



JUDICIAL COUNCIL
OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE
FUNDING METHODOLOGY SUBCOMMITTEE

**MATERIALS FOR FEBRUARY 18, 2021
VIRTUAL MEETING**

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JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

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TRIAL COURT BUDGET ADVISORY COMMITTEE FUNDING METHODOLOGY SUBCOMMITTEE

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

Date: February 18, 2021
Time: 1:00 p.m. to 3:00 p.m.
Public Call-in Number: TBA

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.

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

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the June 2, 2020 Funding Methodology Subcommittee (FMS) virtual meeting.

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

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. Only written comments received by 1:00 p.m. on February 17, 2021 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEMS 1-3)

Item 1

Workload Formula Adjustment Request Process (ARP) (Action Required)

Discuss two ARPs submitted to the Judicial Council Administrative Director.

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

Item 2

Court Interpreters Program (CIP) Methodology (Action Required)

Consider recommendations by the Ad Hoc Interpreter Subcommittee on allocation savings, the one-time allocation methodology for 2021-22, and updates on an ongoing workload-based methodology.

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

Item 3

FMS Work Plan (Action Required)

Discuss updates to the FMS Work Plan.

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

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Governor's Budget Proposal for 2021-22

Update on the Governor's Budget proposal for 2021-22.

Presenter(s)/Facilitator(s): Ms. Fran Mueller, Deputy Director, Judicial Council Budget
Services

V. ADJOURNMENT

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE

FUNDING METHODOLOGY SUBCOMMITTEE

MINUTES OF OPEN MEETING

June 2, 2020

1:00 p.m. - 3:00 p.m.

<http://jcc.granicus.com/player/event/925?>

Advisory Body Members Present: Judges: Hon. Daniel J. Buckley (Cochair), Hon. Patricia L. Kelly, and Hon. B. Scott Thomsen.

Executive Officers: Ms. Rebecca Fleming (Cochair), Ms. Sherri R. Carter, Ms. Nancy Eberhardt, Mr. Michael D. Planet, Mr. Neal Taniguchi, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Mark Ashton Cope

Others Present: Hon. Jonathan B. Conklin, Mr. John Wordlaw, Mr. Zlatko Theodorovic, Ms. Fran Mueller, Ms. Brandy Sanborn, Ms. Michele Allan, Ms. Oksana Tuk, Mr. Catrayel Wood, Ms. Leah Rose-Goodwin, and Ms. Kristin Greenaway.

OPEN MEETING

Call to Order and Roll Call

The cochairs called the meeting to order at 1:01 p.m. and took roll call.

Approval of Minutes

The subcommittee reviewed and approved the minutes of the February 20, 2020 Funding Methodology Subcommittee (FMS) meeting with two abstentions.

DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

Item 1: Workload Formula Objectives, Principles, and Measures (Action Required)

Review the Workload Formula objectives, principles, and measures utilized in the development of the second phase of the Workload Formula which was adopted by the Judicial Council in January 2018.

Presenter(s)/Facilitator(s): Hon. Daniel J. Buckley, Cochair, Funding Methodology Subcommittee
Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee
Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Action: No action taken.

Item 2: Allocation Methodology of Trial Court Funding in 2020-21 May Revision (Action Required)

Consider recommendation on methodologies to allocate one-time trial court funding for COVID-19 related case filing backlog included in the 2020-21 May Revision.

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

Action: The FMS voted, with two “no” votes, to approve the following recommendation for consideration by the Trial Court Budget Advisory Committee (TCBAC) at its next meeting:

An allocation methodology for distributing the full amount of the one-time \$50 million proposed in the 2020-21 May Revision effective July 1, 2020, which is available for expenditure in fiscal year 2020-21, via a methodology consistent with the Workload Formula. Recognizing that the funding is specifically related to backlog, and that courts below the statewide average funding level have less ability to handle backlog based on their funding position, the first 50 percent of new funding would go to courts below the statewide average with the remaining funding going to all courts consistent with the Workload Formula policy. In this instance, the funding would be allocated after the reduction in the 2020-21 May Revision is applied and would treat cluster 1 courts consistent with other courts. The base funding floor courts would not be impacted by new funding based on policy determining these allocation amounts.

Item 3: Allocation Methodology of Trial Court Trust Fund (TCTF) Reduction in 2020-21 May Revision (Action Required)

Consider recommendation on methodologies to allocate a TCTF funding reduction included in the 2020-21 May Revision.

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

Action: The FMS voted, with two “no” votes, to approve the following recommendation for consideration by the TCBAC at its next meeting:

A reduction methodology for the first year’s (2020-21) ongoing trial court funding reduction that is applied pro rata to all courts via the Workload Formula allocation (page 16, Table 2, second table of the materials), including cluster 1 courts and keeping base funding floor courts’ funding intact.

Item 4: Court Interpreters Program (CIP) Funding Shortfall (Action Required)

Revisit the FMS recommendation from its February 20, 2020 meeting regarding a projected 2020-21 funding shortfall in the CIP and the funding reduction included in the 2020-21 May Revision.

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

Action: The FMS voted unanimously to approve the following recommendation for consideration by the TCBAC at its next meeting:

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. Also, inform courts that in light of the TCTF fund condition and historical expenditure levels, reductions are imminent, and courts should prepare for a reduction in funding after the first quarter of 2020-21.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 3:00 p.m.

Approved by the advisory body on *enter date*.

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

Title: Adjustment Request Proposals: Humboldt and Siskiyou Superior Courts
Date: 1/29/2021
Contact: Ms. Kristin Greenaway, Supervising Analyst, Office of Court Research
415-865-7832 | kristin.greenaway@jud.ca.gov

Introduction

In January 2021, two identical Adjustment Request Proposals (ARPs) were submitted by Humboldt and Siskiyou Superior Courts (Attachments A and B). The ARPs have been referred to the Funding Methodology Subcommittee (FMS) for review by the Trial Court Budget Advisory Committee (TCBAC). The request presented in the ARPs focuses on the Bureau of Labor Statistics (BLS) factor used in the Workload Formula model, specifically seeking to modify the BLS so that: (1) by 2022-23, any cluster 2 court with a BLS factor below 1.0 be increased to 1.0, and (2) by 2021-22, any cluster 2 court with a BLS factor below 0.95 be increased to 0.95. The ARPs also extend the request to cluster 1 courts if the BLS factor negatively impacts their Workload Formula allocation.

Background

The issue presented in the ARPs has been reviewed previously by this subcommittee. In October 2017, an item was added to the FMS work plan to evaluate the cluster 2 BLS and small court adjustment contributions.¹ Judicial Council staff were directed to evaluate cluster 2 courts relative to the Workload Formula to assess any aspects of the model—including the BLS factor—that may negatively impact cluster 2 courts.

Bureau of Labor Statistics Factor

The BLS factor acts as a cost of labor index and is used to adjust salary and salary-driven benefits for each county based on the cost of government employee labor in each county. The methodology was approved by the Judicial Council at its July 25, 2013 meeting.

