)	37,447,061	San Mateo	
Santa Barbara	22,994,435	-	(77,980)	963	297,414	121,916	65,272	1,644,886	-	-	22,524	(2,000,602)	(918)	23,067,910	Santa Barbara	
Santa Clara	81,005,978	-	(50,772)	5,847	1,364,681	400,368	169,706	219,137	-	-	73,409	(6,638,636)	(3,046)	76,546,672	Santa Clara	
Santa Cruz	13,433,636	-	3,744	12	225,492	67,302	26,435	703,863	-	202	13,240	(1,155,055)	(530)	13,318,341	Santa Cruz	
Shasta	12,552,468	-	(11,609)	441	196,604	77,290	81,263	281,517	-	169	12,063	(1,052,611)	(483)	12,137,112	Shasta	
Sierra	750,454	-	-	1	(79,480)	-	8,186	-	-	-	-	-	120,839	800,000	Sierra	
Siskiyou	3,112,441	-	(15,365)	165	11,592	16,379	9,301	114,403	-	1,371	3,056	(259,625)	(119)	2,993,600	Siskiyou	
Solano	23,137,949	-	(204,163)	2,688	516,906	116,378	126,301	2,214,906	-	-	23,319	(2,069,620)	(950)	23,863,714	Solano	
Sonoma	24,492,891	-	(26,792)	2,529	196,181	125,413	74,899	1,732,950	-	-	22,975	(2,124,425)	(975)	24,495,646	Sonoma	
Stanislaus	26,163,208	-	(5,297)	1,410	(61,654)	133,542	123,037	713,028	-	-	25,390	(2,162,823)	(992)	24,938,395	Stanislaus	
Sutter	5,873,005	-	-	222	145,430	29,222	22,519	478,871	-	5,399	6,249	(523,976)	(240)	6,041,700	Sutter	
Tehama	4,718,958	-	(7,491)	136	100,800	23,006	23,824	175,678	-	-	4,412	(402,150)	(185)	4,636,988	Tehama	
Trinity	1,680,238	-	-	82	38,544	-	2,774	9,194	80,064	-	-	(144,514)	(66)	1,666,315	Trinity	
Tulare	23,015,194	-	(29,206)	666	18,668	114,677	96,113	1,736,957	-	12,001	23,527	(1,994,152)	(915)	22,993,529	Tulare	
Tuolumne	3,777,315	-	28,480	100	141,078	19,861	7,397	176,767	-	-	3,473	(331,537)	(152)	3,822,782	Tuolumne	
Ventura	38,188,599	-	(21,323)	3,613	(504,894)	201,238	408,927	1,195,772	-	51,919	38,110	(3,157,142)	(1,449)	36,403,369	Ventura	
Yolo	12,019,349	-	(273,511)	509	60,979	61,382	38,837	420,020	-	53,700	12,526	(989,055)	(454)	11,404,283	Yolo	
Yuba	5,181,407	-	-	112	19,578	25,770	44,711	256,531	-	-	-	(441,157)	(202)	5,086,749	Yuba	
<b>Total</b>	<b>1,960,212,986</b>	<b>-</b>	<b>790,204</b>	<b>157,163</b>	<b>28,936,780</b>	<b>10,000,000</b>	<b>9,223,000</b>	<b>104,343,805</b>	<b>1,004,667</b>	<b>1,896,704</b>	<b>1,896,704</b>	<b>(168,937,000)</b>	<b>0</b>	<b>1,949,525,013</b>		

<sup>1</sup> Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

Court	2020-21 Workload Formula	2020-21 Workload Formula Percentage	Other Allocations and Information							2020-21 Total Allocation and Revenues	Court
			Non-Sheriff Security	Support for New Judgeships Non-Sheriff Security (0.23%)	SJOs (excludes AB 1058)	Funding for COVID-19 Related Case Filing Backlog (One-Time)	Cannabis Conviction Resentencing	Telephonic Appearances	Total Other Allocations and Information		
			Z	AA	AB	AC	AD	AE	AF (Z-AE)		
Alameda	88,487,371	84.0%	3,310,250	7,614	2,233,064	843,707	114,103	-	6,508,737	80,824,675	Alameda
Alpine	430,663	185.8%	-	-	-	-	511	-	511	800,511	Alpine
Amador	3,632,936	92.0%	-	-	124,455	34,639	3,587	5,790	168,471	3,511,356	Amador
Butte	15,006,861	73.6%	486,597	1,119	394,198	147,654	18,769	15,210	1,063,547	12,103,808	Butte
Calaveras	2,912,538	95.0%	-	-	-	27,770	3,950	791	32,512	2,799,113	Calaveras
Colusa	2,220,291	92.0%	-	-	-	21,170	3,802	-	24,972	2,067,997	Colusa
Contra Costa	56,703,690	77.9%	-	-	787,957	540,657	44,483	-	1,373,097	45,535,654	Contra Costa
Del Norte	3,236,555	93.8%	-	-	-	30,860	4,474	-	35,334	3,071,517	Del Norte
El Dorado	9,658,668	78.2%	-	-	25,339	92,093	13,153	24,418	155,003	7,709,330	El Dorado
Fresno	71,160,168	72.9%	-	-	1,192,382	773,415	45,437	75,930	2,087,163	53,935,159	Fresno
Glenn	2,660,525	92.0%	10,186	23	-	25,367	4,541	1,230	41,348	2,489,459	Glenn
Humboldt	9,015,231	75.9%	174,787	402	215,802	85,958	17,452	12,250	506,652	7,347,646	Humboldt
Imperial	10,340,787	88.5%	437,987	1,007	170,987	98,597	22,651	25,465	756,694	9,913,054	Imperial
Inyo	2,153,266	95.0%	194,430	447	46,063	20,531	2,687	1,395	265,553	2,310,848	Inyo
Kern	72,279,366	77.6%	68,297	157	2,067,506	689,167	45,450	38,700	2,909,278	58,962,814	Kern
Kings	10,809,613	78.3%	439,486	1,011	198,908	103,067	9,230	5,935	757,637	9,220,644	Kings
Lake	5,476,122	69.2%	204,675	471	71,511	150,919	7,644	-	435,220	4,226,806	Lake
Lassen	2,217,057	102.2%	306,071	704	8,471	-	3,386	4,241	322,873	2,589,163	Lassen
Los Angeles	769,805,490	69.4%	14,889,678	34,246	19,243,472	20,515,231	919,190	-	55,601,817	589,582,929	Los Angeles
Madera	12,200,823	68.4%	397,287	914	(5,620)	411,810	12,924	-	817,315	9,168,371	Madera
Marin	14,624,434	86.7%	10,026	23	70,847	139,441	7,779	42,540	270,656	12,947,780	Marin
Mariposa	1,627,957	92.0%	-	-	39,047	15,522	3,695	-	58,264	1,556,247	Mariposa
Mendocino	7,471,627	82.5%	311,814	717	-	71,240	15,786	8,520	408,077	6,572,452	Mendocino
Merced	17,518,479	75.1%	-	-	319,300	167,035	12,374	13,095	511,804	13,664,300	Merced
Modoc	1,165,104	92.6%	822	2	-	11,109	1,706	776	14,415	1,093,478	Modoc
Mono	1,848,675	110.4%	25,162	58	26,070	-	1,088	-	52,378	2,092,932	Mono
Monterey	26,713,867	75.6%	906,226	2,084	375,735	254,711	21,818	-	1,560,574	21,749,445	Monterey
Napa	10,159,229	76.3%	307,859	708	187,388	96,866	10,224	14,590	617,634	8,367,302	Napa
Nevada	6,403,491	74.3%	451,479	1,038	374,175	61,056	8,961	-	896,709	5,651,335	Nevada
Orange	192,479,244	74.3%	2,847,608	6,550	3,898,770	1,835,245	216,705	-	8,804,878	151,854,615	Orange
Placer	25,057,579	71.3%	-	-	1,042,679	393,161	17,049	24,920	1,477,809	19,345,540	Placer
Plumas	1,671,301	92.0%	-	-	-	15,935	2,338	2,448	20,721	1,558,587	Plumas
Riverside	139,647,866	78.7%	2,011,947	4,627	3,468,451	1,331,510	111,107	-	6,927,643	116,899,711	Riverside
Sacramento	123,519,200	66.1%	1,942,057	4,467	2,132,653	7,028,784	86,266	43,920	11,238,147	92,943,333	Sacramento
San Benito	4,061,729	92.0%	-	-	-	38,728	4,071	-	42,799	3,780,243	San Benito
San Bernardino	147,195,060	69.7%	3,405,583	7,833	3,703,354	3,579,317	146,333	239,760	11,082,180	113,689,376	San Bernardino
San Diego	178,347,357	82.1%	684,557	1,574	4,251,312	1,700,501	382,170	-	7,020,114	153,425,910	San Diego
San Francisco	61,470,612	90.6%	-	-	492,479	586,108	83,444	17,515	1,179,546	56,851,009	San Francisco
San Joaquin	53,911,727	68.3%	299,729	689	1,083,493	1,875,070	43,878	51,955	3,354,814	40,190,298	San Joaquin
San Luis Obispo	20,195,240	73.6%	251,739	579	466,570	198,539	15,531	18,700	951,658	15,810,656	San Luis Obispo
San Mateo	45,897,449	81.6%	461,490	1,061	1,195,718	437,622	32,499	39,743	2,168,132	39,615,193	San Mateo
Santa Barbara	30,753,903	75.0%	1,099,046	2,528	630,126	293,231	23,323	44,719	2,092,973	25,160,883	Santa Barbara
Santa Clara	100,230,170	76.4%	-	-	816,948	955,672	134,389	-	1,907,009	78,453,681	Santa Clara
Santa Cruz	18,077,614	73.7%	-	-	262,934	176,225	18,191	21,904	479,254	13,797,595	Santa Cruz
Shasta	16,470,092	73.7%	2,743,529	6,310	313,065	160,316	25,217	9,190	3,257,627	15,394,739	Shasta
Sierra	290,048	275.8%	-	-	-	-	1,034	630	1,664	801,664	Sierra
Siskiyou	4,172,970	71.7%	-	-	194,381	58,422	7,470	-	260,273	3,253,873	Siskiyou
Solano	31,838,641	75.0%	453,530	1,043	652,793	303,574	25,835	42,765	1,479,540	25,343,254	Solano
Sonoma	31,369,689	78.1%	458,321	1,054	610,952	299,103	37,363	14,895	1,421,688	25,917,334	Sonoma
Stanislaus	34,666,113	71.9%	9,714	22	577,334	461,232	29,261	46,740	1,124,303	26,062,698	Stanislaus
Sutter	8,532,084	70.8%	257,359	592	-	153,279	3,466	2,795	417,491	6,459,191	Sutter
Tehama	6,024,257	77.0%	-	-	7,491	57,440	12,454	1,340	78,725	4,715,713	Tehama
Trinity	1,810,896	92.0%	536,359	1,234	-	17,266	8,115	400	563,374	2,229,690	Trinity
Tulare	32,123,068	71.6%	16,225	37	573,154	468,661	36,691	12,890	1,107,657	24,101,186	Tulare
Tuolumne	4,741,401	80.6%	229,698	528	32,727	45,208	6,919	6,280	321,360	4,144,143	Tuolumne
Ventura	52,034,179	70.0%	1,624,079	3,735	825,803	1,181,627	22,732	-	3,657,976	40,061,346	Ventura
Yolo	17,102,756	66.7%	607,160	1,396	273,511	869,663	9,364	-	1,761,095	13,165,377	Yolo
Yuba	5,135,790	99.0%	138,089	318	-	48,969	4,930	9,456	201,761	5,288,510	Yuba
<b>Total</b>	<b>2,626,768,921</b>	<b>74.2%</b>	<b>43,010,938</b>	<b>98,925</b>	<b>55,673,753</b>	<b>50,000,000</b>	<b>2,929,000</b>	<b>943,840</b>	<b>152,656,456</b>	<b>2,102,181,469</b>	

<sup>1</sup> Benefits funding reflects actual cost changes as identified by the court and is fiscally neutral.

<b>Trial Court Trust Fund Fund Condition Statement as of May 27, 2020</b>					
	Description	YEAR END FINANCIAL STATEMENTS		ESTIMATED	
		2017-18 (Financial Statements)	2018-19 (Financial Statements)	2019-20	2020-21
#	A	B	C	D	E
1	<b>Beginning Fund Balance</b>	<b>66,659,468</b>	<b>60,478,281</b>	<b>71,630,938</b>	<b>58,103,688</b>
2	Prior-Year Adjustments	(12,185,090)	7,380,390	-	-
3	<b>TOTAL REVENUES AND TRANSFERS</b>	<b>1,303,563,015</b>	<b>1,314,999,921</b>	<b>1,238,761,252</b>	<b>1,056,638,277</b>
4	<i>Total Revenues<sup>1</sup></i>	<i>1,283,589,015</i>	<i>1,295,031,921</i>	<i>1,159,284,252</i>	<i>1,098,323,277</i>
5	<b>Transfers/Charges/Reimbursements</b>				
6	General Fund Loan - Statewide E-Filing	671,000	491,000		(1,162,000)
7	Reduction Offset Transfers	6,080,000	6,080,000	66,080,000	(53,920,000)
8	<i>From State Court Facilities Construction Fund</i>	<i>5,486,000</i>	<i>5,486,000</i>	<i>5,486,000</i>	<i>5,486,000</i>
9	<i>From Immediate and Critical Needs Account - Loan</i>	<i>-</i>	<i>-</i>	<i>60,000,000</i>	<i>(60,000,000)</i>
10	<i>From Trial Court Improvement and Modernization Fund</i>	<i>594,000</i>	<i>594,000</i>	<i>594,000</i>	<i>594,000</i>
11	Net Other Transfers/Charges/Reimbursements	13,397,000	13,397,000	13,397,000	13,397,000
12	<b>Total Resources</b>	<b>1,358,037,393</b>	<b>1,382,858,593</b>	<b>1,310,392,190</b>	<b>1,114,741,965</b>
13	<b>EXPENDITURES/ENCUMBRANCES/ALLOCATIONS</b>				
14	Program 0140010 - Judicial Council (Staff)	2,657,200	3,446,535	3,452,975	3,764,417
15	Program 0150010 - Support for Operation of the Trial Courts	1,831,305,998	1,990,037,604	2,050,886,528	1,930,977,724
16	Program 0150011 - Court-Appointed Dependency Counsel	136,631,250	134,062,223	156,700,000	148,865,000
17	Program 0150019 - Compensation of Superior Court Judges	348,583,021	373,931,033	388,452,000	387,647,000
18	Program 0150028 - Assigned Judges	28,063,247	22,372,129	21,000,000	25,212,000
19	Program 0150037 - Court Interpreters	108,537,000	112,773,052	134,186,000	125,345,000
20	Program 0150075 - Grants	9,554,900	9,003,519	10,329,000	10,086,000
21	Program 0150095 - Expenses on Behalf of the Trial Courts	10,078,398	8,950,559	10,014,999	21,186,152
22	<i>Total Local Assistance</i>	<i>2,462,675,415</i>	<i>2,651,130,120</i>	<i>2,771,568,527</i>	<i>2,649,318,876</i>
23	<i>Pro Rata/State Ops</i>	<i>128,098</i>	<i>176,000</i>	<i>240,000</i>	<i>383,643</i>
24	<i>Supplemental Pension Payments</i>		<i>98,000</i>	<i>76,000</i>	<i>76,000</i>
25	<b>Total Expenditures (includes State Ops and LA)</b>	<b>2,465,332,615.79</b>	<b>2,654,576,654.54</b>	<b>2,775,021,502.00</b>	<b>2,653,083,293.00</b>
26	<i>Less Funding Provided by General Fund:</i>	<i>1,177,981,000</i>	<i>1,343,623,000</i>	<i>1,523,049,000</i>	<i>1,595,713,000</i>
27	<b>Total Expenditures and Expenditure Adjustments</b>	<b>1,297,558,112</b>	<b>1,311,227,655</b>	<b>1,252,288,502</b>	<b>1,057,829,936</b>
28	<b>Ending Fund Balance</b>	<b>60,478,281</b>	<b>71,630,938</b>	<b>58,103,688</b>	<b>56,912,029</b>
29	<b>Restricted Funds</b>				
30	<i>Total Restricted/Reserved Funds</i>	<i>26,663,679</i>	<i>29,701,648</i>	<i>28,599,894</i>	<i>28,448,051</i>
31	<b>Ending Unrestricted Fund Balance</b>	<b>33,814,602</b>	<b>41,929,290</b>	<b>29,503,794</b>	<b>28,463,978</b>

<sup>1</sup> Revenue estimates and "Less Funding Provided by General Fund" reflect the May Revise budget proposal. Revenues include possible impacts of COVID-19.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

(Action Item)

**Title:** Court Interpreter Program (CIP) Funding Shortfall  
**Date:** 6/11/2020  
**Contact:** Catrayel Wood, Senior Analyst, Judicial Council Budget Services  
916-643-7008 | [Catrayel.Wood@jud.ca.gov](mailto:Catrayel.Wood@jud.ca.gov)

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**Issue**

Consideration of the Funding Methodology Subcommittee's (FMS) recommendation to address the \$6.035 million General Fund (GF) reduction proposed in the 2020-21 May Revision and a projected 2020-21 shortfall in the CIP.

**Background**

**FMS Meetings<sup>1</sup>**

On February 20, 2020, the FMS considered a recommendation to address a 2020-21 projected shortfall of \$11.1 million. FMS's recommendation at that time was to use Trial Court Trust Fund (TCTF) fund balance to address the shortfall. Concurrently, the Interpreter Ad Hoc Subcommittee was to continue its work in conjunction with the Judicial Council Budget Services and Business Management Services offices to develop a methodology that addresses anticipated, ongoing funding shortfalls in the TCTF CIP and to review existing methodologies for a planned implementation date of July 1, 2021. The current process for providing CIP funding to courts is through a reimbursement based on actual expenditures.

This recommendation was scheduled to go to the Trial Court Budget Advisory Committee (TCBAC) in March 2020; however, that meeting was rescheduled to June 11, 2020 as a result of the COVID-19 pandemic.

At its June 2, 2020 meeting, the FMS revisited and amended its recommendation from the February meeting to take into consideration the \$6.035 million GF reduction proposed in the 2020-21 May Revision and the growing shortfall in the CIP program.

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<sup>1</sup> CIP Funding Shortfall and 2020-21 May Revision Reduction report to FMS (June 2, 2020), <https://www.courts.ca.gov/documents/tcbac-20200602-materials.pdf>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**2020-21 May Revision**

To address a projected \$54.3 billion budget gap due to the COVID-19 pandemic and subsequent recession, the 2020-21 May Revision reflects substantial budget reductions throughout state government, including the judicial branch. In addition to the withdrawal of a number of judicial branch funding proposals that were initially included in the 2020-21 Governor’s Budget released in January, there are reductions proposed for all branch entities.

The May Revision includes a reduction of \$6.035 million GF for the CIP program, which reflects a five percent reduction. In addition, the May Revision includes \$9.008 million ongoing GF in 2020-21 for increased costs for court interpreters. This is an increase of \$1.032 million ongoing GF from the January budget due to updated court interpreter costs. The May Revision also includes \$315,690 one-time GF to purchase equipment for the newly established Video Remote Interpreting (VRI) Program.

**Expenditure Projections and Appropriation Impact**

The expenditure information provided is as of March 9, 2020, and incorporates an estimated \$1.026 million increase in 2020-21 and an estimated \$1.553 million increase in 2021-22 in response to recently ratified agreements:

PROJECTED EXPENDITURES AS OF MARCH 9, 2020					
Expenditure Categories		2018-19 Actuals	2019-20 Estimated	2020-21 Estimated	2021-22 Estimated
		A	B	C	D
1	Mandated	116,664,867	123,045,757	130,375,708	138,303,082
2	Domestic Violence	1,370,252	1,305,795	1,271,695	1,255,768
3	Civil <i>(expansion at 94% of rollout)</i>	4,837,202	4,923,559	5,011,920	5,102,338
4	Estimated Wage & Benefits Increases*	-	707,580	3,069,248	3,735,358
5	Court Interpreter Data Collection System	87,000	87,000	87,000	87,000
<b>Total Projected Expenditures</b>		<b>122,959,321</b>	<b>130,069,691</b>	<b>139,815,571</b>	<b>148,483,546</b>

\* 2018-19 estimated wage and benefit increases included in Mandated, Domestic Violence, and Civil. The estimated 2020-21 and 2021-22 figures reflect ratified agreements for region four (three percent in 2020-21, and then two percent in 2021-22). Projections do not include any potential service impacts as a result of COVID-19.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

The projected program balance reflects the impact of the 2020-21 May Revision to the CIP appropriation. The 2020-21 estimated program balance reflects a shortfall of \$17.433 million, which increases to \$23.165 million in fiscal year 2021-22:

PROJECTED PROGRAM BALANCE AS OF MAY 26, 2020					
Description		2018-19	2019-20	2020-21	2021-22
		Actuals	Estimated	Estimated	Estimated
		E	F	G	H
6	Beginning Program Balance <i>(prior year carry over)</i>	4,376,981	(6,178,738)	(2,062,429)	-
7	Appropriation **	108,960,000	120,686,000	124,445,000	125,319,000
8	Appropriation Adjustment	3,443,602	13,500,000	-	-
9	Projected Expenditures	(122,959,321)	(130,069,691)	(139,815,571)	(148,483,546)
10	Surplus / (Deficit)	(10,555,719)	4,116,309	(15,370,571)	(23,164,546)
<b>Ending CIP Program Balance</b>		<b>(6,178,738)</b>	<b>(2,062,429)</b>	<b>(17,433,000)</b>	<b>(23,164,546)</b>

\*\* 2020-21 includes \$257,000 remainder of new judgeship funding from 2019-20.  
2020-21 and 2021-22 assumes enactment of ongoing funding and the reduction proposed in the 2020-21 May Revision and estimated benefit costs increases; excludes VRI and Language Access Program funding.

**Recommendation**

The FMS recommends that TCBAC consider the following:

- a) Defer actions to reduce the CIP reimbursement to trial courts until the TCBAC's August meeting to allow the Interpreter Ad Hoc Subcommittee additional time to develop an allocation reduction methodology that addresses the shortfall for 2020-21 and 2021-22 for consideration by the Judicial Council at its September 24-25, 2020 business meeting; and
- b) Inform courts that reductions are imminent due to the state's economic downturn and that courts should prepare for a reduction in funding after the first quarter of 2020-21.

**Attachments**

- Attachment 6A:** Priority in Providing Court Interpreter Services to Parties  
**Attachment 6B:** TCTF Fund Condition Statement



## PRIORITY IN PROVIDING COURT INTERPRETER SERVICES TO PARTIES

### MANDATORY PROVISION OF INTERPRETER SERVICES

- CRIMINAL
- TRAFFIC
- JUVENILE DELINQUENCY OR DEPENDENCY
- MENTAL COMPETENCY HEARINGS WITH APPOINTED COUNSEL
- OTHER MANDATED CIVIL

Until sufficient funds are appropriated, provide interpreters in all other case types in the following priority order:

#### PRIORITY 1

Protective order in family law case with domestic violence claim, elder or dependent adult case involving physical abuse or neglect, or civil harassment case under CCP § 527.6(w)

*Fee waiver does not have preference.*

#### PRIORITY 2

Unlawful detainer

*Fee waiver does not have preference.*

#### PRIORITY 3

Action to terminate parental rights

*Fee waiver has preference.*

#### PRIORITY 4

Conservatorship or guardianship

*Fee waiver has preference.*

#### PRIORITY 5

Actions by a parent to obtain sole legal or physical custody of child or visitation

*Fee waiver has preference.*

#### PRIORITY 6

Elder/dependent adult abuse not involving physical abuse or neglect or other civil harassment under CCP § 527.6

*Fee waiver has preference.*

#### PRIORITY 7

All other family law (not involving domestic violence/custody/visitation)

*Fee waiver has preference.*

#### PRIORITY 8

All other civil cases

*Fee waiver has preference.*

CCP = Code of Civil Procedure

<b>Trial Court Trust Fund Fund Condition Statement as of May 27, 2020</b>					
	Description	YEAR END FINANCIAL STATEMENTS		ESTIMATED	
		2017-18 (Financial Statements)	2018-19 (Financial Statements)	2019-20	2020-21
#	A	B	C	D	E
1	<b>Beginning Fund Balance</b>	<b>66,659,468</b>	<b>60,478,281</b>	<b>71,630,938</b>	<b>58,103,688</b>
2	Prior-Year Adjustments	(12,185,090)	7,380,390	-	-
3	<b>TOTAL REVENUES AND TRANSFERS</b>	<b>1,303,563,015</b>	<b>1,314,999,921</b>	<b>1,238,761,252</b>	<b>1,056,638,277</b>
4	<i>Total Revenues<sup>1</sup></i>	<i>1,283,589,015</i>	<i>1,295,031,921</i>	<i>1,159,284,252</i>	<i>1,098,323,277</i>
5	<b>Transfers/Charges/Reimbursements</b>				
6	General Fund Loan - Statewide E-Filing	671,000	491,000		(1,162,000)
7	Reduction Offset Transfers	6,080,000	6,080,000	66,080,000	(53,920,000)
8	<i>From State Court Facilities Construction Fund</i>	<i>5,486,000</i>	<i>5,486,000</i>	<i>5,486,000</i>	<i>5,486,000</i>
9	<i>From Immediate and Critical Needs Account - Loan</i>	-	-	<i>60,000,000</i>	<i>(60,000,000)</i>
10	<i>From Trial Court Improvement and Modernization Fund</i>	<i>594,000</i>	<i>594,000</i>	<i>594,000</i>	<i>594,000</i>
11	Net Other Transfers/Charges/Reimbursements	13,397,000	13,397,000	13,397,000	13,397,000
12	<b>Total Resources</b>	<b>1,358,037,393</b>	<b>1,382,858,593</b>	<b>1,310,392,190</b>	<b>1,114,741,965</b>
13	<b>EXPENDITURES/ENCUMBRANCES/ALLOCATIONS</b>				
14	Program 0140010 - Judicial Council (Staff)	2,657,200	3,446,535	3,452,975	3,764,417
15	Program 0150010 - Support for Operation of the Trial Courts	1,831,305,998	1,990,037,604	2,050,886,528	1,930,977,724
16	Program 0150011 - Court-Appointed Dependency Counsel	136,631,250	134,062,223	156,700,000	148,865,000
17	Program 0150019 - Compensation of Superior Court Judges	348,583,021	373,931,033	388,452,000	387,647,000
18	Program 0150028 - Assigned Judges	28,063,247	22,372,129	21,000,000	25,212,000
19	Program 0150037 - Court Interpreters	108,537,000	112,773,052	134,186,000	125,345,000
20	Program 0150075 - Grants	9,554,900	9,003,519	10,329,000	10,086,000
21	Program 0150095 - Expenses on Behalf of the Trial Courts	10,078,398	8,950,559	10,014,999	21,186,152
22	<i>Total Local Assistance</i>	<i>2,462,675,415</i>	<i>2,651,130,120</i>	<i>2,771,568,527</i>	<i>2,649,318,876</i>
23	<i>Pro Rata/State Ops</i>	<i>128,098</i>	<i>176,000</i>	<i>240,000</i>	<i>383,643</i>
24	<i>Supplemental Pension Payments</i>		<i>98,000</i>	<i>76,000</i>	<i>76,000</i>
25	<b>Total Expenditures (includes State Ops and LA)</b>	<b>2,465,332,615.79</b>	<b>2,654,576,654.54</b>	<b>2,775,021,502.00</b>	<b>2,653,083,293.00</b>
26	<i>Less Funding Provided by General Fund:</i>	<i>1,177,981,000</i>	<i>1,343,623,000</i>	<i>1,523,049,000</i>	<i>1,595,713,000</i>
27	<b>Total Expenditures and Expenditure Adjustments</b>	<b>1,297,558,112</b>	<b>1,311,227,655</b>	<b>1,252,288,502</b>	<b>1,057,829,936</b>
28	<b>Ending Fund Balance</b>	<b>60,478,281</b>	<b>71,630,938</b>	<b>58,103,688</b>	<b>56,912,029</b>
29	<b>Restricted Funds</b>				
30	<i>Total Restricted/Reserved Funds</i>	<i>26,663,679</i>	<i>29,701,648</i>	<i>28,599,894</i>	<i>28,448,051</i>
31	<b>Ending Unrestricted Fund Balance</b>	<b>33,814,602</b>	<b>41,929,290</b>	<b>29,503,794</b>	<b>28,463,978</b>

<sup>1</sup> Revenue estimates and "Less Funding Provided by General Fund" reflect the May Revise budget proposal. Revenues include possible impacts of COVID-19.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**(Action Item)**

**Title:** Children’s Waiting Room (CWR) Distribution and Fund Balance Policy  
**Date:** 6/11/2020  
**Contact:** Catrayel Wood, Senior Analyst, Judicial Council Budget Services  
916-643-7008 | [catrayel.wood@jud.ca.gov](mailto:catrayel.wood@jud.ca.gov)

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**Issue**

Consideration of Fiscal Planning Subcommittee (FPS) recommendations from its May 22, 2020 meeting to streamline the CWR Distribution and Fund Balance Policy and review process, and eliminate the requirement for annual reporting by courts that have Judicial Council approved adjustments to their CWR fund balance caps.

**Background**

**Government Code**

Government Code section 70640 authorizes the Judicial Council to provide monthly CWR distributions to each court where a CWR has been established or where the court has elected to establish such a service. CWR distributions for individual courts are made from the respective court’s first paper civil filing fee collections, which would otherwise support all courts’ Trial Court Trust Fund (TCTF) base allocations. The distribution to a court must be no less than \$2 and no more than \$5 per paid first paper civil filing fee.

**Judicial Council Policy**

The Judicial Council first adopted a policy and procedure on court requests for CWR distributions at its business meeting on June 27, 2014<sup>1</sup>. The council has since adopted various revisions to the policy, including clarification on when distributions may be requested in advance of a CWR planned opening and when distributions will end for temporary or permanent closures. Additionally, effective June 26, 2015<sup>2</sup>, the policy specified a cap on the amount of CWR fund balance that courts can carry forward from one fiscal year to the next, based on the highest annual distribution within the most recent three fiscal years. Courts that have a CWR fund balance in excess of the calculated CWR cap would have their allocation reduced by the amount above the cap in the subsequent fiscal year.

At its business meeting on March 24, 2017<sup>3</sup>, the council approved a revision to the policy to extend the review and adjustment of CWR fund balances from an annual to a biennial schedule and require annual reporting for courts that retain excess funding for multiyear contracts.

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<sup>1</sup> Judicial Council meeting report (June 27, 2014), <https://www.courts.ca.gov/documents/jc-20140627-itemK.pdf>

<sup>2</sup> Judicial Council meeting report (June 26, 2015), <https://www.courts.ca.gov/documents/jc-20150626-itemH.pdf>

<sup>3</sup> Judicial Council meeting report (March 24, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5005745&GUID=C29E79A9-B372-46C1-9EFF-10AA6B8E627C>; Judicial Council meeting minutes (March 24, 2017), <https://jcc.legistar.com/View.ashx?M=M&ID=512287&GUID=36F65B81-0E08-4742-BB85-AEDC68B7ED15>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**Trial Court Budget Advisory Committee (TCBAC)**

At its meeting on November 21, 2019, the TCBAC approved recommendations including CWR policy refinements that updated the timing of when CWR fund balance cap reductions will occur, removal of language that is no longer relevant, other technical revisions to clarify language in the policy, and the timeline for submissions. These recommendations were approved by the Judicial Council at its business meeting on January 17, 2020.

During committee discussion it was remarked that substantial effort goes into implementing the CWR policy, which includes 18 of 58 courts participating and a total fund balance of \$3.418 million as of June 30, 2019. While it was recognized that the current level of analysis reflected a time when CWR funds required greater scrutiny due to some courts receiving funds and not opening CWRs, it was expressed that this is no longer the case and it would be beneficial to consider further changes to the policy that would result in a process that reflects the scope of the program today.