Review of BLS and cluster 2 courts showed that cluster 2 courts do tend to have a lower BLS factor compared to courts in other clusters and therefore have a lower per full-time equivalent (FTE) used in the Workload Formula.² However, when funding level is considered, cluster 2 courts generally do not appear to be at a funding disadvantage. The subcommittee discussed the

¹ FMS meeting minutes (October 26, 2017), <https://www.courts.ca.gov/documents/tcbac-20171026-fms-minutes.pdf>.

² Cluster 1 courts also have lower BLS factors, but because they have a significantly higher per operating expenditure and equipment need, their cluster average per FTE Workload Formula need is slightly higher than Cluster 2.

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

idea of adjusting the BLS factor (e.g., apply a floor) but decided that doing so may negate the premise of applying a wage index.

Cluster Methodology

As part of the review of cluster 2 courts, staff also looked at cluster groupings overall. The current four-cluster model was based on the number of Authorized Judicial Positions (AJPs). Although the clusters were developed years ago, the number of AJPs has not changed significantly since its initial use in the Resource Assessment Study model in 2004-05. Staff determined that if the clusters were established today—using the same methodology—the cluster groupings would remain largely unchanged.

The cluster 2 analysis was presented and discussed at the February 3, 2020 FMS meeting and the subcommittee recommended no change to the Workload Formula model related to cluster 2 courts as well as no change to the BLS. However, the subcommittee did vote to include a review of the cluster methodology in its work plan.³ The FMS cluster 2 and BLS recommendation was then shared with TCBAC as an informational item in June 2020,⁴ and the update to the FMS work plan was approved by TCBAC in July 2020.⁵

Recommendation

The subcommittee shall direct staff on how best to proceed with the ARP submissions and determine if the work plan item to review cluster methodology should precede any further review of the BLS factor.

Attachments

Attachment A: Humboldt Superior Court ARP Submission

Attachment B: Siskiyou Superior Court ARP Submission

³ FMS meeting report (February 20, 2020), <https://www.courts.ca.gov/documents/tcbac-20200220-fms-materials.pdf>; FMS meeting minutes (February 20, 2020), <https://www.courts.ca.gov/documents/tcbac-20200220-fms-minutes.pdf>.

⁴ TCBAC meeting report (June 11, 2020), <https://www.courts.ca.gov/documents/tcbac-20200611-materials.pdf>.

⁵ TCBAC meeting report (July 16, 2020), <https://www.courts.ca.gov/documents/tcbac-20200716-materials.pdf>; TCBAC meeting minutes (July 16, 2020), <https://www.courts.ca.gov/documents/tcbac-20200716-minutes.pdf>.



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT**

Kim M. Bartleson, CCE
Court Executive Officer/
Jury Commissioner

Joyce D. Hinrichs
Presiding Judge

January 15, 2021

Martin Hoshino
Judicial Council Administrative Director
455 Golden Gate Avenue
San Francisco, CA 94102-3688
and via email to martin.hoshino@jud.ca.gov

RE: Workload Formula Adjustment Request

Dear Mr. Hoshino:

The adjustment requested is that for any Cluster 2 courts with a BLS factor of less than 1.0 in the current Workload Formula be increased to 1.0 by fiscal year 2022-2023. In addition, in fiscal year 2021-2022, if the Trial Court Budget receives additional discretionary moneys, any Cluster 2 courts with a BLS factor of less than 1.0 be increased to a BLS factor of no less than .95. In addition, if there are any Cluster 1 courts that would have their annual budget reduced because of a BLS factor of less than 1.0, they would also have this same BLS factor increase.

1. *A description of how the factor is not currently accounted for in the Workload Formula:* There are a number of small rural courts that has its annual allocation reduced because the Workload Formula allows for the BLS factor to adjust financial need both upward and downward.
2. *Identification and description of the basis for which the adjustment is requested:* This adjustment has been requested before and the reasons remain substantially the same; as Hon. Laura Masunaga, wrote to TCBAC in 2017, "This disparate [BLS] factor is eroding the access to justice in smaller and rural courts and creating a two-tier system of justice, contrary to the trial court's vision of a unified court system." That letter

has been included as an attachment. In addition, this request does address the disparities identified in the Commission on the Future of California's Court System, Recommendation 4.1 (acknowledging that the Classification Study that was recommended has not occurred).

3. *A detailed analysis of why the adjustment is necessary:* The purpose of Unification and the goal of the Workload Formula was to address equity between the trial courts and prompt access to justice. Reducing an allocation because of a BLS factor that does not reflect the nature of public service in those counties is contrary to those principles. Again, from Judge Masunaga's letter,

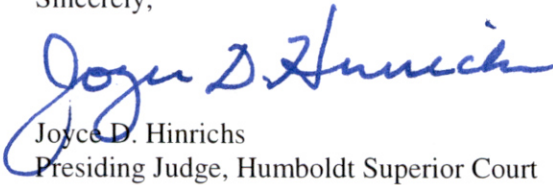
For example, in rural counties, there are voluntary city councils, board of supervisors and fire departments. When the fire siren goes off in Yreka, Siskiyou County, the County Assessor/Recorder leaves his office, several attorneys leave the courtrooms, and business owners close up shops as they all run to their vehicles to respond. When Siskiyou Court orders evaluations pursuant to Penal Code §1368, psychologists from neighboring metropolitan county are appointed at three times the rate charged in the metropolitan county. In the smaller and rural counties, there are no similar jobs, and the BLS extrapolation is invalid and inaccurate.

4. *A description of whether the unaccounted-for factor is unique to the applicant court(s) or has broader applications:* This unaccounted-for factor is unique to all Cluster 2 courts with a BLS factor of less than 1.0. In the past when this adjustment has been discussed, it was noted that the impact on the overall Trial Court Budget is minimal. There may be other trial courts in Cluster 3 and Cluster 4 that have a BLS factor of less than 1.0, but a change in their BLS factor would have a more substantial impact on the overall Trial Court Budget and is not being addressed in this request.
5. *Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by the Workload Formula:* Unable to answer this question without the input of Judicial Council Staff. The BLS factor is calculated by the Judicial Council Budget Services Offices. The applicant would ask that Judicial Council Budget Services make the necessary computations so that there can be meaningful deliberations about this request.
6. *Description of the consequences to the public and access to justice without the funding:* By modifying the Workload Formula to delete a factor that decreases the budgets of small rural courts, they would have increased funds to provide necessary services. In addition, this change is consistent with recent legislation that increases the Statewide minimum wage, which does not make a distinction between the size or location or relative financial health of a county. Any incremental increase in the

budget of those rural courts would increase their ability to provide services to the public and improve access to justice.

7. *Description of the consequences to the requesting court(s) of not receiving the funding:* If the modification to the Workload Formula is not granted the inequalities that have existed for decades will continue.
8. *Any additional information requested by the Judicial Council Budget Services Office, Funding Methodology Subcommittee (FMS), and/or the TCBAC deemed necessary to fully evaluate the request:* The applicant would request the ability to respond to any inquiries made by the Judicial Council Budget Services Office, Funding Methodology Subcommittee, and TCBAC.

Sincerely,



Joyce D. Hinrichs
Presiding Judge, Humboldt Superior Court

cc: Trial Court Budget Advisory Committee (TCBAC)
via email at tcbac@jud.ca.gov

Attachment

Honorable Laura Masunaga, APJ, Siskiyou County Superior Court

311 Fourth Street, Room 206, Yreka, CA 96097

September 5, 2017

To Honorable Joyce Hinrichs, Honorable Andrew Blum, Honorable Elizabeth Johnson, CEO Kevin Harrigan, TCBAC members:

At the outset, kindly excuse the format of these comments. Given the discussions during the recently concluded Statewide PJ/CEO meeting in Rancho Cordova, and the next TCBAC meeting in October, I felt these comments needed to be shared, as soon as possible. I also suggest that when looking at revising WAFM, "WAFM-2" the TCBAC use the "California County Number" designated for each court, rather than court name.

In my opinion, this is the most significant time and opportunity for the trial branch to put forward a funding methodology that will substantively support a unified court system, which equitably supports access to justice throughout the state and supports the trial branch's funding advocacy to both the Governor (DOF) and the Legislature. The Judicial Council is expecting a recommendation at its April 2018 meeting regarding WAFM, year six and thereafter. I submit that there can no longer be a "historical share". This is seen as perpetuating the local county historical disparities and political compromises that existed prior to unification.

From my perspective, there can be a WAFM Version 2, if the primary factor regarding the BLS that has so inequitably underestimated the WAFM need for the smaller courts is modified. This disparate factor is eroding the access to justice in smaller and rural courts and creating a two-tier system of justice, contrary to the trial court's vision of a unified court system.

A simple review of the Public Administration Index (92) used for the BLS, demonstrates how differently services are delivered in the metropolitan versus rural or non-metropolitan areas. Rural or non-metro counties do not have paid city councils, fire protection, or anywhere the myriad of professionals and skilled employees that are reported by metropolitan counties in this index.

For example, in rural counties, there are voluntary city councils, board of supervisors and fire departments. When the fire siren goes off in Yreka, Siskiyou County, the County Assessor/Recorder leaves his office, several attorneys leave the courtrooms, and business owners close up shops as they all run to their vehicles to respond. When Siskiyou Court orders evaluations pursuant to Penal Code §1368, psychologists from neighboring metropolitan county are appointed at three times the rate charged in the metropolitan county. In the smaller and rural counties, there are no similar jobs, and the BLS extrapolation is invalid and inaccurate.

The clerks in Siskiyou County Superior Court have to be cross-trained. Civil clerks have to be cross-trained to handle everything including but not limited to juvenile dependency, juvenile delinquency, probate estates, guardianships, conservatorship, unlawful detainers, small claims, family law, domestic violence and civil harassment. Criminal clerks are likewise cross-trained so they can handle infractions, misdemeanors, felony cases. Clerks have to interact with public and take phone calls, customers at the counters, process the pleadings and paperwork, and handle court hearings, including jury trials.

Clerks in small courts are hybrid employees. There are no comparable jobs in local government or public administration, given the time and effort devoted to training clerks takes years, and the unique nature of court work, includes confidentiality and ethics. Employees that are qualified and competent are a challenge to find in rural areas. The trial courts also have to invest in their staff to become fully trained and remain with the courts.

The trial courts are required to provide services as required by law, regardless of whether the court is located in Los Angeles or Siskiyou County. There is a different case load, based on the number of filings. To account for differences in caseload, a workload factor in a funding allocation methodology has to be used, and that is the "RAS" factor. "The Resource Assessment Study "RAS" model is used to estimate the number of staff needed to handle the volume of filings coming before the courts" (Judicial Council Fact Sheet dated April 2015, re Resource Assessment Study).

The Small Court WAFM Methodology Review Group submitted its letter of issues and concern to Chief Justice Cantil-Sakauye and Administrative Director Hoshino in March 2017, including its comments regarding the detrimental application of the BLS for smaller rural courts. There were exhibits attached and referred to in the footnotes. As demonstrated in the exhibits, it is useful to look at the trial courts by Cluster designation, rather than alphabetically. I have attached an updated BLS by Clusters chart, using California County Code for the courts in lieu of names, and using court statistics from the 2016 Court Statistics Report and the FY 2017-18 RAS FTE.

The pattern is dramatic. The 2 judge courts are all rural or non-metro counties except San Benito. The 4 smallest Cluster 2 courts (5 judicial officers or fewer) are also rural. The detrimental BLS factor pattern is also apparent. Where the smaller rural courts have state employment of more than 50% the local BLS is somewhat ameliorated.

When WAFM was first implemented, the Cluster 1 courts were all excluded. It was recognized that courts had to stay open and operating in all counties, regardless of how many filings a court handled. The impact of WAFM on Cluster 1 would have been catastrophic. Subsequently, the "flooring" was developed, to keep the smallest courts open. At some point, the workload as determined by RAS would create a base operational funding.

It was apparent that the WAFM was weighing detrimentally against smaller courts because of the low BLS factor. The next "band aid" to WAFM was the <50 FTE, or what is referred to as the "BLS flooring". The rationale being that there is a precedent in private business, government and notable at the time the Affordable Care Act, where <50 FTE is basis for limiting factors.

From my perspective, the thirteen trial courts that collaborated with the Small Court WAFM Methodology Review Group letter to the Chief and Director, would support the following proposal: a minimum 1.0 BLS for the courts with 5 or fewer judicial officers, or <50 FTE (rural courts). This would eliminate the BLS flooring, or <50 FTE factor. The funding floor would need to be update and utilized. There also has to be a percentage of new funding that is allocated in some prorated manner to all 58 trial courts.

Within the branch, there is some precedent for this consideration. The Small Court Dependency Workload Working Group made its recommendations to the Judicial Council at its May 2017 meeting, wherein the BLS wage index was adjusted to a minimum of 1.0 for the 30 small courts, defined as having the lowest child welfare caseloads, fewer than 400 children in child welfare. In part, that working group recognized unique cost factors faced by small courts.

Very truly yours,

Honorable Laura Masunaga, APJ
Siskiyou Superior Court



Superior Court of California
County of Siskiyou
311 Fourth St., Rm 206
Yreka, CA 96097

Honorable Karen L. Dixon, Presiding Judge

(530) 842-8183 Telephone
(530) 842-8339 Fax

January 19, 2021

Martin Hoshino
Judicial Council Administrative Director
455 Golden Gate Avenue San Francisco, CA 94102-3688

Via email to: martin.hoshino@jud.ca.gov

RE: Workload Formula Adjustment Request

Dear Mr. Hoshino:

The adjustment requested is that for any Cluster 2 courts with a BLS factor of less than 1.0 in the current Workload Formula be increased to 1.0 by fiscal year 2022-2023. In addition, in fiscal year 2021-2022, if the Trial Court Budget receives additional discretionary moneys, any Cluster 2 courts with a BLS factor of less than 1.0 be increased to a BLS factor of no less than .95. In addition, if there are any Cluster 1 courts that would have their annual budget reduced because of a BLS factor of less than 1.0, they would also have this same BLS factor increase.