**CWR Policy Review**

Judicial Council Budget Services staff has identified options to further simplify the CWR process including:

- A. Have recommendations on each court's CWR request originate from the FPS instead of TCBAC.
  - i. As subcommittee to the TCBAC, the FPS reviews Funds Held on Behalf of Trial Courts (FHOB)<sup>4</sup> requests and makes recommendations directly to the Judicial Council as a consent item. The FPS also reviews CWR policy changes, requests, biennial and annual reports, and makes recommendations to the TCBAC.
  - ii. Recommendations for CWR distribution requests that go directly from the FPS to the council would provide relief to the current process, further simplifying it. CWR policy change recommendations heard by the FPS would still go to the TCBAC for recommendation to the council for consideration.
- B. Remove language specifying that "for courts that have Judicial Council approved adjustments to their CWR caps, annual reporting will be required 60 days after the end of each fiscal year using a template provided by JC Budget Services staff."
  - i. Action taken adding annual reporting for courts that retain excess funding for multi-year contracts was made in concert with amending the review and adjustments of CWR fund balances from annual to biennial. Annual reporting was adopted to ensure excess funds are being used appropriately, or changes to operations or expenditures are reported.

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<sup>4</sup> Judicial Council meeting report (January 17, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=7976129&GUID=D738CEC9-79AE-4ED7-BE07-A7A507BAEBB9>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
**Report to the Trial Court Budget Advisory Committee**

- ii. Courts requesting a cap adjustment during the biennial review provide justification and substantiate their need with detailed financial information including:
  - Three years of historical CWR revenue, expenditures, and fund balance;
  - Three years projected CWR revenue, expenditures, and fund balance; and
  - Detailed expenditure plan for three subsequent fiscal years.
- iii. Those courts that receive a cap adjustment must then submit subsequent annual reports updating the financial information provided in their cap adjustment request, which are provided to the TCBAC as an informational item.
- iv. Annual reporting of excess funds for multi-year contracts impacts only four of the participating CWR courts. Removing this administrative requirement would alleviate annual reporting requirements for trial courts, a process that has proven thus far to produce zero action.
- v. Budget Services staff recommends removing the annual reporting requirement because courts provide detailed information that demonstrates the need for a cap adjustment, which is currently considered through the TCBAC to the Judicial Council. Cap adjustments are relatively small in relation to a court's overall operating budget (e.g., for one court it represents .003% of its operating budget), and there has not been proven justification for continuing to monitor courts with a cap adjustment more often than those without one.

**Recommendations**

The following FPS recommendations are submitted to TCBAC for approval to be considered by the Judicial Council at its business meeting on July 23-24, 2020:

1. Recommendations to the council on each court's CWR request come directly from the FPS;
2. Remove the requirement for annual reporting by courts that receive a CWR cap adjustment; and
3. Direct Judicial Council Budget Services staff to revise forms that meet policy requirements based on action taken by the Judicial Council when considering the TCBAC recommendations.

**Attachments**

**Attachment 7A:** Current CWR Distribution and Fund Balance Policy

**Attachment 7B:** Amended CWR Distribution and Fund Balance Policy

## Current Children's Waiting Room (CWR) Distribution and Fund Balance Policy

1 A court's presiding judge or executive officer must submit a request to the director of  
 2 Judicial Council (JC) Budget Services office 70 business days prior to the date of the  
 3 council meeting at which the court is requesting consideration.

### 4 A. Applying for a New CWR Distribution

- 5 • The request must include the following information:
  - 6 ○ Date of the council meeting at which the court is requesting consideration.
  - 7 ○ Requested effective date of the distribution (July 1 or January 1). If a court  
 8 wants to begin receiving distributions more than one year in advance of the  
 9 planned opening date of a CWR, the request should include an explanation of  
 10 the extenuating circumstance(s).
  - 11 ○ The scheduled opening date of the CWR(s).
  - 12 ○ Description of the CWR(s).
  - 13 ○ The date when the court intends to make expenditures related to  
 14 operating its CWR(s).
  - 15 ○ The requested distribution amount between \$2 and \$5. Courts can request JC  
 16 Budget Services to provide an estimate of annual distributions.
- 17 • The Trial Court Budget Advisory Committee (TCBAC) will make a  
 18 recommendation to the council on each court's request.
- 19 • If the council approves that distributions begin prior to the operating of a CWR but  
 20 the court does not operate a CWR six months after their planned opening date, the  
 21 court must apply for a continued distribution.

### 22 B. Requesting a Decreased CWR Distribution Amount

- 23 • Any court's request to decrease its existing CWR distribution must be approved by  
 24 the Judicial Council and the request can be implemented by JC Budget Services  
 25 staff, effective either January 1 or July 1.

### 26 C. Temporarily or Permanently Ceasing CWR Operations

- 27 • Courts that cease operating all CWRs must notify the director of JC Budget Services  
 28 within 60 days of the cessation date. Unless a court provides notification and applies  
 29 to continue receiving distributions while not operating a CWR within 60 days of the  
 30 cessation date, the court's CWR distributions will be stopped either January 1 or July  
 31 1, whichever is earlier, and the court will be required to return any CWR fund  
 32 balance to the Trial Court Trust Fund (TCTF).
- 33 • For courts that are required to return all of their remaining CWR fund balance to the  
 34 TCTF, the return of the CWR fund balance will occur on the February trial court  
 35 distribution for those courts that the CWR distribution stopped on January 1, and on  
 36 the August distribution for those courts that the CWR distributions stopped on July  
 37 1. Courts may also request return of any remaining CWR fund balance at any time.
- 38 • If there is a dispute between a court and JC Budget Services staff over the amount of  
 39 CWR fund balance to be returned to the TCTF, the dispute will be brought before the  
 40 TCBAC and the Judicial Council if the two parties cannot come to a resolution  
 41  
 42

## Current Children's Waiting Room (CWR) Distribution and Fund Balance Policy

- 43 within 90 days of the cessation date.
- 44 • An application for a continued distribution must include all the information
- 45 required of courts applying for a new distribution (see section A above) as well as
- 46 the amount of any CWR fund balance.
- 47 • The TCBAC will make a recommendation to the Judicial Council on each
- 48 court's application.
- 49 • For courts that apply and whose application is denied by the Judicial Council, any
- 50 CWR fund balance shall be returned to the TCTF.

51

### D. Cap on CWR Fund Balance

- 52
- 53 • Courts shall monitor the CWR distribution amount per filing to ensure it is
- 54 adequate to meet the CWR needs of the court without accumulating an amount in
- 55 excess of the cap described below.
- 56 • Effective July 1, 2015, there shall be a cap on the amount of CWR fund balance that
- 57 courts can carry forward from one fiscal year to the next. The cap shall be the
- 58 amount of the highest annual distribution within the three most recent fiscal years.
- 59 • Courts that have a CWR fund balance greater than the cap (as described above) at the
- 60 end of fiscal years ending with an odd number will be required to return the amount
- 61 above the cap to the TCTF in the subsequent fiscal year.
- 62 • If a court wants to seek a cap adjustment, it must submit a request explaining the
- 63 extenuating circumstance(s) and include its CWR expenditure plan to the director
- 64 of JC Budget Services for consideration by the TCBAC and the Judicial Council.
- 65 The request must be received by the director of JC Budget Services within 60 days
- 66 of the end of the fiscal year for which the adjustment is being requested.
- 67 • For courts that are required to return the portion of their CWR fund balance above the
- 68 cap to the TCTF, the return of the CWR fund balance will occur on the October trial
- 69 court distribution, unless the court has a request for a cap adjustment pending Judicial
- 70 Council consideration.
- 71 • Courts that have submitted a request for a cap adjustment will have action taken on
- 72 their fund balance in the next scheduled distribution following Judicial Council
- 73 consideration of the cap adjustment request.
- 74 • If there is a dispute between a court and JC Budget Services staff over the amount
- 75 of CWR fund balance to be returned to the TCTF, the dispute will be brought
- 76 before the TCBAC and the Judicial Council if the two parties cannot come to a
- 77 resolution within 90 days of the cessation date.
- 78 • The cap applies only to courts that have received at least 12 months of distributions
- 79 in a fiscal year while operating a CWR.
- 80 • JC Budget Services staff will report any return of CWR fund balance through the
- 81 trial court distribution process to the TCBAC and the Judicial Council.
- 82 • For courts that have Judicial Council–approved adjustments to their CWR caps,
- 83 annual reporting will be required 60 days after the end of each fiscal year using a
- 84 template provided by JC Budget Services staff.

## Proposed Children's Waiting Room (CWR) Distribution and Fund Balance Policy

1 A court's presiding judge or executive officer must submit a request to the director of  
 2 Judicial Council (JC) Budget Services office 70 business days prior to the date of the  
 3 council meeting at which the court is requesting consideration.

### 4 A. Applying for a New CWR Distribution

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 14 operating its CWR(s).
  - 15 ○ The requested distribution amount between \$2 and \$5. Courts can request JC  
 16 Budget Services to provide an estimate of annual distributions.
- 17 • The Fiscal Planning Subcommittee (FPS) ~~Trial Court Budget Advisory Committee~~  
 18 ~~(TCBAC)~~ will make a recommendation to the council on each court's request.
- 19 • If the council approves that distributions begin prior to the operating of a CWR but  
 20 the court does not operate a CWR six months after their planned opening date, the  
 21 court must apply for a continued distribution.

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 24 the Judicial Council and the request can be implemented by JC Budget Services  
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 29 to continue receiving distributions while not operating a CWR within 60 days of the  
 30 cessation date, the court's CWR distributions will be stopped either January 1 or July  
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 40 TCBAC and the Judicial Council if the two parties cannot come to a resolution  
 41 within 90 days of the cessation date.



## Proposed Children's Waiting Room (CWR) Distribution and Fund Balance Policy

- 44 • An application for a continued distribution must include all the information
- 45 required of courts applying for a new distribution (see section A above) as well as
- 46 the amount of any CWR fund balance.
- 47 • The ~~FPS TCBAC~~ will make a recommendation to the Judicial Council on
- 48 each court's application.
- 49 • For courts that apply and whose application is denied by the Judicial Council, any
- 50 CWR fund balance shall be returned to the TCTF.

51

### 52 D. Cap on CWR Fund Balance

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- 54 adequate to meet the CWR needs of the court without accumulating an amount in
- 55 excess of the cap described below.
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- 57 courts can carry forward from one fiscal year to the next. The cap shall be the
- 58 amount of the highest annual distribution within the three most recent fiscal years.
- 59 • Courts that have a CWR fund balance greater than the cap (as described above) at the
- 60 end of fiscal years ending with an odd number will be required to return the amount
- 61 above the cap to the TCTF in the subsequent fiscal year.
- 62 • If a court wants to seek a cap adjustment, it must submit a request explaining the
- 63 extenuating circumstance(s) and include its CWR expenditure plan to the director
- 64 of JC Budget Services for consideration by the ~~FPS TCBAC~~ and the Judicial
- 65 Council. The request must be received by the director of JC Budget Services
- 66 within 60 days of the end of the fiscal year for which the adjustment is being
- 67 requested.
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- 69 cap to the TCTF, the return of the CWR fund balance will occur on the October trial
- 70 court distribution, unless the court has a request for a cap adjustment pending Judicial
- 71 Council consideration.
- 72 • Courts that have submitted a request for a cap adjustment will have action taken on
- 73 their fund balance in the next scheduled distribution following Judicial Council
- 74 consideration of the cap adjustment request.
- 75 • If there is a dispute between a court and JC Budget Services staff over the amount
- 76 of CWR fund balance to be returned to the TCTF, the dispute will be brought
- 77 before the TCBAC and the Judicial Council if the two parties cannot come to a
- 78 resolution within 90 days of the cessation date.
- 79 • The cap applies only to courts that have received at least 12 months of distributions
- 80 in a fiscal year while operating a CWR.
- 81 • JC Budget Services staff will report any return of CWR fund balance through the
- 82 trial court distribution process to the ~~FPS TCBAC~~ and the Judicial Council.
- 83 • ~~For courts that have Judicial Council approved adjustments to their CWR caps,~~
- 84 ~~annual reporting will be required 60 days after the end of each fiscal year using a~~
- 85 ~~template provided by JC Budget Services staff.~~

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

(Action Item)

**Title:** Minimum Operating and Emergency Reserve Policy  
**Date:** 5/12/2020  
**Contact:** Brandy Olivera, Manager, Budget Services  
415-865-71985 | [brandy.sanborn@jud.ca.gov](mailto:brandy.sanborn@jud.ca.gov)

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**Issue**

The Judicial Council's suspension on the minimum operating and emergency fund balance policy expires as of June 30, 2020.

**Background**

On August 31, 2012, the council suspended the minimum operating and emergency fund balance policy through June 30, 2014, which required courts to maintain a fund balance or reserve that was approximately 3 to 5 percent of their prior year general fund expenditures (Attachment 8A).

The council's action was taken in the context of two statutory changes. First, Government Code section 68502.5 required, starting in 2012-13, the establishment of the 2 percent reserve in the Trial Court Trust Fund (TCTF). Each court contributed towards the reserve from its base allocation for operations. Second, Government Code section 77203 imposed, effective June 30, 2014, a 1 percent cap on fund balance that courts can carry forward from one fiscal year to the next. In recognition of the efforts to either eliminate or increase the 1 percent cap, and in an effort to avoid further operational reductions, the council suspended, instead of eliminated, the minimum operating and fund balance policy.<sup>1</sup>

On October 28, 2014, the council extended the suspension on the minimum operating and emergency fund balance policy for two more fiscal years until June 30, 2016. The council requested that the minimum operating and emergency fund balance policy be in addition to the 1 percent reserve cap while in the interim seeking the repeal of Government Code section 77203.<sup>2</sup>

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<sup>1</sup> Judicial Council meeting report (August 31, 2012), <https://www.courts.ca.gov/documents/jc-20120831-itemN.pdf>, Judicial Council meeting minutes (August 31, 2012), <https://www.courts.ca.gov/documents/jc-20120831-minutes.pdf>

<sup>2</sup> Judicial Council meeting report (October 28, 2014), <https://www.courts.ca.gov/documents/jc-20141028-itemM.pdf>, Judicial Council meeting minutes (October 28, 2014), <https://www.courts.ca.gov/documents/jc-20141028-minutes.pdf>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

At its April 15, 2016 business meeting, the Judicial Council adopted a process, criteria, and application form for courts to request funds be retained in the TCTF as restricted fund balance for the benefit of those courts. The process is intended only for expenditures that cannot be funded by a court's annual budget or three-year encumbrance term and that require multi-year savings to implement. These requests are reviewed by the Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee with recommendations made to the Judicial Council.<sup>3</sup>

Effective July 1, 2016, the 2 percent reserve requirement in the TCTF which each court contributed from its base allocation for operations was replaced with a new reserve policy for trial courts by providing \$10 million General Fund one-time as a reserve in the TCTF. In response to requirements set out in Government Code section 68502.5(c)(2)(B), the Judicial Branch Budget Committee recommended, and the Judicial Council approved, the \$10 Million State-Level Reserve Process for requesting emergency funding on October 28, 2016.<sup>4</sup> Funds used from the reserve are replenished annually out of base allocations to all trial courts. The 1 percent fund balances that courts can carry forward from one fiscal year to the next is still in place.

On January 19, 2017, the council extended the suspension on the minimum operating and emergency fund balance policy again for two more fiscal years until June 30, 2018—or earlier if Government Code section 77203 is repealed or amended—while in the interim the council would continue to seek repeal of Government Code section 77203.<sup>5</sup>

Finally, on May 24, 2018, the council again approved an extension on the suspension of the minimum operating and emergency fund balance policy for two more fiscal years until June 30, 2020—or earlier if Government Code section 77203 is repealed or amended—while in the interim the council would continue to seek repeal of Government Code section 77203.<sup>6</sup>

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<sup>3</sup> Judicial Council meeting report (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4378277&GUID=57D6B686-EA95-497E-9A07-226CA724ADCB>, Judicial Council meeting minutes (April 15, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463457&GUID=194A3350-D97F-452B-ACF4-1EBE6C105CCA>

<sup>4</sup> Judicial Council meeting report (October 28, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4730556&GUID=B27BB5A7-B14B-44E8-A809-9F6FA97F6536>, Judicial Council meeting minutes (October 28, 2016), <https://jcc.legistar.com/View.ashx?M=M&ID=463482&GUID=71780E2D-3758-4213-B3A5-7100073AB7CF>

<sup>5</sup> Judicial Council meeting report (January 19, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=4885769&GUID=7E02378F-E7AC-407D-BDD2-DA81B5FEB9E8>, Judicial Council meeting minutes (January 19, 2017), <https://jcc.legistar.com/View.ashx?M=M&ID=523723&GUID=AAC05972-68BD-4B48-B46C-240B851E3CEF>

<sup>6</sup> Judicial Council meeting report (May 24, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6246424&GUID=FD9DAD84-DD7D-448D-8C94-085FFC2FFBBF>, Judicial Council meeting minutes (May 24, 2018), <https://jcc.legistar.com/View.ashx?M=M&ID=559783&GUID=1C4B0F75-3F17-4F8A-9712-034640BB460C>

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Trial Court Budget Advisory Committee

**Advocacy Efforts and Fund Balance Cap Change**

Recent efforts by the Judicial Council and the trial courts to amend Government Code section 77203 and increase the amount of the 1 percent cap have been supported by the Department of Finance and the Legislature. Commencing June 30, 2014, and concluding June 30, 2019, a trial court could carry over unexpended funds in an amount not to exceed 1 percent of the court's operating budget from the prior fiscal year. In 2019, Government Code section 77203 was amended so that a trial court may carry over unexpended funds in an amount not to exceed 3 percent of the court's operating budget from the prior fiscal year commencing June 30, 2020.

Advocacy efforts for further changes to Government Code section 77203 to increase the newly established 3 percent cap to support trial court operations remain a discussion item with the Administration.

**Recommendation**

Extend the suspension of the minimum operating and emergency fund balance policy for two fiscal years until June 30, 2022—or earlier if Government Code section 77203 is amended.

**Attachments**

Attachment 8A: Fund Balance Policy

# FUND BALANCE POLICY

## BACKGROUND

In the Supplemental Report of the 2006 Budget Act, the Legislature specified that the Judicial Council report on court reserves and provide its policy governing trial court reserves. On October 20, 2006 and revised on April 23, 2009, the Judicial Council approved a fund balance policy for trial courts. Financial accounting and reporting standards and guidelines have been established by the Financial Accounting Standards Board (FASB) and the Governmental Accounting Standards Board (GASB). The Trial Court Financial Policy and Procedures Manual, in compliance with these standards and guidelines, specifies that the trial courts are responsible for the employment of “sound business, financial and accounting practices” to conduct their operations.

In addition, Government Code section 77203 specifies that the Judicial Council has the authority to authorize trial courts to carry over unexpended funds from one year to the next. Consistent with this provision, this policy provides courts with specific directions for identifying fund balance resources necessary to address statutory and contractual obligations on an accurate and consistent basis as well as maintaining a minimum level of operating and emergency funds. In addition, this policy provides the necessary structure to ensure funds are available to maintain service levels for various situations that confront the trial courts including a late state budget.

GASB Statement 54, *Fund Balance Reporting and Governmental Fund Type Definitions*, is effective for financial statements for periods beginning after June 15, 2010, and will impact year-end closing statements for the fiscal year 2010–2011.

## PURPOSE

Governmental agencies/entities report the difference between their assets and obligations as fund balance. Under GASB Statement 54, fund balances for governmental funds must be reported in classifications that comprise a hierarchy. The statement distinguishes between nonspendable and other amounts that are classified based on the relative strength of the constraints that control the purposes for which specific amounts can be spent. Under GASB 54, the number of classifications has been expanded from 2 to 5.

The purpose of this policy is to establish uniform standards, consistent with GASB 54, for the reporting of fund balance by trial courts and to maintain accountability over the public resources used to finance trial court operations.

## POLICY

As publicly funded entities, and in accordance with good public policy, trial courts must ensure that the funds allocated and received from the state and other sources are used efficiently and accounted for properly and consistently. The trial courts shall account for and report fund balance in accordance with established standards, utilizing approved classifications. Additionally, a fund balance can never be negative.

## **Fund Balance Classifications**

Beginning with the most binding constraints, fund balance amounts must be reported in the following classifications:

- Nonspendable Fund Balance
- Restricted Fund Balance
- Committed Fund Balance
- Assigned Fund Balance
- Unassigned Fund Balance (General Fund only)

When allocating fund balance to the classifications and categories, allocations must follow the following prioritization:

1. Nonspendable Fund Balance
2. Restricted Fund Balance
3. Contractual commitments to be paid in the next fiscal year
4. The minimum calculated operating and emergency fund balance
5. Other Judicial Council mandates to be paid in the next fiscal year
6. Contractual commitments to be paid in subsequent fiscal years
7. Assigned Fund Balance designations
8. Unassigned Fund Balance

If there is insufficient fund balance to cover any or all of the first five priorities, the shortfall should be explained in detail in attached footnotes. Also, there are additional reporting requirements when the amount allocated to the operating and emergency category is below the minimum required.

### **Nonspendable Fund Balance**

Nonspendable Fund Balance includes amounts that cannot be spent because they are either (a) not in spendable form (not expected to be converted to cash) or (b) legally or contractually required to be maintained intact. Examples include:

- Inventories
- Prepaid amounts Long-Term Loans and Notes Receivable
- Principal of a permanent (e.g., endowment) fund

This represents the 'newest' classification in comparison to the descriptions used before the creation of GASB 54. To some extent, the remaining 4 classifications are somewhat mirrored in the prior definitions.

### **Restricted Fund Balance**

Restricted Fund Balance includes amounts constrained for a specific purpose by external parties, constitutional provision or enabling legislation.

- Externally imposed  
Imposed externally by grantors, creditors, contributors, or laws or regulations of other governments ( i.e., monies received by a grantor that can only be used for that purpose defined by the grant).
- Imposed by Law (Statutory)  
A restricted fund balance that consists of unspent, received revenues whose use is statutorily restricted (e.g., children’s waiting room and dispute resolution program funding).

### Committed Fund Balance

Committed Fund Balance includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action of the Judicial Council. These committed amounts cannot be used for any other purpose unless the Judicial Council removes or changes the specified use by taking the same type of action it employed to previously commit those amounts.

Committed Fund Balance must also include contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements. While the requirement to include contractual commitments is a policy decision of the Judicial Council, the type, number and execution of contracts is within the express authority of presiding judges or their designee.

### [The following struckthrough language is suspended until June 30, 2020]

~~The Judicial Council has authorized a stabilization arrangement (Operating and Emergency fund category) to be set aside for use in emergency situations or when revenue shortages or budgetary imbalances might exist. The amount is subject to controls that dictate the circumstances under which the court would spend any of the minimum operating and emergency fund balance.~~

~~Each court must maintain a minimum operating and emergency fund balance at all times during a fiscal year as determined by the following calculation based upon the prior fiscal year’s ending total unrestricted general fund expenditures (excluding special revenue, debt service, permanent, proprietary, and fiduciary funds), less any material one time expenditures (e.g., large one time contracts):~~

~~——— Annual General Fund Expenditures  
——— 5 percent of the first \$10,000,000  
——— 4 percent of the next \$40,000,000  
——— 3 percent of expenditures over \$50,000,000~~

~~If a court determines that it is unable to maintain the minimum operating and emergency fund balance level as identified above, the court must immediately notify the Administrative Director of the Courts, or designee, in writing and provide a plan with a specific timeframe to correct the situation.~~

### Assigned Fund Balance

This is a fund balance that is constrained by the Presiding Judge, or designee, with the intent that it be used for specific purposes or designations that are neither unspendable, restricted nor committed.

Constraints imposed on the use of assigned amounts are more easily removed or modified than those imposed on amounts that are classified as committed. Assigned amounts are based on estimates and explanations of the methodology used to compute or determine the designated amount must be provided.

Assigned fund balances include:

- All remaining amounts that are reported in governmental funds, other than general fund, that are not classified as nonspendable and are neither restricted nor committed and
- Amounts in the general fund that are intended to be used for a specific purpose in accordance with the provision identified by the Presiding Judge, or designee.

Courts will identify assigned fund balances according to the following categories:

1. **One-time facility – Tenant improvements** Examples include carpet and fixture replacements.
2. **One-time facility – Other Examples** include amounts paid by the Judicial Council on behalf of the court.
3. **Statewide Administrative Infrastructure Initiatives.** Statewide assessment in support of technology initiatives (e.g., California Case Management System and Phoenix) will be identified in this designation.
4. **Local Infrastructure (Technology and non-technology needs)** Examples include interim case management systems and non-security equipment.
5. **One-time employee compensation (Leave obligation, retirement, etc.)** Amounts included in this category are exclusive of employee compensation amounts already included in the court's operating budget and not in a designated fund balance category.
  - a. One-time leave payments at separation from employment. If amounts are not already accounted for in a court's operating budget, estimated one-time payouts for vacation or annual leave to employees planning to separate from employment within the next fiscal year should be in this designated fund balance sub-category. This amount could be computed as the average amount paid out with separations or other leave payments during the last three years. Any anticipated non-normal or unusually high payout for an individual or individuals should be added to at the average amount calculated.

In a footnote, the court should note the amount of its employees' currently earned leave balance that is more than the established designated fund balance. The amount would be determined by multiplying the hours of earned vacation or annual leave on the payroll records for each employee times his or her current salary rate minus the designated fund balance established.



- b. Unfunded pension obligation. If documented by an actuarial report, the amount of unfunded pension obligation should be included as a designated fund balance. Employer retirement plan contributions for the current fiscal year must be accounted for in the court's operating budget.

In a footnote, the court should note the amount of the current unfunded pension obligation that is in excess of the established designated fund balance.

- c. Unfunded retiree health care obligation. If documented by an actuarial report, the amount of unfunded retiree health care obligation should be included as a designated fund balance.

The current year's unfunded retiree health care obligation contains: (i) the current year Annual Required Contribution (ARC) based on a 30-year amortization of retiree health costs as of last fiscal year-end **and** (ii) the prior year retiree health care obligation **less** (iii) the retiree health care employer contributions and any transfers made to an irrevocable trust set up for this purpose. The current year's unfunded retiree health care obligation is to be added to the prior year's obligation.

Note: The ARC amounts are located in each court's actuarial report, which is entitled "Postretirement Benefit Valuation Report".

In a footnote, the court should note the amount of the cumulative unfunded retiree health care obligation that is in excess of the established designated fund balance.

- d. Workers compensation (if managed locally). The amount estimated to be paid out in the next fiscal year.
  - e. Use of reserve funds for liquidation of outstanding leave balances for employees in a layoff situation, consistent with the requirements of GASB 45; other examples would include reserving funds for the implementation of "enhanced retirement" or "golden handshake" programs in the interest of eliminating salaries at the "high end" or "top step", and thereby generating salary savings or rehires at the low end of a pay scale for position(s), but realizing one-time costs in the interest of longer term savings for the court.
6. **Professional and consultant services.** Examples include human resources, information technology, and other consultants.
  7. **Security.** Examples include security equipment,-and pending increases for security service contracts.
  8. **Bridge Funding.** A court may choose to identify specific short or intermediate term funding amounts needed to address future needs that are otherwise not reportable, nor fit the criteria, in either restricted nor committed classifications, that it believes are necessary to

identify through specific designations. These designations must be listed with a description in sufficient detail to determine their purpose and requirements.

9. **Miscellaneous (required to provide detail).** Any other planned commitments that are not appropriately included in one of the above designated fund balance sub-categories should be listed here with a description in sufficient detail to determine its purpose and requirements.

**Unassigned Fund Balance – for General Fund Use Only**

Unassigned Fund Balance is the residual classification for the general fund. This classification represents fund balance that has not been assigned to other fund balance and that has not been restricted, committed, or assigned to specific purposes within the general fund.

The general fund is the only fund that shall report a positive unassigned fund balance amount.

## **Workload Formula Adjustment Request Procedures (Version 3, Updated March 21, 2019)**

### **Submission, review, and approval**

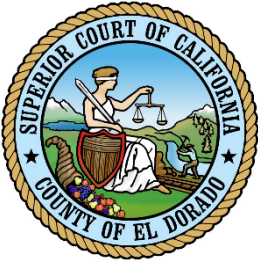
The submission, review, and approval process is under the direction of the Judicial Council and is as follows:

1. Initial requests shall be submitted to the Administrative Director either by the trial court's Presiding Judge or Executive Officer no later than January 15 of each year.
2. The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director, in consultation with the Chair of the Trial Court Budget Advisory Committee (TCBAC) shall review each request and refer the request to the Funding Methodology Subcommittee (FMS) no later than April. If the request is more appropriately referred to another advisory committee, the Chair may do so immediately. The Chair will notify TCBAC no later than April of requests that have been referred to other advisory bodies.
3. FMS shall review the referral from TCBAC and prioritize the request into the proposed annual work plan to be submitted back to TCBAC no later than July.
4. Once prioritized, requests will be evaluated by FMS. The review of Workload Formula Adjustment Requests is a three-step process:
  - a. Initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to the Workload Formula;
  - b. Evaluation of whether and how the modification should occur; and
  - c. Evaluation of whether—for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS)—an interim adjustment should be made to a trial court's Workload Formula pending a more formal adjustment to the RAS model.
5. FMS shall review any requests and present its recommendation(s) to TCBAC no later than January prior to the year proposed for implementation.
6. TCBAC shall make final recommendations to the Judicial Council for consideration no later than April. Requested adjustments that are approved by the Judicial Council shall be included in the allocation based on the timing included in the recommendation. TCBAC will make no further recommendations for changes to the Workload Formula impacting the next fiscal year.
7. Upon approval by the Judicial Council of an adjustment to the Workload Formula, the Director, in consultation with TCBAC, shall notify all trial courts. In some circumstances, the nature of the adjustment will automatically apply to all courts.
8. This policy does not preclude FMS from taking expedited action per the direction of TCBAC.

### **Trial court adjustment requests**

Trial courts requesting an adjustment in accordance with the Workload Formula Adjustment Request Procedures shall be required to submit detailed information documenting the need for such adjustment as follows:

1. A description of how the factor is not currently accounted for in the Workload Formula;
2. Identification and description of the basis for which the adjustment is requested;
3. A detailed analysis of why the adjustment is necessary;
4. A description of whether the unaccounted-for factor is unique to the applicant court(s) or has broader applications;
5. A detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by the Workload Formula;
6. A description of the consequence to the public and access to justice without the funding;
7. A description of the consequences to the requesting court(s) of not receiving the funding; and
8. Any additional information requested by Judicial Council Budget Services, FMS, and/or TCBAC deemed necessary to fully evaluate the request.



## SUPERIOR COURT OF CALIFORNIA COUNTY OF EL DORADO

2850 Fairlane Court Suite 110  
Placerville, California 95667

The Superior Court of California, County of El Dorado respectfully submits the following WAFM Adjustment Request as the required resources to operate multiple location courts – specifically small courts with multiple locations – is not factored into the WAFM model at this time.

### **1. A description of how the factor is not currently accounted for in WAFM.**

Courts with multiple locations, especially small courts, are not considered in the model for funding distribution. WAFM allocations follow filing trends, failing to take into consideration the minimum staffing level and resources required in each location simply to maintain an acceptable level of continuity of operations at each location. Multiple locations results in duplicative staffing and increased expenses that would not otherwise be incurred for a single-site court.

This Court is requesting that WAFM be modified to take into consideration the additional resources required to keep small, multi-location courts operating at the expected standard and level of efficiency required by the Judicial Branch, and its own mission statement.

### **2. Identification and description of the basis for which the adjustment is requested.**

Our Court is spread out over 5 locations and 80 miles, with one courthouse located in South Lake Tahoe. Travel is often impacted in the winter and spring due to unpredictable weather and mountain conditions. The budget is insufficient to allow full time public access to justice due to the increased consumption of resources necessary to operate multiple court locations.

### **3. A detailed analysis of why the adjustment is necessary.**

Due to WAFM underfunding in prior years, this Court has been reliant on court fees to help fund operational expenses. The significant decline in court fees collected has made the need for a WAFM adjustment even more critical. If our Court was in one centralized location, we would be able to fund sufficient staffing levels, due to substantial reductions in duplicative operational costs and staffing requirements. However, since we have multiple locations, we have had to fund greater operational costs, and stretch staffing over those locations.