1. A description of how the factor is not currently accounted for in the Workload Formula: There are several small rural courts that have their annual allocation reduced because the Workload Formula allows for the BLS factor to adjust financial need both upward and downward.
2. Identification and description of the basis for which the adjustment is requested: This adjustment has been requested before and the reasons remain substantially the same; as Hon. Laura Masunaga, (recently retired from this county) wrote to TCBAC in 2017, "This disparate [BLS] factor is eroding the access to justice in smaller and rural courts and creating a two-tier system of justice, contrary to the trial court's vision of a unified court system." Enclosed is a copy of Judge Masunaga's letter. In addition, this request does address the disparities identified in the Commission on the Future of California's Court System, Recommendation 4.1 (acknowledging that the Classification Study that was recommended has not occurred).
3. A detailed analysis of why the adjustment is necessary: The purpose of Unification and the goal of the Workload Formula was to address equity between the trial courts and prompt access to justice. Reducing an allocation because of a BLS factor that does not reflect the nature of public service in those counties is contrary to those principles. Again, from Judge Masunaga's letter,

“For example, in rural counties, there are voluntary city councils, board of supervisors and fire departments. When the fire siren goes off in Yreka, Siskiyou County, the County Assessor/Recorder leaves his office, several attorneys leave the courtrooms, and business owners close up shops as they all run to their vehicles to respond. When Siskiyou Court orders evaluations pursuant to Penal Code 51368, psychologists from neighboring metropolitan county are appointed at three times the rate charged in the metropolitan county. In the smaller and rural counties, there are no similar jobs, and the BLS extrapolation is invalid and inaccurate.”

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6. Description of the consequences to the public and access to justice without the funding: By modifying the Workload Formula to delete a factor that decreases the budgets of small rural courts, they would have increased funds to provide necessary services. In addition, this change is consistent with recent legislation that increases the Statewide minimum wage, which does not make a distinction between the size or location or relative financial health of a county. Any incremental increase in the budget of those rural courts would increase their ability to provide services to the public and improve access to justice.
7. Description of the consequences to the requesting court(s) of not receiving the funding: If the modification to the Workload Formula is not granted the inequalities that have existed for decades will continue.
8. Any additional information requested by the Judicial Council Budget Services Office, Funding Methodology Subcommittee (FMS), and/or the TCBAC deemed necessary to fully evaluate the request: The applicant would request the ability to respond to any inquiries made by the Judicial Council Budget Services Office, Funding Methodology Subcommittee, and TCBAC.

This court requests that the Judicial Council Budget Services Office, Funding Methodology Subcommittee, and TCBAC consider the following:

- a. Prior budget changes have had a profound effect on this county in that prior to such changes the Siskiyou Court had a small but adequate staff to support the services provided by the court. With each budget reduction this court has had to reduce the number of staff and eliminate

- b. positions, including two family court mediator positions, staff attorney, staff for the court facilitator, and a human resources position, and assistant CEO position.
- c. With each additional reduction this court has further reduced staff by combining positions. This court has had to combine as many as three positions into a single staff position, greatly increasing that staff members duties without an increase in time or salary. This has necessarily increased the level of stress on these members.
- d. Legislative changes such as AB 1793, SB 384, AB 1869, SB 1290, etc. have required additional efforts to meet statutory requirements. Each of these changes impacts staff's ability to complete their regular duties, again adding to staff stress.
- e. In addition, due to the COVID-19 pandemic, we are experiencing an unforeseen adverse reduction in our case filings this fiscal year. For instance, traffic infraction filings have ranged between 10,000 to 12,000 citations per year for the past several years; however, during the first 6 months of this fiscal year, filings in this county have dropped by approximately 45% to 50%. In addition, our District Attorney's office has greatly reduced the number of misdemeanor filings in an effort to reduce the jail population. While this case reduction does allow our staff the opportunity to catch up with their duties, it will have a harsh and disparate affect on this court's budget allocation over the next several years due to the 3 year average of filings that is a factor in the WAFM formula. This will be the same period during which it is expected that the court's filings will increase to a more normal level while our budget will be reduced. Our court is working at a bare minimum number of staff at this point. Any further reduction of budget will necessarily require reduction in staffing. This court may well be reduced below that budgetary amount necessary to provide services at a minimally adequate level. This court believes that TCBAC should create a Pandemic Factor for all courts adversely impacted by this global pandemic.

I once more echo the concerns expressed by Judge Masunaga in her email letter of September 5, 2017. While overall the present budget scheme may equitably address the needs of medium or larger courts, it is resulting in a disparate double-tiered system, as Judge Masunaga predicted. Thank you for considering the issues raised.

Sincerely,



Karen L. Dixon
Presiding Judge
Superior Court of California
County of Siskiyou



Renee McCanna Crane
Court Executive Officer
Superior Court of California
County of Siskiyou

Honorable Laura Masunaga, APJ, Siskiyou County Superior Court

311 Fourth Street, Room 206, Yreka, CA 96097

September 5, 2017

To Honorable Joyce Hinrichs, Honorable Andrew Blum, Honorable Elizabeth Johnson, CEO Kevin Harrigan, TCBAC members:

At the outset, kindly excuse the format of these comments. Given the discussions during the recently concluded Statewide PJ/CEO meeting in Rancho Cordova, and the next TCBAC meeting in October, I felt these comments needed to be shared, as soon as possible. I also suggest that when looking at revising WAFM, "WAFM-2" the TCBAC use the "California County Number" designated for each court, rather than court name.

In my opinion, this is the most significant time and opportunity for the trial branch to put forward a funding methodology that will substantively support a unified court system, which equitably supports access to justice throughout the state and supports the trial branch's funding advocacy to both the Governor (DOF) and the Legislature. The Judicial Council is expecting a recommendation at its April 2018 meeting regarding WAFM, year six and thereafter. I submit that there can no longer be a "historical share". This is seen as perpetuating the local county historical disparities and political compromises that existed prior to unification.

From my perspective, there can be a WAFM Version 2, if the primary factor regarding the BLS that has so inequitably underestimated the WAFM need for the smaller courts is modified. This disparate factor is eroding the access to justice in smaller and rural courts and creating a two-tier system of justice, contrary to the trial court's vision of a unified court system.

A simple review of the Public Administration Index (92) used for the BLS, demonstrates how differently services are delivered in the metropolitan versus rural or non-metropolitan areas. Rural or non-metro counties do not have paid city councils, fire protection, or anywhere the myriad of professionals and skilled employees that are reported by metropolitan counties in this index.

For example, in rural counties, there are voluntary city councils, board of supervisors and fire departments. When the fire siren goes off in Yreka, Siskiyou County, the County Assessor/Recorder leaves his office, several attorneys leave the courtrooms, and business owners close up shops as they all run to their vehicles to respond. When Siskiyou Court orders evaluations pursuant to Penal Code §1368, psychologists from neighboring metropolitan county are appointed at three times the rate charged in the metropolitan county. In the smaller and rural counties, there are no similar jobs, and the BLS extrapolation is invalid and inaccurate.