WAFM funding adjusts pursuant to filing trends, recalculating the court's share on an annual basis. Consideration of multiple locations as a factor in determining "baseline resources," i.e. complement of staffing, necessary for court locations to remain able to serve the public at a standard level of operating should be part of the determining factor in WAFM allocations. Each Court location require minimum staffing levels beyond just clerical; administrative and support

positions are also be required. For example, our South Lake Tahoe branch is so far removed from other court locations, it requires its own operations manager, a minimum of administrative staff and court reporters, its own lead clerk, as well as clerical staff, simply to maintain operations.

Each location is at its minimum staffing level to function, with reduced public access. We are constantly moving staff – court reporters, clerks, IT staff – between locations to cover for absences due to illness, vacation, training, etc. These transfers raise an issue of liability and actual cost of unproductive driving time, which could be 15 minutes to an hour and a half, depending on locations. Orchestrating these scheduling moves takes a lot of administrative time as well as the aforementioned non-productive driving time, a resource that would be better spent if we had adequate funding to provide adequate staffing levels.

Each location requires duplicate services, such as IT support and equipment; court reporters; interpreters; operational equipment, often with contracts (copiers, postage meters, security equipment); increased vendor expenses due to the South Lake Tahoe location; and, services that would otherwise not be needed at all, such as a courier.

**4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.**

This issue is not unique to our court; in fact all small courts with multiple locations are at a disadvantage with the current model. Small fluctuations in funding to small courts have a direct impact on access to justice for residents in those courts’ counties. This Court has had fewer filings and therefore we receive a smaller allocation than larger courts, but are still required to maintain full time operations in 5 locations.

**5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.**

Duplicative expenses are required to maintain 5 court locations. El Dorado Court has had to reduce staffing well below WAFM need to fund operations:

<b>Fiscal Year</b>	<b>WAFM Need</b>	<b>Actual Filled FTE Q4</b>
FY 16/17	82	75.30
FY 17/18	76	71.00
FY18/19	74	69.80 (as of 12/31/18)

Due to its distant location, our South Lake Tahoe court requires 1 Court Operations Manager (\$117,031 average annual salary & benefits per FTE), 1 Child Custody Recommending Counselor (\$130,114), and 1 Lead Clerk (\$91,020), as well as sufficient clerks to provide basic services and support. The total cost for these 3 duplicative positions at one location alone is \$338,165.

Examples of duplicative operational expenses at each location are:

<b>Description</b>	<b>Average/ location</b>	<b># of locations</b>	<b>Annual expense</b>
Janitorial	\$17,000.00	5	\$ 85,000.00
Postage Meter Lease	1,500.00	4	6,000.00
Copiers	2,500.00	5	12,500.00
Security Equip. Registration	512.00	5	2,560.00
Security Equip. Maintenance (for years not reimbursed by JCC – between replacements)	3,000.00	5	15,000.00
Sonitrol Building Security	3,840.00	5	19,200.00
Shredding services	750.00	5	3,750.00
Data Circuits for interconnecting court facilities	7609.00	4	30,437.00
Servers for each location (avg. every 5 years, <i>annual</i> average/amount stated here)	1,080.00	3	3,240.00
Annual remote server support contract	600.00	3	1,800.00
<b>TOTAL</b>	<b>\$38,391.00</b>		<b>\$179,397.00</b>

Contract court reporter and interpreter expenses are increased for multiple locations. Time could be more efficiently used in a single location, instead of hiring for multiple locations, and not being able to fully utilize the contractor for the entire day or half day.

Other annual operational costs would not be needed at all, such as:

<b>Description</b>	<b>Annual Cost</b>
Courier between courts	\$21,250.00
Fedex between SLT & West Slope	1,000.00
Travel Expense between courts	4,000.00
<b>TOTAL</b>	<b>\$26,250.00</b>

A centralized location is able to operate at a significantly reduced cost.

## **6. Description of the consequence to the public and access to justice without the funding.**

El Dorado has closed its clerk’s offices at 3 pm to the public; the phones turn off at 1 pm. Due to inadequate staffing levels, we have been forced to close non-priority divisions (civil, family law) from time to time to keep our mandated dockets covered (criminal and juvenile). Predicting when these one-day or temporary closures will occur is impossible, as it depends on unknown and uncontrollable events such as illness or accident caused vacancies. Not only is access to justice denied, the public is further inconvenienced by not knowing they cannot conduct their business until they arrive to a closed door. We recently had to shut down our mandated small claims night court program, resulting in even longer waits for litigants to get their day in court.

## **7. Description of the consequences to the requesting court(s) of not receiving the funding.**

As our facilities must remain operational, without an increase in funding the Court's only recourse is to further reduce staffing, to utilize salary savings to meet operational expenses. This has a direct negative impact on access to justice. The goal and our mission statement has always been to improve services and increase access to justice for the public. Instead we are holding vacant FTE positions to utilize salary savings for operating costs.

- Shutdown of mandated programs, such as small claims night court
- Even longer wait times to get a court date
- Continued long wait for Court Recommended Counseling appointments
- Continued reduction in accessibility at all courthouse locations to court clerks (currently close at 3 pm each day, may need even shorter days)
- Continued reduction in accessibility to telephonic assistance (phones shut off at 1 pm)
- Inability to implement sustain some mandated services such as juvenile mediation services
- Increased occasional court or division closures
- Longer wait times for customer service, due to decreased staffing levels and open hours
- Difficulty maintaining certain grant related programs due to inability to fund matching requirements

## **8. Any additional information requested by the JCC Budget Services, Funding Methodology Subcommittee, and/or TCBCAC deemed necessary to fully evaluate the request.**



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF CONTRA COSTA  
725 Court Street  
Martinez, CA 94553-1201



SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
400 McAllister Street, Room 205  
San Francisco, CA 94102-4512

KATE BIEKER  
COURT EXECUTIVE OFFICER

T. MICHAEL YUEN  
COURT EXECUTIVE OFFICER

January 13, 2020

Mr. Martin Hoshino  
Administrative Director  
Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102

*Re: Workload Formula Adjustment Request*

Dear Mr. Hoshino:

The Superior Courts of California, Counties of Contra Costa and San Francisco submit the attached workload formula adjustment request, which seeks to account for misdemeanor jury trial workload that is currently unaccounted for both the resources allocation study and the workload formula. The courts respectfully request the Judicial Council and the Trial Court Budget Advisory Committee give due consideration to this request.

Sincerely,

A handwritten signature in blue ink, appearing to be "Kate Bieker".

Kate Bieker  
Court Executive Officer  
Contra Costa Superior Court

A handwritten signature in blue ink, appearing to be "T. Michael Yuen".

T. Michael Yuen  
Court Executive Officer  
San Francisco Superior Court

cc: Trial Court Budget Advisory Committee

# Proposal to Adjust RAS/Workload Formula Methodology to Provide Adequate Funding for Misdemeanor Jury Trial Workload Unidentified by Either Model

Proposed Jointly by the Contra Costa Superior Court and the San Francisco Superior Court

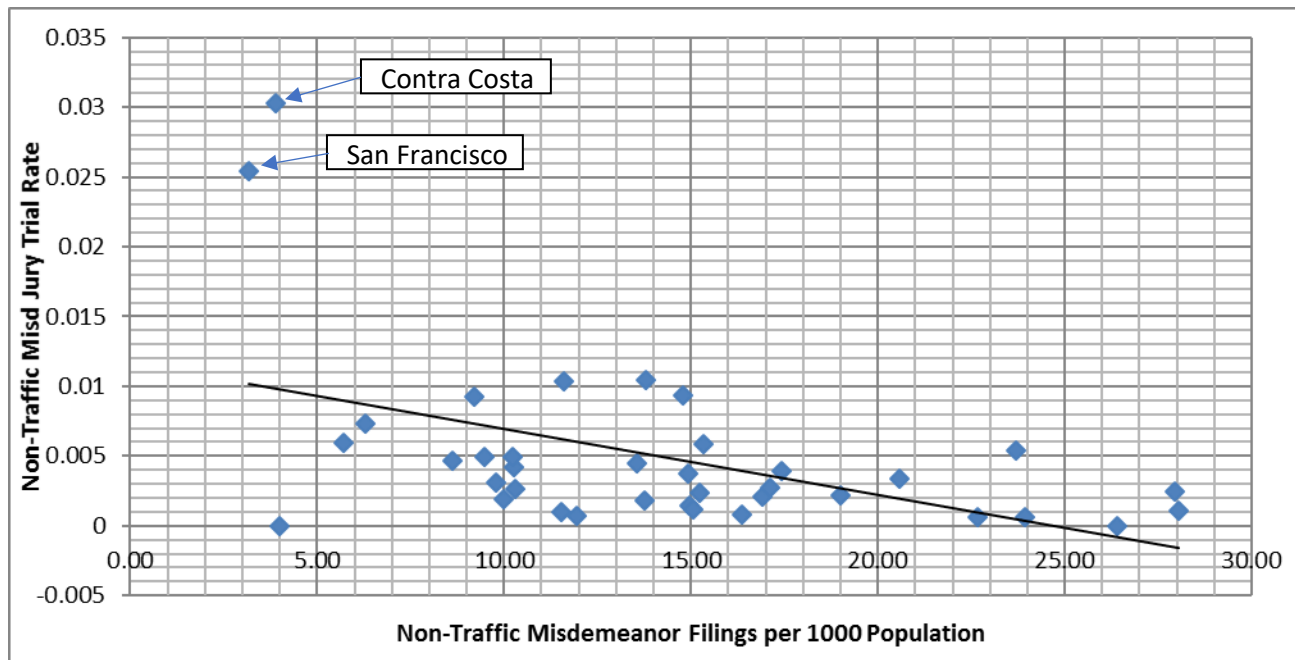
## 1. Description of How the Factor Is Not Currently Accounted for in the Workload Formula

RAS and the workload formula are based upon the premise that workload increases in direct proportion to the number and complexity of filings. However, this assumption fails to account for a unique dynamic in the criminal courts wherein an increase in workload actually correlates with a *decrease* in new case filings.

JBSIS data show that jury trials, which are not a variable in either RAS or the workload formula, adversely impact the filing rate of misdemeanors while contributing heavily to workload. Indeed, jury trials are among the heaviest of all workload events. Yet, as jury trial workload increases, the rate of misdemeanor case filings (and thus the workload formula need) is driven downward.

A comparison of misdemeanor jury trial-to-filing ratios<sup>1</sup> with misdemeanor filings per capita (i.e. filings per 1,000 county population) indicates a statistically strong inverse relationship between these variables. This is illustrated by the clustering of courts around the trend lines in the graphs below.

**CHART 1. County Non-Traffic Misdemeanor Jury Trial Rates by Population-Adjusted Non-Traffic Misdemeanor Case Filings: FY 2017-18**

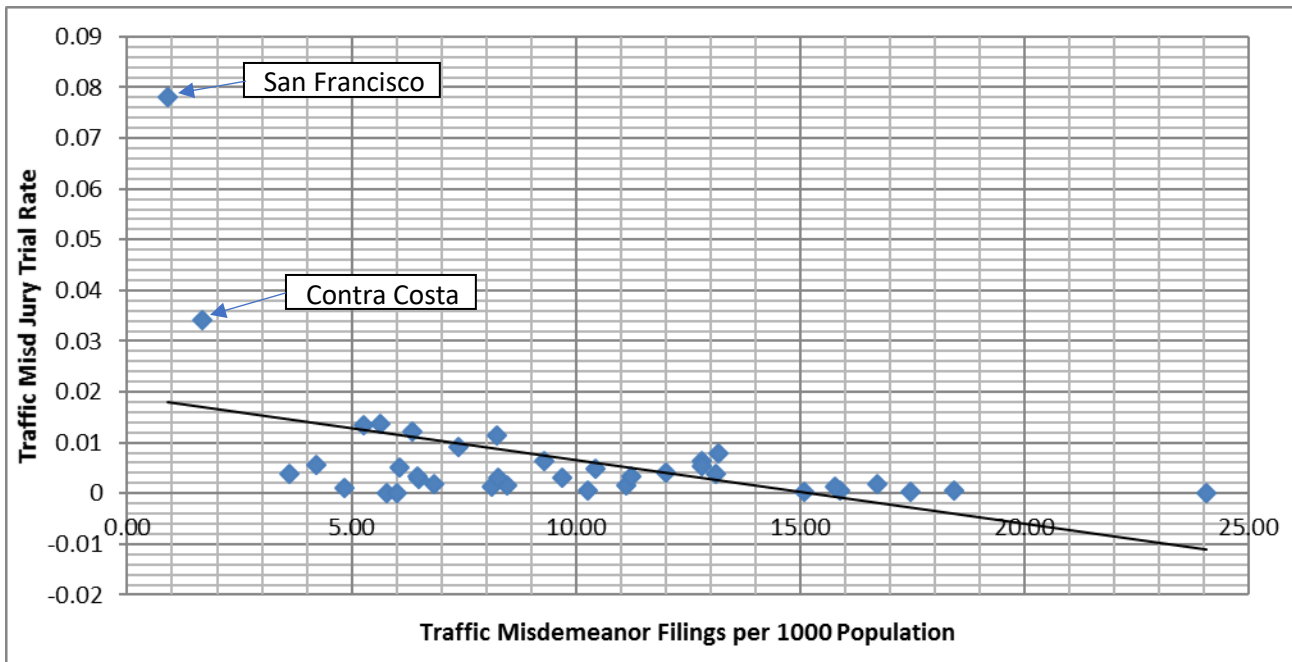


Notes: Jury trial rate calculated as ratio of non-traffic misdemeanor jury trial dispositions to non-traffic misdemeanor filings. Cluster 1 courts excluded from chart due to small sample sizes. Additionally, five courts (Napa, Orange, Placer, Sacramento, and San Bernardino) reported incomplete jury trial data for FY 2017-18 and are also excluded. (Pearson correlation =  $-.504$ , Sig. =  $.002$ )

Sources: FY 2017-18 JBSIS and U.S. Census data.

<sup>1</sup> Misdemeanor jury trial disposition rates (jury trial dispositions divided by total dispositions) also show a statistically significant inverse relationship to population-adjusted filings. However, total dispositions are not as consistently reported by the courts, introducing a level of uncertainty, so the jury trials-to-filings ratio is used in these analyses instead.

**CHART 2. County Traffic Misdemeanor Jury Trial Rates by Population-Adjusted Traffic Misdemeanor Case Filings: FY 2017-18**



Notes: Jury trial rate calculated as ratio of traffic misdemeanor jury trial dispositions to traffic misdemeanor filings. Cluster 1 courts excluded from chart due to small sample sizes. Additionally, five courts (Napa, Orange, Placer, Sacramento, and San Bernardino) reported incomplete jury trial data for FY 2017-18 and are also excluded. (Pearson correlation = -.459, Sig. = .005)

Sources: FY 2017-18 JBSIS and U.S. Census data.

Finite resources of justice partners necessitate limits on the total amount of case processing work they can perform. If jury trial workload increases the average minutes per case filing, DAs may be forced to limit the number of cases they can file. Consequently, the workload burden of an increase in jury trials goes uncaptured, doubly so because the workload burden actually **depresses** the driver by which the models assess need (i.e. filings). Moreover, less complex misdemeanors (i.e. those requiring fewer minutes per case to process) are more likely to be assigned a lower priority or diverted to community courts by DAs facing this situation, thus increasing the average case weight of the remaining misdemeanors in that jurisdiction even further. As a result, **the workload formula significantly underestimates the additional workload burden** created by higher misdemeanor jury trial rates.

## 2. Identification and Description of the Basis for Which Adjustment Is Requested

The right to a misdemeanor jury trial in California is guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution; Article 1, sections 16 and 24 of the California Constitution; and various California statutory provisions. The courts are obligated to provide a venue for these trials. The workload formula significantly underestimates the additional workload burden posed by a higher rate of misdemeanor trials because the additional workload strongly correlates with fewer filings, the driver of workload assessment and budget allocation under both RAS and the workload formula. Based upon its RAS III time study data, **San Francisco estimates that it spends more than \$5.5M annually** to address this short-fall. Adjustments to the models will ensure adequate funding to meet these constitutional mandates.

### 3. Analysis of Adjustment Necessity

No other funding is available for this statutorily-mandated work. The courts must provide jury trials to criminal defendants who request them. In order to meet the unfunded workload imposed by above-average jury trial rates, courts are presently forced to drain resources from other divisions and programs to meet the need. Contra Costa has two entire courthouses designated to handling misdemeanor matters. These two locations require 8-9 Judges to perform the trials and other related items. To provide the necessary staffing for these courtrooms, Contra Costa has only 9 staff members in the two clerk's offices and a courtroom clerk for each courtroom.

### 4. Unique or Broad Application

Any court experiencing above-average misdemeanor jury trial activity would be able to report this through JBSIS and receive RAS/Workload Formula credit for this workload. The methodologies set forth in this proposal can be applied to all courts cluster 2 and above that have supplied basic JBSIS data to the JCC.

### 5. Detailed Description of Staffing Needs and or Costs Required to Support the Unaccounted for Factor (\*Employee compensation must be based on workload formula compensation levels, not the requesting court's actual cost.)

Various methods of assessing the impact of the elevated misdemeanor jury trial rate in San Francisco indicate that it depresses the number of misdemeanor filings by the workload equivalent of **30-35 FTEs**.<sup>2</sup> In Contra Costa County, the impact is in the range of **32-45 FTEs** of workload uncaptured by the model because increased jury trial workload has driven down filings in this amount.

Two distinct methodologies for assessing this unfunded workload are explained below.

#### Method 1: Regression-Adjusted Filings

Because of the strong correlation between misdemeanor jury trial rates and population-adjusted misdemeanor case filings, it is possible to construct an equation through linear regression that describes the relationship between these values. This equation can be used to predict the number of misdemeanor filings a court would have received had its misdemeanor jury trial rate mirrored the state average. The difference between this prediction and filings at a court's actual jury trial rate allows for the calculation of unfunded workload need.

As arrest rates correlate strongly with filing rates, population-adjusted arrests were also entered into the regression equations to control for their effects. The resulting equations that describe the relationship between these variables produce a model that accounts for up to 56 percent of the variability in misdemeanor filing rates observed between the courts, a high degree of explanatory power for just two independent variables.<sup>3</sup>

#### **Non-Traffic Misdemeanor Equation:**

$$(\text{Predicted filings per 1000 population}) = 0.428 \times (\text{Arrests per 1000 pop}) - 270.006 \times (\text{Jury Trial Rate}) + 4.827$$

#### **Traffic Misdemeanor Equation:**

$$(\text{Predicted filings per 1000 population}) = 0.115 \times (\text{Arrests per 1000 pop}) - 142.141 \times (\text{Jury Trial Rate}) + 7.659$$

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<sup>2</sup> RAS III Time Study data from 2016 indicate that San Francisco expended nearly 25 FTEs more that year on misdemeanor case processing than the average court would have spent on an identical number of filings.

<sup>3</sup> The R-squared value for the non-traffic misdemeanor regression is .562; for traffic misdemeanors it is .252. All variables entered into the regressions were statistically significant. Durbin-Watson is 1.693 for nontraffic and 2.305 for traffic, indicating low autocorrelation.

The difference in predicted filings at the state average jury trial rate and a county's actual jury trial rate represents the unfunded workload impact of increased jury trial activity.

Assuming that the regression adjustment is only applied where a county has a below-average misdemeanor filing rate and an above-average misdemeanor jury trial rate<sup>4</sup> (so as not to penalize counties that have devised efficiencies enabling them to process more trials without impacting filings), the two most significant outliers on Charts 1 and 2 (Contra Costa and San Francisco), see their program 10 staffing needs increase by 45.94 FTEs and 35.42 FTEs, respectively. Other notable increases include Los Angeles (10.95), San Diego (7.24), Alameda (6.02), Stanislaus (5.33), Monterey (4.24), Ventura (4.09), and Solano (3.60).

#### Method 2: Jury Trial Weighting

Similar to the way in which weights are calculated for various case types under RAS, a separate "event" weight can easily be developed for misdemeanor jury trials. Because jury trials are part of the existing misdemeanor case weights, the development of a jury trial weight also necessitates backing out the jury trial minutes from the existing case weights for non-traffic and traffic misdemeanors.

Staff time consumed by jury trials extends beyond the court room, so it is necessary to identify the impact of jury trials on all staff. It is also necessary to determine an average trial length to place into the calculation.

Since jury trials occupy an entire department for the duration of the trial, a convenient measure for the number of staff impacted is the average staff per judge (calculated as the total number of RAS III program 10 FTEs divided by the Assessed Judicial Need). Statewide for the FY 2017-18 budget year, this value equals 7.26 FTEs.

Based upon an average trial time of three days per misdemeanor trial,<sup>5</sup> 450 minutes per day, and 7.26 FTEs per department, an event weight of 9,801 minutes is derived. Multiplying this value by each county's three-year average number of misdemeanor jury trials reported through JBSIS and backing the total out of the state's non-traffic and traffic misdemeanor case weights,<sup>6</sup> this methodology identifies unfunded workload of 16.94 program 10 FTEs for Contra Costa and 16.59 program 10 FTEs for San Francisco. Other notable increases include San Diego (10.21), Ventura (8.48), Stanislaus (4.25), Riverside (4.24), Santa Cruz (3.65), and Yolo (2.86).

It is important to note, however, that larger counties appear to have longer misdemeanor trial times. For example, San Francisco's average misdemeanor trial lasts 5.7 court days. Entering this value into the weighting yields an increase of 31.52 FTEs, much closer to the value determined by regression (35.42). It is also important to note that the jury trial weighting methodology only calculates the workload value of the increased trial activity itself. Any increase in average misdemeanor case weights experienced in a jurisdiction in which a DA diverts simpler misdemeanors to community courts or does not file them at all is not accounted for by jury trial weighting (whereas it is accounted for in the regression).

## **6. Public Access Consequence**

Without workload formula funding to cover the workload burden of above-average misdemeanor jury trial activity, the courts must divert funding from other under-resourced areas, including service to the public. Availability of window clerks and case-processing times suffer from the funding short-fall. All clerks' offices

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<sup>4</sup> Eighteen counties meet these criteria.

<sup>5</sup> An informal survey of nine counties found an average misdemeanor jury trial time of 2.72 days (3.07 days excluding cluster 1 courts). However, it is unclear whether all counties included jury selection in this time estimate. Also, it was observed that the length of jury trials increased steadily with the size of the court, suggesting the possibility of more complex (or contentious) cases in the larger counties.

<sup>6</sup> The non-traffic misdemeanor case weight reduces to 443.12 minutes per filing, and the traffic misdemeanor case weight declines to 71.80 minutes per filing.

in San Francisco currently close at 2:00 pm each day, and the Public Viewing Room closes at 1:00 pm. All clerk's offices in Contra Costa, with the exception of traffic, close at 3:00 pm.

## **7. Consequences of Not Receiving Funding**

Criminal defendants have a constitutional right to a jury trial, and the courts must provide them. Unfunded workload created by above-average misdemeanor jury trial activity forces affected courts to divert funding from other areas, impacting services overall. A worst case scenario is for a Presiding Judge to be forced to dismiss cases due to lack of timing of due process.

## **8. Additional Information**

Because the workload formula was phased in without consideration of increased jury trial activity driving down the predictor of workload need, it is essential that the workload formula base be recalculated in order to ensure that courts receive appropriate funding for their misdemeanor jury trial workload. Adopting the methodologies described herein without recalculating the workload formula base will only affect the determination of need and the allocation of any new money (if and when appropriated).

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Trial Court Budget Advisory Committee

**(Information Only)**

**Title:** Workload Formula Adjustment Request Process (ARP) - Los Angeles and San Diego Request to Weight Mental Health Certification Workload

**Date:** 6/4/2020

**Contact:** Kristin Greenaway, Supervising Analyst  
Office of Court Research, Business Management Services  
415-865-7832 | kristin.greenaway@jud.ca.gov

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**Introduction**

The Superior Courts of Los Angeles and San Diego submitted an ARP on December 14, 2018, seeking to include the workload from certification hearings performed under Welfare and Institutions Code section 5250 in the Resource Assessment Study (RAS) and Workload Formula models. The purpose of this update is to inform the Trial Court Budget Advisory Committee (TCBAC) of the action taken by the Workload Assessment Advisory Committee (WAAC) and to discuss the impact of the action on the Workload Formula.

**Background**

On March 26, 2020, WAAC approved an interim RAS model caseweight to be applied to certification hearings performed under Welfare and Institutions Code section 5250, a subset of Mental Health cases, which are now reported as filings beginning in fiscal year 2018-19. These filings will be used as part of the three-year average computed in the 2020-21 Workload Formula.

The recommendation was circulated to WAAC members as an action by email (see Attachment 3B) following discussion at a public meeting held on March 3, 2020. The interim caseweight will be used until a permanent weight is developed during the next RAS update, scheduled for approximately fiscal year 2021-22.

The action by WAAC was in response to the ARP submitted jointly by the Superior Courts of Los Angeles County and San Diego County seeking to adopt a new caseweight for this workload and to include in the Workload Formula (see Attachment 3C).

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Trial Court Budget Advisory Committee

**Effect on Workload Formula**

The interim weight will be applied to approximately 52,000 filings in the 13 courts that reported this workload (see Attachment 3D).<sup>1</sup> Since some courts reported very few of these filings and the case weight itself is relatively low, only four courts (Alameda, Los Angeles, San Diego, and San Francisco) will actually show an increase in their RAS full-time equivalent and corresponding increase in their Workload Formula. The overall impact to the branch's Workload Formula is an increase of approximately \$5 million or 0.2%.

This policy recommendation would change each court's share of the Workload Formula, with the aforementioned four courts' share increasing and all other courts decreasing slightly. The impact of this policy change on Workload Formula allocations in each court depends on a number of factors, including the amount of available funding for trial courts and Judicial Council policy regarding workload-based allocations.

Other factors include the relative funding levels of those courts that experience Workload Formula increases as a result of this policy change as compared to the statewide average funding level. There are different policy considerations for courts funded above the statewide average and/or above 100% of the Workload Formula and those courts where the funding level is below the statewide average.

In addition, other Workload Formula policies would affect the fiscal impact of this proposal, including the policy to fully fund cluster 1 courts and the methodology used to allocate judgeship funding authorized in 2019-20.

**Next Steps**

This is an informational update only and there is no action required of TCBAC. WAAC will recommend that the Judicial Council approve this recommendation at its July 23-24, 2020 business meeting and, if approved, it will become effective July 1, 2020 for use in 2020-21 allocations.

**Attachments**

Attachment 3B: Interim Caseweight Mental Health: Action by Email, March 19, 2020  
Attachment 3C: December 14, 2018 Adjustment Request from Los Angeles and San Diego Superior Courts  
Attachment 3D: Fiscal Year 2018–19 Welfare and Institutions Code section 5250 Filings

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<sup>1</sup> The total number of courts and filings impacted has changed slightly since it was presented to WAAC in March 2020. The numbers here reflect the most current data available.



JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Workload Assessment Advisory Committee

**(Action Item)**

**Title:** Action by Email: Vote on Proposed Interim Caseweight for Certification Hearings Performed Under Welfare and Institutions Code Sections 5256 et seq

**Date:** 3/19/2020

**Contact:** Kristin Greenaway, Supervising Research Analyst  
415-865-7832 | [kristin.greenaway@jud.ca.gov](mailto:kristin.greenaway@jud.ca.gov)

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**Issue**

On March 3, 2020, the Workload Assessment Advisory Committee (WAAC) discussed a joint adjustment request process (ARP)submittal by the Superior Courts of Los Angeles County and San Diego County, seeking to adopt a new Resource Assessment Study (RAS) model caseweight for, and to include in the Workload Formula, certification hearings performed under Welfare and Institutions Code sections 5256 et seq (*see Attachment 1*). Specifically, the committee gave the following directions to staff:

1. To measure the referenced workload as part of the RAS Model;
2. To develop an interim solution to capture this workload until the next RAS update scheduled in approximately FY 2021-22;
3. To study the workload associated with this filing type and develop a new and separate caseweight in the next RAS update scheduled in approximately FY 2021-22 for the committee's consideration; and
4. To work with the Audit Services team to ensure these filings are being reported correctly by the courts.

This memo addresses the second item, that Judicial Council (JC) staff develop an interim caseweight to capture the workload until the next RAS update scheduled in approximately FY 2021-22. Since there is limited time to complete this work prior to release of the RAS full-time equivalents (FTE) update for 2020-21 budget allocations, the committee is being asked to vote on the interim caseweight as an action by email.

**Background**

The Welfare and Institutions Code requires hearing officers for the purpose of conducting hospital-based hearings under section 5256.1 and other sections. In certain counties, the Superior Court funds the costs of these hearing officers per California Rule of Court 10.810(d), which includes as allowable costs "mental health hearing officer" under Program 10. As stated in the request, the workload involved in these hearings is not currently captured by RAS/ WF and therefore is not currently funded because prior to 2018, certifications hearings under this code

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
**Report to the Workload Assessment Advisory Committee**

were not reported in JBSIS 2.3, which is the version that was effective prior to July 1, 2018. The Judicial Council approved new JBSIS reporting standards, called JBSIS 3.0, that became effective on July 1, 2018.

Under JBSIS 2.3, these matters were reported as hearings, but not under Row 200, which is the reporting row for filings used for measurement of workload. It was captured in row 2700 as Certification Filed under workload but did not count as a filing defined by row 200. However, the workload associated with these matters was more like a new filing. Recognizing this gap, the CEAC JBSIS Subcommittee recommended, and the Judicial Council adopted, changes to JBSIS that allow courts to report certification hearings on Row 200 as new filings. Revisions were made to JBSIS in January 2018 (JBSIS v2.3 was replaced by v3.0) which allowed for reporting of these hearings effective July 1, 2018. Because there are differences across the state in how certification hearings are held, the JBSIS Manual (v3.0) includes a definition for how courts should report this workload:

*A certification filing should only be counted if the certification hearing is handled by a judge, subordinate judicial officer (SJO), mental health hearing officer of the court, or other court- employed personnel. A certification filing should not be counted if the certification hearing is handled by county personnel not employed by the court. [Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS), Report to the Judicial Council of December 18, 2017, p. 52]*

### **Relevant Branch Policies**

The RAS model is a weighted caseload model used to estimate resource need in the trial courts. It measures case complexity through the development of caseweights--the amount of time, in minutes, needed to process a case from filing through disposition, including any post-disposition activity. These weights are applied to filings (workload driver) to estimate each court unique workload. Currently the RAS Model includes caseweights for 22 separate case types.

The RAS model is updated periodically (every 5 years) to capture changes in workload or improved data availability. Updates over the years have included expanded case type categories. The RAS model update was last approved in 2017 by the Judicial Council. The next update will be conducted in approximately 2021-22.

The RAS model policies state that all case processing work is to be included in the estimate of full-time equivalent (FTE) need. If there is dedicated funding for an area of case processing workload (e.g. Court Interpreters), that workload is not included in the calculation of FTE need and incorporated elsewhere in the trial court funding models. Because the workload referenced in the request does not have dedicated funding and the workload, in some courts, is conducted by case processing staff, the workload should be captured in the RAS model.

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Workload Assessment Advisory Committee

Per policy, the committee has also acknowledged the need for interim adjustments that fall outside of the scope of the periodic RAS model updates. Additionally, the model incorporates caseweights that recognize workload that is specific to a court (EDD filings) or to a smaller set of courts (Asbestos filings).

### **Analysis**

Since the inception of the RAS model in FY 2004-05, the filings categories have expanded. As data gathering and data reporting improves and, as more detailed filings data become available, the ability to further refine the RAS model and expand the number of caseweights is considered. Additionally, as noted in the *Policies* section above, interim adjustments to the model may be necessary if important changes impacting workload happen outside the periodic RAS Model updates.

Beginning in FY 2018-19, certification hearings are now reported as a separate filing category in JBSIS and Portal under Report 10A Mental Health. At the time this report was being drafted, courts were still submitting FY 2018-19 filings data to JBSIS. To date, twelve courts have reported approximately 54,000 certification hearing filings have been reported for FY 2018-19. The number of certification hearings filings reported is significantly higher than the number of mental health filings reported. To give an idea of scale, the Superior Court of Los Angeles County reported 10,000 mental health filings in FY 2017-18 but is reporting about 40,000 certification hearings for FY 2018-19.