The clerks in Siskiyou County Superior Court have to be cross-trained. Civil clerks have to be cross-trained to handle everything including but not limited to juvenile dependency, juvenile delinquency, probate estates, guardianships, conservatorship, unlawful detainers, small claims, family law, domestic violence and civil harassment. Criminal clerks are likewise cross-trained so they can handle infractions, misdemeanors, felony cases. Clerks have to interact with public and take phone calls, customers at the counters, process the pleadings and paperwork, and handle court hearings, including jury trials.

Clerks in small courts are hybrid employees. There are no comparable jobs in local government or public administration, given the time and effort devoted to training clerks takes years, and the unique nature of court work, includes confidentiality and ethics. Employees that are qualified and competent are a challenge to find in rural areas. The trial courts also have to invest in their staff to become fully trained and remain with the courts.

The trial courts are required to provide services as required by law, regardless of whether the court is located in Los Angeles or Siskiyou County. There is a different case load, based on the number of filings. To account for differences in caseload, a workload factor in a funding allocation methodology has to be used, and that is the "RAS" factor. "The Resource Assessment Study "RAS" model is used to estimate the number of staff needed to handle the volume of filings coming before the courts" (Judicial Council Fact Sheet dated April 2015, re Resource Assessment Study).

The Small Court WAFM Methodology Review Group submitted its letter of issues and concern to Chief Justice Cantil-Sakauye and Administrative Director Hoshino in March 2017, including its comments regarding the detrimental application of the BLS for smaller rural courts. There were exhibits attached and referred to in the footnotes. As demonstrated in the exhibits, it is useful to look at the trial courts by Cluster designation, rather than alphabetically. I have attached an updated BLS by Clusters chart, using California County Code for the courts in lieu of names, and using court statistics from the 2016 Court Statistics Report and the FY 2017-18 RAS FTE.

The pattern is dramatic. The 2 judge courts are all rural or non-metro counties except San Benito. The 4 smallest Cluster 2 courts (5 judicial officers or fewer) are also rural. The detrimental BLS factor pattern is also apparent. Where the smaller rural courts have state employment of more than 50% the local BLS is somewhat ameliorated.

When WAFM was first implemented, the Cluster 1 courts were all excluded. It was recognized that courts had to stay open and operating in all counties, regardless of how many filings a court handled. The impact of WAFM on Cluster 1 would have been catastrophic. Subsequently, the "flooring" was developed, to keep the smallest courts open. At some point, the workload as determined by RAS would create a base operational funding.

It was apparent that the WAFM was weighing detrimentally against smaller courts because of the low BLS factor. The next "band aid" to WAFM was the <50 FTE, or what is referred to as the "BLS flooring". The rationale being that there is a precedent in private business, government and notable at the time the Affordable Care Act, where <50 FTE is basis for limiting factors.

From my perspective, the thirteen trial courts that collaborated with the Small Court WAFM Methodology Review Group letter to the Chief and Director, would support the following proposal: a minimum 1.0 BLS for the courts with 5 or fewer judicial officers, or <50 FTE (rural courts). This would eliminate the BLS flooring, or <50 FTE factor. The funding floor would need to be update and utilized. There also has to be a percentage of new funding that is allocated in some prorated manner to all 58 trial courts.

Within the branch, there is some precedent for this consideration. The Small Court Dependency Workload Working Group made its recommendations to the Judicial Council at its May 2017 meeting, wherein the BLS wage index was adjusted to a minimum of 1.0 for the 30 small courts, defined as having the lowest child welfare caseloads, fewer than 400 children in child welfare. In part, that working group recognized unique cost factors faced by small courts.

Very truly yours,

Honorable Laura Masunaga, APJ
Siskiyou Superior Court

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

(Action Item)

Title: Court Interpreters Program (CIP) Methodology
Date: 2/18/2021
Contact: Catrayel Wood, Senior Analyst, Budget Services
916-643-7008 | catrayel.wood@jud.ca.gov

Issue

Consider recommendations by the Ad Hoc Interpreter Subcommittee related to unspent CIP-allocated funding, a CIP allocation methodology for 2021-22, and membership changes to the Ad Hoc Interpreter Subcommittee.

Background

Judicial Council Meeting

On September 25, 2020, the Judicial Council approved the Trial Court Budget Advisory Committee (TCBAC) recommendation for a one-time allocation methodology for 2020-21, not to exceed the 2020 Budget Act appropriation, while the Ad Hoc Interpreter Subcommittee continued development of an ongoing workload-based allocation methodology for implementation beginning in 2021-22.¹ The recommended change from a reimbursement to allocation methodology was to address funding shortfalls previously addressed through the use of now-depleted program savings and then unrestricted Trial Court Trust Fund (TCTF) funding, which is not a viable ongoing fund source. The council-approved 2020-21 allocation methodology was implemented effective immediately.

Ad Hoc Interpreter Subcommittee

In working towards an ongoing workload-based methodology effective 2021-22, the Ad Hoc Interpreter Subcommittee, working with Judicial Council staff, has been considering what data points are best to use and the source of such data.

¹ Judicial Council meeting report (September 25, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8762604&GUID=C880B7EF-7FC5-4703-A20F-A48A84C108D8>; Judicial Council meeting minutes (September 25, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711584&GUID=760102E7-3D1B-4C00-9CA8-0A7AA617BF8B>.

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Whatever the data points and source(s) are, it is agreed that measures need to be in place to ensure timely, consistent, and reliable reporting, that auditing practices are achievable and established, that resulting workload and systematic impacts are taken into consideration, and the timeline for implementation is reasonable.

One data source under consideration is the Court Interpreter Data Collection System (CIDCS). However, it has recently been determined that there are gaps and limitations in this data, thus other alternatives should be considered. As a result, the Ad Hoc Interpreter Subcommittee determined that additional time, information, and input would be needed to develop an ongoing, workload-based allocation methodology for future implementation.

In light of this determination, and in evaluating the current-year allocation methodology in which the courts are still operating under pandemic protocols, which has resulted in longer case-processing times and increased video-remote interpreting usage, there are three recommendations for consideration by the FMS.

Rationale

Current-Year Allocation

Recent data indicates that trial courts may not fully spend their 2020-21 allocation on authorized interpreter expenses in the current fiscal year. In the event there is unspent funding at the end of the fiscal year, and because these funds can only be used for eligible interpreter services and support, it is recommended that remaining funds are returned and retained in the CIP within the TCTF. This would result in a fund balance that has not been available in years. A recommendation on how to spend the fund balance on eligible interpreter expenditures would be developed based on the amount of the surplus as well as next fiscal year's appropriation.