#### *Interim Caseweight*

The short amount of time available to develop a caseweight prevented staff from conducting a time study or doing onsite data collection. However, the courts who proposed the adjustment provided enough data about the costs to hold the hearings that could be utilized to create an interim weight. To develop an interim caseweight, Judicial Council staff utilized key data points including FY 2017-18 cost information provided by the two courts that submitted the ARP (Los Angeles and San Diego), FY 2018-19 filings data, each courts' FY 2019-20 FTE Workload Formula (WF) cost (using 2015-2018 data)<sup>1</sup>, and the RAS work year value (*see Table 1*). Using these data points, the caseweight was then weighted to the volume of filings reported for each court. The proposed interim caseweight is 48.5 minutes per filing. The fiscal impact of the proposed caseweight is estimated to be approximately \$3.8 million dollars for FY 2020-21.

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<sup>1</sup> The per FTE Workload Formula (WF) cost is each courts' total WF need divided by their total RAS FTE need.

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Workload Assessment Advisory Committee

**Table 1. Data Points**

<b>Court</b>	<b>Cost</b>	<b>Filings</b>	<b>WF Cost per FTE</b>	<b>Minutes</b>
Los Angeles	\$2,700,000	40,789	\$155,460	98,550
San Diego	\$652,040	3,696	\$144,714	
Total		44,485		

*Interim Caseweight Calculation*

Using the data points in Table 1, the proposed caseweight was calculated as follows:

Step 1. Calculate estimated FTE per court

$$\text{Program Cost} / \text{Workload Formula Cost per FTE} = \text{FTE}$$

$$\text{Los Angeles: } \$2,700,000 / 155,460 = \mathbf{17.4 \text{ FTE}}$$

$$\text{San Diego: } \$652,040 / 144,714 = \mathbf{4.5 \text{ FTE}}$$

Step 2. Calculate each courts' caseweight

$$(\text{FTE} * \text{Workyear Value (in minutes)}) / \text{Filings}$$

$$\text{Los Angeles: } 17.4 * 98,550 / 40,789 = \mathbf{42.0}$$

$$\text{San Diego: } 4.5 * 98,550 / 3,696 = \mathbf{120.1}$$

Step 3. Calculate weighted caseweight

$$(\text{Court Filings} / \text{Total Filings}) * \text{Court Caseweight}$$

$$\text{Los Angeles: } (40,789/44,485) * 42.0 = 38.5$$

$$\text{San Diego: } (3,696/44,485) * 120.1 = 10.0$$

$$\text{Weighted Caseweight: } 38.5 + 10.0 = \mathbf{48.5^2}$$

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<sup>2</sup> The caseweight of 48.5 is based only on two courts and may be different when the workload associated with this filing is studied more extensively during the next RAS Model update in approximately FY 2021-22. For FY 2020-21, the interim caseweight will be applied to all courts that submitted data in this new filing category (data submitted for FY 2018-19). However, further work will be done, in consultation with our Audit Services team, to ensure that moving forward the weight is only applied to courts whose workload meets the JBSIS definition.

JUDICIAL COUNCIL OF CALIFORNIA  
Business Management Services  
Report to the Workload Assessment Advisory Committee

**Action by Email**

The action requested of this committee is to vote on the interim weighted caseweight of 48.5 to be applied to all courts that reported certification hearings performed under Welfare and Institutions Code sections 5256 et seq for FY 2018-19, to be applied to 12 courts (see Attachment 2). The voting options are:

- Vote YES for the interim caseweight of 48.5 to be applied to reported certification hearings performed under Welfare and Institutions Code sections 5256 et seq for FY 2018-19.
- Vote NO for the interim caseweight of 48.5 to be applied to reported certification hearings performed under Welfare and Institutions Code sections 5256 et seq for FY 2018-19.

**Attachments**

Attachment 1: 12-14-2018 WAFM Adjustment Request LA SD

Attachment 2: FY2018-19 5250 Filings



December 14, 2018

Martin Hoshino  
Administrative Director  
Judicial Council of California  
455 Golden Gate Ave.  
San Francisco, CA

Re: Workload-Based Allocation and Funding Methodology (WAFM) Adjustment Request

Dear Mr. Hoshino,

Please accept the attached WAFM Adjustment Request, jointly proposed by the Superior Courts of Los Angeles and San Diego, to include in the RAS and WAFM models the workload from certification hospital hearings under Welfare and Institutions Code 5256 and other sections, as proposed in the attached request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sherri R. Carter".

Sherri R. Carter  
Executive Officer/Clerk of Court  
Los Angeles Superior Court

A handwritten signature in blue ink, appearing to read "Michael M. Roddy".

Michael M. Roddy  
Executive Officer  
San Diego Superior Court

c: Hon. Jonathan B. Conklin, Trial Court Budget Advisory Committee Chair  
[tcbac@jud.ca.gov](mailto:tcbac@jud.ca.gov)

## **Proposal to adopt a new RAS case weight for, and to include in WAFM, certification hearings performed under Welfare and Institutions Code sections 5256 et seq.**

Jointly proposed by the Los Angeles Superior Court and the San Diego Superior Court.

### **1. A description of how the factor is not currently accounted for in WAFM.**

The Welfare and Institutions Code requires hearing officers for the purpose of conducting hospital-based hearings under section 5256.1 and other sections (see below for more detail). In certain counties, the Superior Court funds the costs of these hearing officers per California Rule of Court 10.810(d), which includes as allowable costs "mental health hearing officer" under Function 10. The workload involved in these hearings is not captured by RAS/WAFM.

First, the workload of the certification hearings is not picked up through any existing workload categories in RAS/WAFM. Certification hearings are done after a "5150 hold" is placed upon an individual, and the hospital holding the individual desires to extend the hold. The hearings are not "subsequent" hearings related to any other type of filing measured by RAS. They do not typically arise pursuant to an LPS Conservatorship, a question of competence to stand trial, or other mental health proceeding; the court is not involved in a 5150 hold. This is orphaned workload; RAS does not capture this workload in any case category and thus WAFM does not fund it.

Second, JCC staff does not include certification as new filings under RAS/WAFM. In fact, until revisions were made to the JBSIS Manual in January, 2018, JBSIS was not able to capture these hearings as workload. JBSIS Manual v2.3 (replaced by v3.0 as of FY18-19) allowed for reporting of these hearings – but not under JBSIS Row 200, which captures new filings used for measurement of workload.<sup>1</sup> Recognizing this gap, the CEAC JBSIS Subcommittee recommended, and the Judicial Council adopted, changes to the JBSIS Manual v3.0 that allow courts to report certification hearings on Row 200 as new filings.

Recognizing differences across the state in how the certification hearings are held, JBSIS Manual v3.0 includes the following definition of reportable workload:

*A certification filing should only be counted if the certification hearing is handled by a judge, subordinate judicial officer (SJO), mental health hearing officer of the court, or other court- employed personnel. A certification filing should not be*

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<sup>1</sup> Technical note: In the Data Matrix under JBSIS v2.3, the JBSIS column in which they were captured, Column 10, did not map onto Row 200, which captures workload. JBSIS Manual v3.0 allows Column 10 filings to be reported on Row 200.

*counted if the certification hearing is handled by county personnel not employed by the court. [Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS), Report to the Judicial Council of December 18, 2017, p. 52.*

As noted in the *Report to the Judicial Council* from December 18, 2017, recommending the above revisions to the JBSIS Manual (among other changes), CEAC suggests:

*Because of the significant changes to the Mental Health case type categories, the Workload Assessment Advisory Committee (WAAC) will need to evaluate which filings data to use in RAS. [Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS), Report to the Judicial Council of December 18, 2017, p. 60.*

A first step, however, is to determine that this workload belongs in RAS/WAFM. If it is decided that the certification hearings captured by JBSIS should count as workload in RAS, a case weight can be assigned to them and JBSIS-reported workload data can be incorporated in RAS/WAFM.

## **2. Identification and description of the basis for which adjustment is requested.**

The Welfare and Institutions Code requires hearing officers for the purpose of conducting hospital-based hearings as cited below (i.e., "certification review hearings" following involuntary hospitalization under section 5250).

*WIC 5256: When a person is certified for intensive treatment pursuant to Sections 5250 and 5270.15, a certification review hearing shall be held unless judicial review has been requested as provided in Sections 5275 and 5276. The certification review hearing shall be within four days of the date on which the person is certified for a period of intensive treatment unless postponed by request of the person or his or her attorney or advocate. Hearings may be postponed for 48 hours or, in counties with a population of 100,000 or less, until the next regularly scheduled hearing date.*

*WIC 5256.1: The certification review hearing shall be conducted by either a court-appointed commissioner or a referee, or a certification review hearing officer.[...]*

*WIC 5270.15: (a) Upon the completion of a 14-day period of intensive treatment pursuant to Section 5250, the person may be certified for an additional period of not more than 30 days of intensive treatment[...] (b) A person certified for an additional 30 days pursuant to this article shall be provided a certification review hearing in accordance with Section 5256 unless a judicial review is requested pursuant to Article 5 (commencing with Section 5275).*



*And see Doe v. Gallinot, 486 F.Supp. 983 (1979), which requires a due process hearing for patients certified for involuntary psychiatric treatment.*

In certain counties, the Superior Court funds the costs of these hearing officers per California Rule of Court 10.810(d), which includes as allowable costs "mental health hearing officer" under Function 10. However, RAS does not capture this workload and therefore WAFM does not fund it (see next section).

### **3. A detailed analysis of why the adjustment is necessary.**

No other funding is available for this mandated work. These certification hearings are a statutory mandate.

In both the Los Angeles and San Diego courts, significant court resources are spent on this work (authorized under CRC 10.810):

- In FY17-18, the Los Angeles Superior Court spent \$2.7 million on court-employed hearing referees and support staff dedicated solely to certification hearings.
- In FY17-18, the San Diego Superior court spent \$652,040 on court-employed hearing referees and support staff dedicated solely to certification hearings. *Note: This does not include \$55,537 in employee costs for Riese hearings, which is reimbursed by the County of San Diego.*

These funds are available only from the Courts' WAFM-related allocation; no other funding sources are available. The lack of inclusion in the RAS/WAFM model means that those funds must be reallocated from other areas, reducing each Court's ability to adequately meet other obligations.

### **4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader application.**

Any Court that meets the JBSIS definition of court-provided hearing officer in JBSIS Manual 3.0 would be able to report certification hearings and receive RAS/WAFM workload credit for them.

### **5. Detailed description of staffing need(s) and/or costs required to support the unaccounted for factor. \*Employee compensation must be based on WAFM compensation levels, not the requesting court's actual cost.**

The RAS case weight is yet to be determined. In FY17-18, the Los Angeles Superior Court spent \$2.7 million on compensation for 15 Mental Health Hearing Officers and four support staff. San

Diego spent \$652,040 on compensation for 2.9 FTEs Mental Health Hearing Officers and 1.4 FTEs support staff.

**6. Description of the consequence to the public and access to justice without the funding.**

Because RAS/WAFM does not cover this mandated work, the work must be funded from other areas of the Court. Given the fact that all California trial courts are under-resourced, filling this funding gap means that other important services – window clerks, courtroom clerks, or clerical employees processing documents, for instance – are not available to serve the public.

**7. Description of the consequences to the requesting court(s) of not receiving the funding.**

Because these hearings are statutorily mandated, they must be conducted. The consequences of not receiving the funding to support this work results in funding being taken from other areas of the Court.

**8. Any additional information requested by the Fiscal Services Office, Funding Methodology sub-committee or TCBCAC deemed necessary to fully evaluate the request.**

The people who are the subjects of certification hearings are among society's most vulnerable. Their liberty is at stake in deep and profound ways. The statutory protections offered by the Welfare and Institutions Code are among the most important duties of a Court. This work is obviously core workload; it deserves RAS/WAFM funding.

<b>Court</b>	<b>2018-19 Certification Hearing Filings</b>
Alameda	4,513
Alpine	-
Amador	-
Butte	-
Calaveras	-
Colusa	-
Contra Costa	-
Del Norte	1
El Dorado	-
Fresno	-
Glenn	-
Humboldt	11
Imperial	-
Inyo	-
Kern	-
Kings	-
Lake	-
Lassen	-
Los Angeles	40,789
Madera	-
Marin	1
Mariposa	-
Mendocino	-
Merced	-
Modoc	-
Mono	-
Monterey	-
Napa	-
Nevada	-
Orange	-
Placer	-
Plumas	-
Riverside	-
Sacramento	-
San Benito	-
San Bernardino	-
San Diego	3,696
San Francisco	2,273
San Joaquin	-
San Luis Obispo	64
San Mateo	-
Santa Barbara	199
Santa Clara	-
Santa Cruz	-
Shasta	-
Sierra	-
Siskiyou	-
Solano	-
Sonoma	-
Stanislaus	-
Sutter	9
Tehama	1
Trinity	-
Tulare	-
Tuolumne	-
Ventura	488
Yolo	39
Yuba	-
<b>Total</b>	<b>52,084</b>

JUDICIAL COUNCIL OF CALIFORNIA  
BUSINESS MANAGEMENT SERVICES  
Report to the Trial Court Budget Advisory Committee

(Information Only)

**Title:** Cluster 2 Findings  
**Date:** 5/21/2020  
**Contact:** Kristin Greenaway, Supervising Analyst  
Office of Court Research, Business Management Services  
415-865-7832 | kristin.greenaway@jud.ca.gov

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**Introduction**

The 58 California trial courts are grouped into four clusters for use in the Resource Assessment Study (RAS) and Workload Formula (WF) models, based primarily on Authorized Judicial Positions (AJP). The clusters were developed in the early 2000s and, until recently, have remained primarily unchanged.<sup>1</sup> In response to concerns raised about model fit specifically regarding cluster 2, the Funding Methodology Subcommittee (FMS) included in its workplan an item to review and identify any factors that may negatively impact cluster 2 courts in the workload models. The purpose of this informational update is to inform the Trial Court Budget Advisory Committee of the action taken by the FMS on this item.

**Background**

On February 20, 2020, the FMS approved a Judicial Council staff recommendation that no changes should be made to the cluster 2 grouping at this time. This recommendation was based on staff findings that no systematic differences could be identified regarding cluster 2 courts in the workload models, both RAS and WF. Overall, the current groupings are consistent with differences in court sizes and workload and that, based on average funding levels, cluster 2 courts do not seem to be at a funding disadvantage compared to the other clusters (see Attachment 4D).

**Next Steps**

Although the current recommendation is to not make any changes to cluster 2 at this time, FMS did recommend keeping the issue of clusters as part of its workplan to maintain ongoing review of the clusters, and clustering in general.

**Attachments**

Attachment 4D: Report to FMS, Cluster 2 Analysis, February 3, 2020

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<sup>1</sup> San Francisco is being recommended as a cluster 3 court based on significant changes to their AJP, having eliminated 10 subordinate judicial officer positions in 2014 or about 15% of its total AJP.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Funding Methodology Subcommittee

**(Action Item)**

**Title:** Cluster Analysis  
**Date:** 2/3/2020  
**Contact:** Kristin Greenaway  
Supervising Analyst, Budget Services

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**Issue**

At its May 21, 2018, FMS subcommittee members approved a staff recommendation on how to address the workplan item to *evaluate the cluster 2 Bureau of Labor Statistics and small court adjustment contributions*. Staff recommended looking at the item in two ways: (1) to review clustering overall to determine if the current clusters are still the appropriate groupings to use, and (2) to review cluster 2 specifically to identify any factors that may play a role in how the workload model impacts cluster courts.

**Background**

The current four-cluster model was developed in the early 2000s. It was primarily informed based on the number of Authorized Judicial Positions (AJP). Courts were ranked by their number of AJP's first, and then grouped into four clusters. Cluster boundaries were created based on a clear break in the number of AJPs. The smallest of the 58 trial courts, those with two AJPs, comprised cluster 1 courts. The remaining three clusters were identified based on natural breaks—or jumps—in total number of AJPs.