Next Fiscal Year Allocation

In order to provide more time for the Ad Hoc Interpreter Subcommittee to continue its research, deliberations, and recommendation development on an ongoing, workload-based methodology, it is recommended that the same funding methodology and funding amount be allocated to courts in 2021-22. This approach would provide courts with a set amount of funding for planning purposes as pandemic protocols continue.

If the underlying data were updated for the current methodology, then the model would capture some impact from the pandemic which could negatively impact allocations in a fiscal year with many unknowns.

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Ad Hoc Interpreter Subcommittee Membership

To ensure adequate, statewide representation dedicated to the ongoing development of the workload-based allocation methodology, it is recommended that the Ad Hoc Interpreter Subcommittee, a subset of the TCBAC, be expanded to include additional members from the TCBAC (per advisory body policy) and include members of small, medium, and large courts as well as urban, rural, and suburban locales. Various court differences would also be taken into consideration.

Upon approval by the FMS and subsequently the TCBAC, the TCBAC chair would assist in coordinating the recruitment of ad hoc subcommittee volunteers and appointees.

Recommendations

The Ad Hoc Interpreter Subcommittee recommends the following for approval, to be considered by the TCBAC at its March 9, 2021 meeting:

1. Require courts to return all unspent CIP allocated funds to the Judicial Council for reversion to the TCTF as restricted program funding;
2. Allocate in 2021-22 the same amount of funding provided to trial courts in 2020-21; and
3. Expand the number of Ad Hoc Interpreter Subcommittee members, continued as a subset of the TCBAC, with members to be determined after TCBAC consideration and approval.

Attachments

Attachment 2A: 2020-21 CIP Allocations by Court

2020-21 Budget Act Appropriation¹: 130,393,000

STAFF INTERPRETERS

Region	Court	Full-Time Equivalent*	Statewide Averages**		BLS Salary Adjustment***	Updated Average Salary	Total Staff Need
			Salary	Benefits			
		A	B	C	D	E (Total B * D)	F (A * (Total C + E))
1	Los Angeles	345.00	\$ 85,202	\$ 39,074	1.137	\$ 83,912	\$ 42,073,555
1	San Luis Obispo	5.50	60,368	32,682	0.861	63,544	558,711
1	Santa Barbara	11.30	58,821	32,575	0.989	72,930	1,253,958
1	Ventura	8.00	100,638	50,380	1.013	74,703	901,941
2	Alameda	32.00	98,122	40,668	1.241	91,523	4,146,005
2	Contra Costa	14.50	92,893	30,478	1.110	81,861	1,738,559
2	Del Norte	0.00	-	-	0.755	55,679	-
2	Humboldt	0.99	83,418	44,858	0.634	46,741	83,933
2	Lake	0.00	-	-	0.660	48,655	-
2	Marin	5.00	77,097	34,841	1.133	83,552	607,963
2	Mendocino	0.80	69,865	45,373	0.692	51,052	71,273
2	Monterey	12.00	56,941	27,372	1.010	74,484	1,350,294
2	Napa	3.00	89,220	48,490	1.078	79,536	352,729
2	San Benito	0.00	-	-	0.865	63,847	-
2	San Francisco	19.50	88,651	49,104	1.434	105,761	2,804,114
2	San Mateo	16.25	89,036	50,992	1.296	95,601	2,171,665
2	Santa Clara	24.00	92,173	55,962	1.259	92,849	3,141,329
2	Santa Cruz	7.50	75,771	39,144	1.004	74,038	840,587
2	Solano	3.00	82,606	43,459	1.031	76,051	342,275
2	Sonoma	9.70	88,683	31,340	1.004	74,071	1,087,474
3	Alpine	0.00	-	-	0.790	58,314	-
3	Amador	0.00	-	-	1.035	76,331	-
3	Butte	3.00	58,282	19,940	1.019	75,156	339,588
3	Calaveras	0.25	14,948	7,028	0.940	69,376	26,854
3	Colusa	0.00	-	-	0.834	61,530	-
3	El Dorado	0.50	35,133	509	1.209	89,188	63,614
3	Fresno	10.80	81,698	51,195	1.056	77,871	1,251,845
3	Glenn	0.00	-	-	0.746	55,025	-
3	Kern	25.00	78,018	60,713	1.112	82,037	3,001,914
3	Kings	2.60	84,867	31,872	0.924	68,139	276,066
3	Lassen	0.00	-	-	0.824	60,813	-
3	Madera	6.00	70,483	39,567	0.998	73,651	670,146
3	Mariposa	0.00	-	-	0.999	73,687	-
3	Merced	5.70	75,294	28,034	0.956	70,555	618,991
3	Modoc	0.00	-	-	0.636	46,952	-
3	Mono	0.60	23,316	5,159	1.025	75,639	68,207
3	Nevada	0.00	-	-	1.192	87,933	-
3	Placer	2.99	82,687	51,694	1.377	101,568	417,428
3	Plumas	0.00	-	-	0.775	57,167	-
3	Sacramento	25.30	87,375	51,631	1.415	104,414	3,604,081
3	San Joaquin	6.94	77,793	55,287	1.214	89,552	885,486
3	Shasta	1.00	44,916	22,885	1.001	73,838	111,878
3	Sierra	0.00	-	-	-	-	-
3	Siskiyou	0.00	-	-	0.772	56,954	-
3	Stanislaus	2.50	54,680	32,543	1.146	84,518	306,395
3	Sutter	1.00	81,303	64,613	1.114	82,164	120,204
3	Tehama	1.00	79,108	42,427	0.891	65,730	103,770
3	Trinity	0.00	-	-	0.782	57,687	-