**1) Overall Cluster Grouping Analysis**

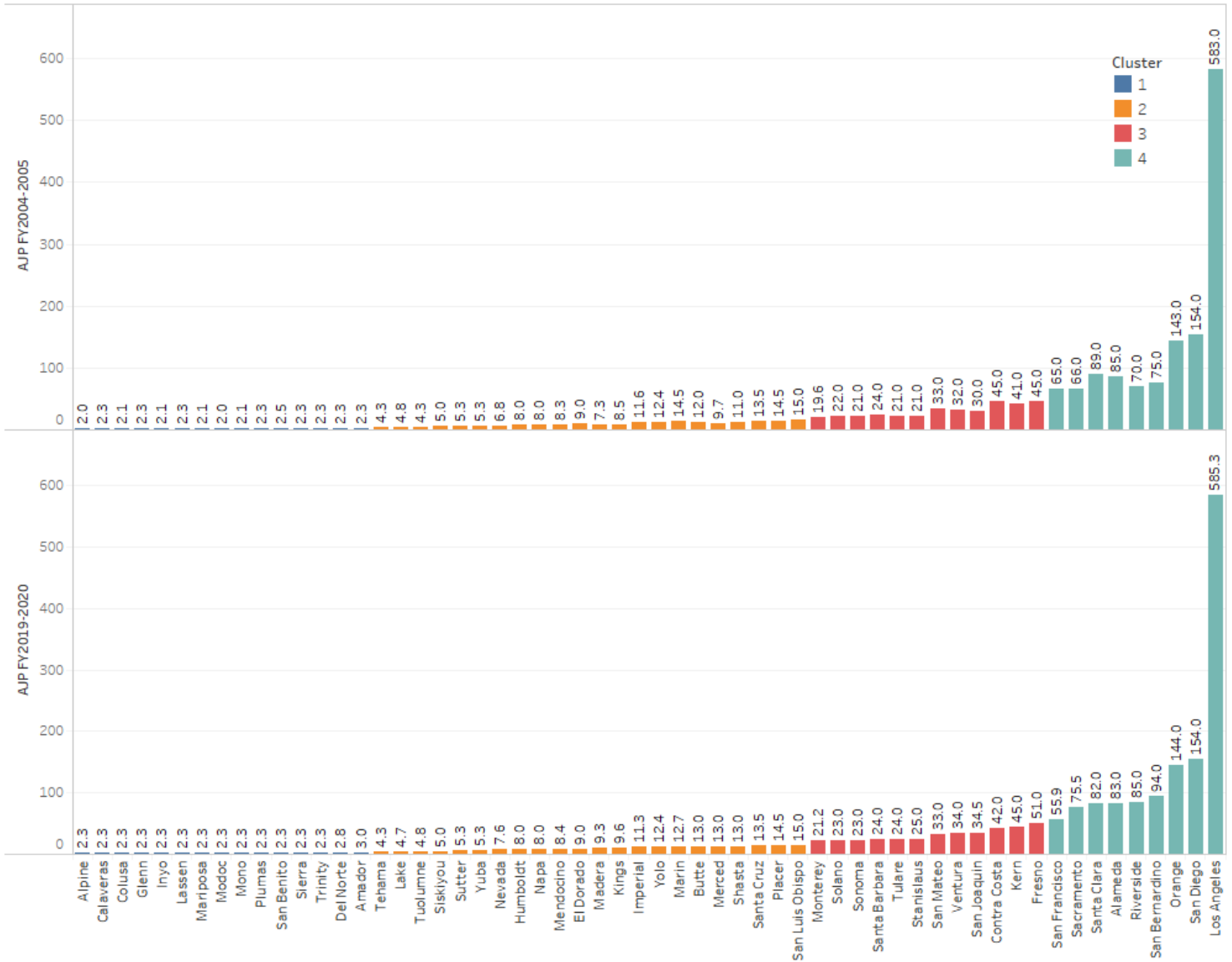
To review cluster grouping we looked at several factors such as population, number of court locations, and geography, but our analysis primarily focused on Authorized Judicial Positions (AJP) and Resource Assessment Study (RAS) FTEs.

**i. Authorized Judicial Positions (AJP)**

The number of AJPs have not changed significantly since their initial use in the RAS model in 2004-05. Notable exceptions include Riverside and San Bernardino which had significant increases in their AJP's due to allocations of new judgeships approved by the Legislature over the last few years and San Francisco whose AJP dropped from 65 to 55.9 when the court eliminated ten subordinate judicial officer positions in 2014. If the clusters were established today using the same methodology, we would have had the same outcome with the exception of San Francisco. Graph 1 below compares the FY 2004-2005 AJP's to the current AJP's (FY 2019-20).

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Funding Methodology Subcommittee

**Graph 1: Authorized Judicial Positions (AJP)**  
**FY 2004/2005 and FY 2019/2020**

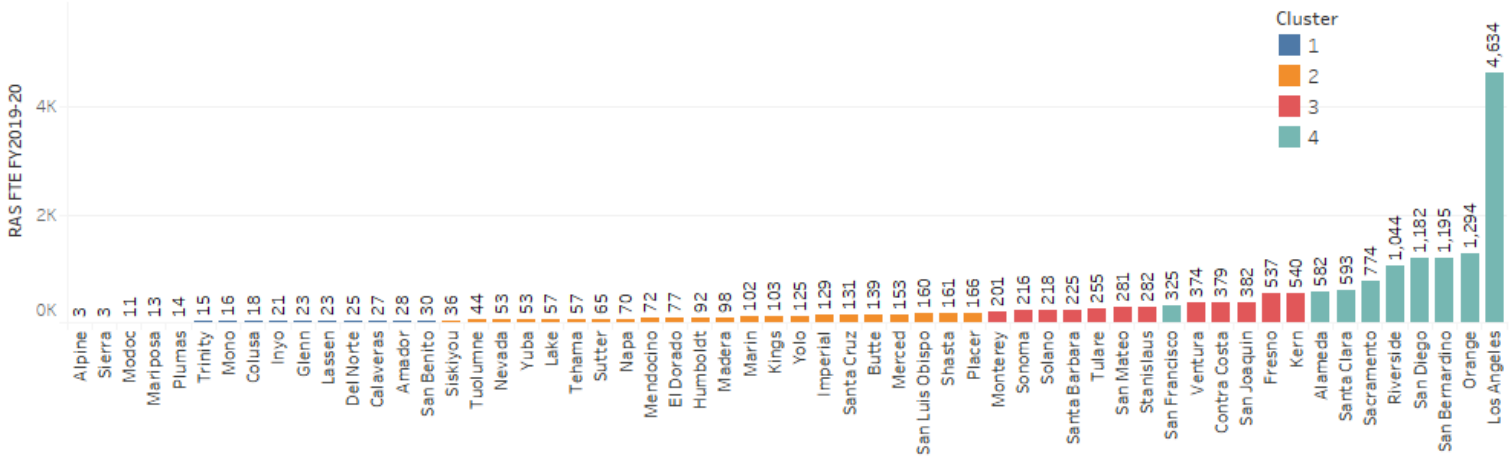


ii. **RAS Full-time Equivalent Staff (FTE)**

Graph 2 below shows that the number of staff required to handle the volume of filings at each court, using current workload measures. Apart from San Francisco, clusters are clearly demarked when we rank the courts by RAS FTE. This shows that if the clusters were established based on the RAS workload model, the outcome will be similar to current cluster groupings.

JUDICIAL COUNCIL OF CALIFORNIA  
 BUDGET SERVICES  
 Report to the Funding Methodology Subcommittee

**Graph 2: RAS Staff Full Time Equivalent (FTE), FY 2019/2020**



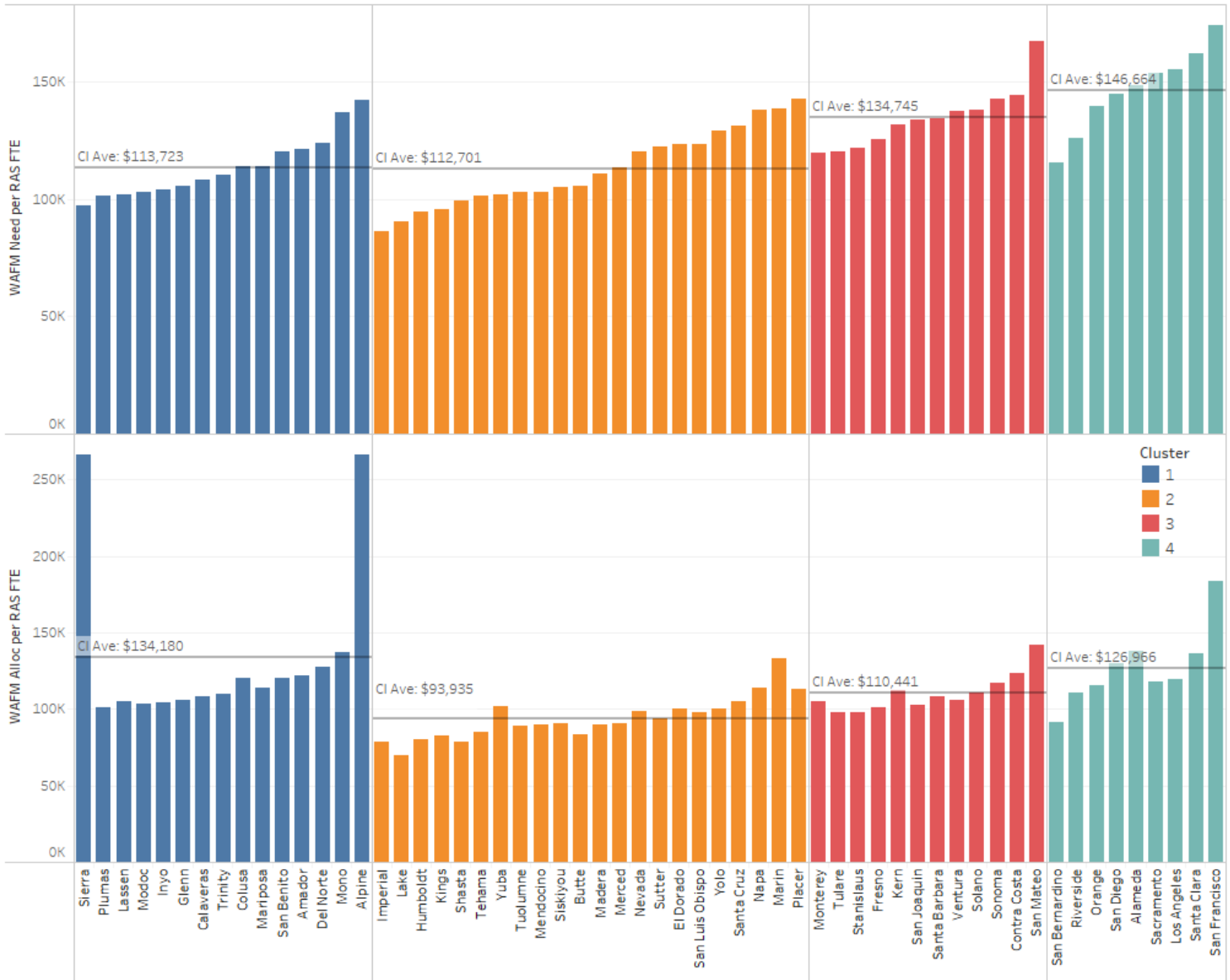
**2. Workload Formula Need and Funding Analysis**

The next step in our analysis was to see how the clusters rank in terms of estimated need and funding using the 2019-2020 Workload Formula data. Graph 4a shows each court’s Workload Formula need and allocation per FTE, which is calculated by dividing the court’s 2019-2020 Workload Formula Need and Allocation by its 2019-2020 RAS FTE need. On average, Cluster 2 has the lowest per FTE Workload Formula need and allocation.

Cluster 2 courts are predominately rural and tend to have a lower BLS factor than the statewide average. Therefore Cluster 2’s per FTE Workload Formula needs are lower than cluster 3 and 4 courts. Similarly, cluster 1 courts also have a lower BLS factor but because they have a significantly higher per FTE OEE need, their cluster average per FTE Workload Formula need is slightly higher than Cluster 2’s.

JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Funding Methodology Subcommittee

**Graph 4a. Workload Formula Need and Allocation per FTE, FY2019-2020**

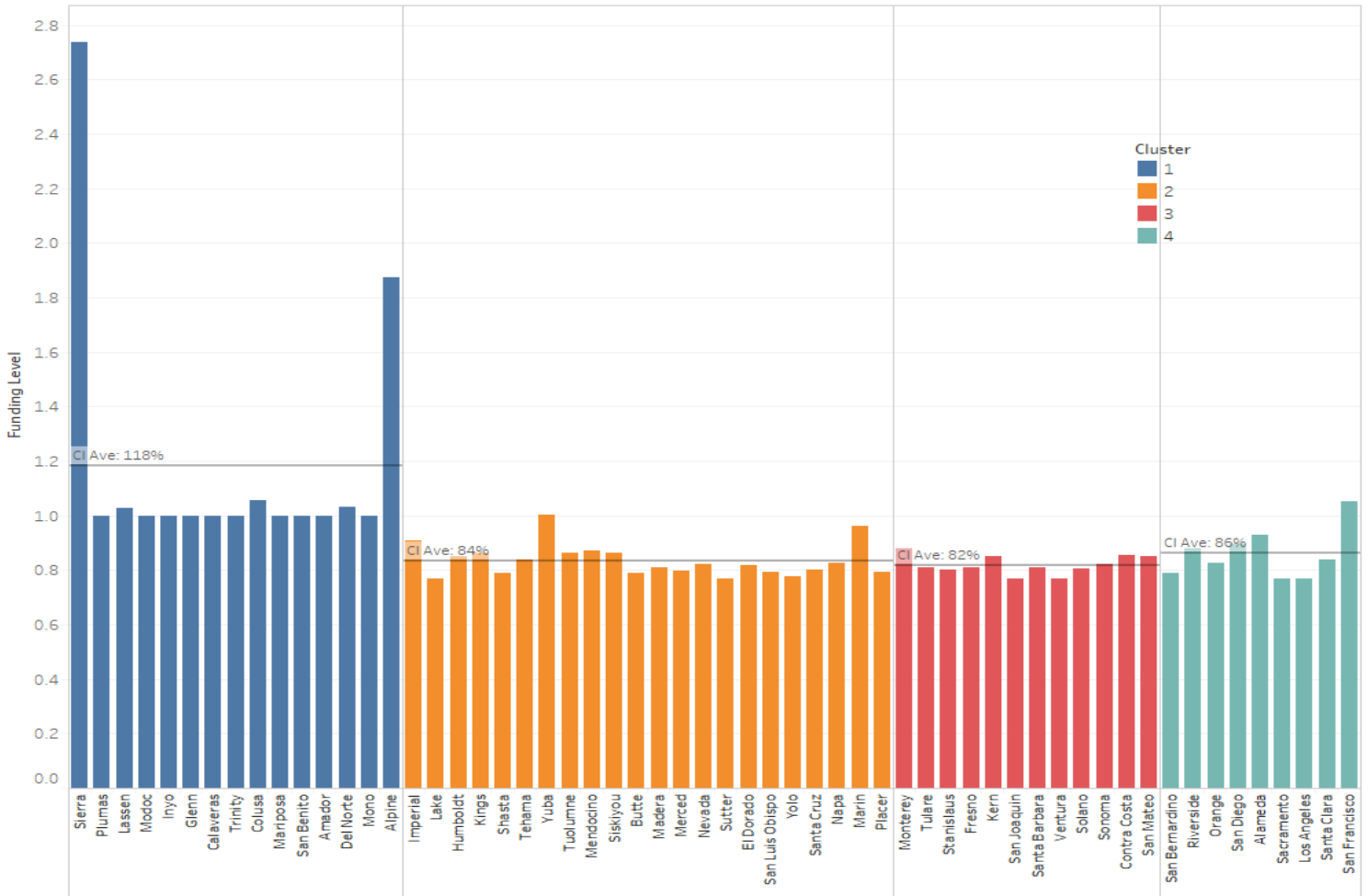


However, Cluster 2 courts fare better than Cluster 3 when we look at funding levels (the ratio of Workload Formula Allocation/ Workload Formula Need) as shown on Graph 4b.



JUDICIAL COUNCIL OF CALIFORNIA  
BUDGET SERVICES  
Report to the Funding Methodology Subcommittee

**Graph 4b. Workload Formula Funding Level, FY2019-2020**



**Summary**

We analyzed the AJP, RAS FTE, population, and Workload Formula data to see if the current clusters are still the appropriate groupings to use. We find that, in general, the current cluster groupings are consistent with the differences in court sizes and workload. Based on average funding levels, shown in Graph 4b, cluster 2 courts do not seem to be at a funding disadvantage compared to courts in clusters 3 and 4.