CONTRACT INTERPRETERS

Per Diem Costs*	Pro Rata Percentage	Total Per Diem Need	Total Projected Need	Pro Rata Percentage	Total Allocation
G	H	I			
\$ 1,939,577	6.357%	\$ 2,152,700	\$ 44,226,256	32.430%	\$ 42,286,713
151,134	0.495%	167,740	726,452	0.533%	694,593
753,843	2.471%	836,676	2,090,634	1.533%	1,998,949
1,139,030	3.733%	1,264,188	2,166,128	1.588%	2,071,133
1,303,121	4.271%	1,446,309	5,592,314	4.101%	5,347,063
1,272,618	4.171%	1,412,455	3,151,013	2.311%	3,012,826
61,063	0.200%	67,773	67,773	0.050%	64,800
193,292	0.634%	214,531	298,465	0.219%	285,375
114,961	0.377%	127,593	127,593	0.094%	121,998
206,005	0.675%	228,642	836,604	0.613%	799,915
182,292	0.597%	202,322	273,595	0.201%	261,597
350,791	1.150%	389,336	1,739,629	1.276%	1,663,338
323,640	1.061%	359,202	711,931	0.522%	680,709
116,488	0.382%	129,288	129,288	0.095%	123,618
1,209,628	3.965%	1,342,544	4,146,658	3.041%	3,964,806
1,647,654	5.400%	1,828,700	4,000,365	2.933%	3,824,929
3,718,221	12.187%	4,126,784	7,268,113	5.330%	6,949,370
168,676	0.553%	187,210	1,027,797	0.754%	982,723
377,774	1.238%	419,284	761,559	0.558%	728,161
751,845	2.464%	834,459	1,921,932	1.409%	1,837,646
2,336	0.008%	2,593	2,593	0.002%	2,479
64,824	0.212%	71,947	71,947	0.053%	68,792
178,427	0.585%	198,032	537,620	0.394%	514,043
43,400	0.142%	48,169	75,023	0.055%	71,732
109,097	0.358%	121,085	121,085	0.089%	115,774
218,492	0.716%	242,501	306,114	0.224%	292,690
1,127,255	3.695%	1,251,119	2,502,964	1.835%	2,393,197
108,565	0.356%	120,494	120,494	0.088%	115,210
863,809	2.831%	958,725	3,960,639	2.904%	3,786,945
277,475	0.909%	307,964	584,030	0.428%	558,417
22,702	0.074%	25,196	25,196	0.018%	24,091
201,354	0.660%	223,479	893,625	0.655%	854,435
41,374	0.136%	45,920	45,920	0.034%	43,906
722,442	2.368%	801,825	1,420,816	1.042%	1,358,506
7,201	0.024%	7,992	7,992	0.006%	7,641
9,908	0.032%	10,996	79,204	0.058%	75,730
53,209	0.174%	59,056	59,056	0.043%	56,466
262,122	0.859%	290,924	708,353	0.519%	677,288
7,153	0.023%	7,939	7,939	0.006%	7,591
853,702	2.798%	947,508	4,551,589	3.338%	4,351,979
954,688	3.129%	1,059,590	1,945,076	1.426%	1,859,775
365,959	1.199%	406,171	518,049	0.380%	495,330
371	0.001%	412	412	0.000%	394
52,207	0.171%	57,944	57,944	0.042%	55,403
1,254,941	4.113%	1,392,835	1,699,230	1.246%	1,624,711
166,991	0.547%	185,340	305,544	0.224%	292,144
41,211	0.135%	45,739	149,509	0.110%	142,953
23,730	0.078%	26,337	26,337	0.019%	25,182

STAFF INTERPRETERS

Region	Court	Full-Time Equivalent*	Statewide Averages**		BLS Salary Adjustment***	Updated Average Salary	Total Staff Need
			Salary	Benefits			
		A	B	C	D	E (Total B * D)	F (A * (Total C + E))
3	Tulare	8.00	79,540	45,517	1.080	79,698	941,902
3	Tuolumne	0.00	-	-	0.927	68,416	-
3	Yolo	1.00	91,201	55,265	1.225	90,364	128,404
3	Yuba	0.00	-	-	1.071	79,041	-
4	Imperial	5.95	77,384	25,210	0.718	52,973	541,529
4	Inyo	0.25	16,357	6,726	0.789	58,221	24,065
4	Orange	71.70	82,374	41,722	1.243	91,685	9,301,313
4	Riverside	45.80	78,930	32,820	1.110	81,866	5,491,684
4	San Bernardino	46.00	97,890	58,584	1.000	73,771	5,143,329
4	San Diego	45.40	81,573	31,908	1.140	84,115	5,545,862
Totals		837.32	\$ 73,772	\$ 38,040		\$ 74,146	\$ 102,510,920

*Includes all interpreter positions filled on the 2019-20 Schedule 7A; supervisor, coordinator, interpreter, and pro tempore.
 **The statewide total salary and benefits is an average of the courts' averages.
 ***Bureau of Labor Statics; three-year average.

¹ Excludes \$87k for CIDCS database and language access funding for video remote interpreting.

CONTRACT INTERPRETERS

Per Diem Costs*	Pro Rata Percentage	Total Per Diem Need	Total Projected Need	Pro Rata Percentage	Total Allocation
G	H	I	J (F + I)	K (J / Total J)	L (K * Approp.)
1,300,557	4.263%	1,443,464	2,385,366	1.749%	2,280,755
40,816	0.134%	45,301	45,301	0.033%	43,314
796,947	2.612%	884,516	1,012,921	0.743%	968,499
53,740	0.176%	59,645	59,645	0.044%	57,030
151,729	0.497%	168,401	709,930	0.521%	678,796
51,646	0.169%	57,321	81,386	0.060%	77,817
1,597,206	5.235%	1,772,708	11,074,021	8.120%	10,588,370
969,803	3.179%	1,076,366	6,568,050	4.816%	6,280,008
496,888	1.629%	551,486	5,694,815	4.176%	5,445,069
1,034,317	3.390%	1,147,969	6,693,831	4.908%	\$ 6,400,274
\$ 30,510,247	100.000%	\$ 33,862,747	\$ 136,373,667	100.000%	\$ 130,393,000

*2018-19 actual expenditures; includes each per diem category of certified, non-cert., registered, and non-reg.
 Contractor costs made up 24.8% of total interpreter costs (75.2% for staff).

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

(Action Item)

Title: Annual Funding Methodology Subcommittee Work Plan Update
Date: 2/5/2021
Contact: Ms. Brandy Olivera, Manager, Budget Services
415-865-7195 | brandy.olivera@jud.ca.gov

Issue

The Funding Methodology Subcommittee (FMS) work plan items need review and updating for 2020-21 and beyond.

Background

The FMS prepares an annual work plan to direct its efforts in developing and refining the Workload Formula as well as other allocation methodologies including self-help, court-appointed dependency counsel, and court interpreter funding.

The work plan, as approved by the Trial Court Budget Advisory Committee (TCBAC) on July 16, 2020, is provided as Attachment A.

Due to the COVID-19 pandemic and its impacts, advisory bodies were asked to reevaluate their annual agendas and reprioritize items in an effort to maintain access to court proceedings with the fair administration and delivery of justice in response to public health directives and related budget reductions.

The TCBAC 2021 Annual Agenda, which highlights items included in the FMS work plan, reduced the priority order for FMS plan Item 1, 'Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds', and Item 3, 'Initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding,' while Item 2 regarding a court interpreter methodology remained a high priority.

Recommendation

It is recommended that FMS review and update the annual work plan as follows:

1. Identify which items should be marked complete, moved, or removed.
 - a. Recommend moving as ongoing through 2021-22: Items 1, 2, and 3.
 - b. Recommend updating the language for item 2 based on recent changes to the interpreter funding model.

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

2. Identify any new items that should be added.
3. Determine in which fiscal year each item should be addressed, in order of priority.

The updated annual work plan will be presented to TCBAC for consideration at its July 2021 meeting.

Attachments

Attachment 3A: Approved FMS Work Plan

Attachment 3B: Proposed FMS Work Plan

Attachment 3C: TCBAC 2021 Annual Agenda

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN
As Approved by the Trial Court Budget Advisory Committee on July 16, 2020

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

2020-21

1. Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds.
2. Develop a methodology for reimbursement of expenditures for the Court Interpreter Program in the event of a funding shortfall.
3. Initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding.

Ongoing Through 2021-22

4. Track the work of the Family and Juvenile Law Advisory Committee to ensure implementation of an allocation methodology for the AB 1058 Child Support Family Law Facilitator Program in 2022-23.

Annual Updates

5. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC no later than December, to determine whether an inflationary adjustment is needed.

FUNDING METHODOLOGY SUBCOMMITTEE WORK PLAN
As proposed to the subcommittee for its February 18, 2021 meeting

Charge of the Funding Methodology Subcommittee

Focus on the ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the Trial Court Trust Fund Court Interpreter Program (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.

Ongoing Through 2021-22

1. Identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds.
2. Develop an ongoing, workload-based methodology for allocation of Court Interpreter Program funding.
3. Initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding.
4. Track the work of the Family and Juvenile Law Advisory Committee to ensure implementation of an allocation methodology for the AB 1058 Child Support Family Law Facilitator Program in 2022-23.

Annual Updates

5. Review the base funding floor amounts annually, if requested by the applicable courts, for presentation to the TCBAC no later than December, to determine whether an inflationary adjustment is needed.

Trial Court Budget Advisory Committee
Annual Agenda¹—2021

Approved by Judicial Branch Budget Committee: November 12, 2020

I. COMMITTEE INFORMATION

Chair:	Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Lead Staff:	Ms. Brandy Olivera, Manager, Judicial Council Budget Services
Committee's Charge/Membership: Rule 10.64(a) of the California Rules of Court states the charge of the Trial Court Budget Advisory Committee, which is to make recommendations to the council on the preparation, development, and implementation of the budget for trial courts and provides input to the council on policy issues affecting trial court funding. Rule 10.64(b) sets forth additional duties of the committee. The Trial Court Budget Advisory Committee currently has 24 members, and meets in-person four times a year, in addition to numerous teleconferences, utilizing dedicated funds from the State Trial Court Improvement and Modernization Fund. The current committee roster is available on the committee's web page. The Funding Methodology Subcommittee meets in-person twice annually, also using dedicated funds from the State Trial Court Improvement and Modernization Fund.	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

Subcommittees/Working Groups²²:

1. Fiscal Planning Subcommittee (FPS) – Reviews recommendations regarding trial court requests to set aside funds on their behalf that have reverted to the Trial Court Trust Fund (TCTF) pursuant to Government Code section 77203. This group also reviews requests from trial courts that relate to Children’s Waiting Room funding.
2. Funding Methodology Subcommittee (FMS) – Ongoing review and refinement of the Workload Formula, develop a methodology for allocations from the TCTF Court Interpreter Program (CIP) (0150037) in the event of a funding shortfall, and consider funding allocation methodologies for other non-discretionary dollars as necessary.
3. Revenue and Expenditure (R&E) Subcommittee – Ongoing review of TCTF and State Trial Court Improvement and Modernization Fund (IMF) allocations supporting trial court projects and programs as well as any systematic cash flow issues affecting the trial courts.
4. Ad Hoc Interpreter Subcommittee – To develop a methodology for allocations from the TCTF CIP in the event of a funding shortfall and review existing methodologies.
5. Ad Hoc COVID-19 Backlog Subcommittee (New) – To develop more precise definitions and practices for documenting and reporting COVID-related backlog and workload to be funded by the \$50 million one-time augmentation in the 2020 Budget Act; determine information to be collected on how the first \$25 million allocation was spent; and develop recommendations for the remaining \$25 million based on data and need.

Meetings Planned for [YEAR(S)]³ (Advisory body and all subcommittees and working groups)

Date/Time/Location or Teleconference:

The Trial Court Budget Advisory Committee usually holds four in-person meetings annually and the Funding Methodology Subcommittee holds two in-person meetings. A budget allocation is provided to the committee to cover the costs of travel and per diem to allow these budget discussions to occur in-person. Due to the COVID-19 pandemic and ongoing public health protocols that restrict in-person gatherings, as well as the uncertainty of the state’s fiscal condition, the committee has not finalized its meeting schedule for 2021. Dates are estimated by month and the location is listed as “To Be Determined” where it would have been an in-person meeting. Additional meetings to address budget issues will be scheduled as needed.

Trial Court Budget Advisory Committee

January 2021/Videoconference; March 2021/TBD; April 2021/Videoconference; May 2021/TBD; July 2021/TBD; November 2021/TBD

Fiscal Planning Subcommittee

May 2021/Teleconference; September 2021/Teleconference; November 2021/TBD

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body's duties, subject to available resources, with the approval of its oversight committee.

³ Refer to [Operating Standards for Judicial Council Advisory Bodies](#) for governance on in-person meetings.

Revenue and Expenditure Subcommittee

March 2021/Teleconference

Ad Hoc Interpreter Subcommittee

January 2021/Teleconference; February 2021/Teleconference; March 2021/Teleconference

Ad Hoc COVID-19 Backlog Subcommittee

January 2021/Teleconference; February 2021/Teleconference; March 2021/Teleconference

Check here if exception to policy is granted by Executive Office or rule of court.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Project Title: One-Time \$50 Million COVID-19 Backlog Funding (New)	Priority 1⁵
		Strategic Plan Goal⁶ VII
	<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated with the inclusion of \$50 million one-time funding for COVID-19 backlog in the 2020 Budget Act. Allocation of the first \$25 million was approved by the Judicial Council at its July 24, 2020, business meeting, with a motion made by the council providing guidelines to the Trial Court Budget Advisory Committee for developing a recommendation for allocating the remaining \$25 million. The Ad Hoc COVID-19 Backlog Subcommittee will be developing a recommendation to the Trial Court Budget Advisory Committee, following the guidelines outlined by the council. The expected outcome is to allocate the remaining \$25 million to courts based on determined data elements and identified need.</p> <p>Status/Timeline: Targeted completion date is for the Trial Court Budget Advisory Committee to make a recommendation at the November 2020 Judicial Council business meeting on allocating the remaining \$25 million in COVID-19 backlog funding for the remainder of the 2020-21 fiscal year.</p> <p>Fiscal Impact/Resources: Budget Services and Business Management Services staff.</p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	

⁴ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or *a program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁵ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁶ Indicate which goal number of The Strategic Plan for California’s Judicial Branch the project most closely aligns.

⁷ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
2.	Project Title: Interpreter Funding Methodology	Priority 1⁵
		Strategic Plan Goal⁶ VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated due to the declining fund balance in the TCTF CIP (0150037), and the Ad Hoc Interpreter Subcommittee was established to develop a methodology for allocations from the CIP in the event of a funding shortfall and to review existing methodologies. The Ad Hoc Interpreter Subcommittee made a recommendation to the Trial Court Budget Advisory Committee that was approved by the Judicial Council on July 24, 2020, to allocate the 2020 Budget Act appropriation to the trial courts, replacing the prior reimbursement process. The Ad Hoc Interpreter Subcommittee will continue its work to develop an ongoing allocation methodology for Trial Court Budget Advisory Committee and Judicial Council consideration for the 2021-22 fiscal year. The expected outcome is to appropriately allocate funds that do not exceed the CIP appropriation via a methodology that takes workload into consideration.</p> <p>Status/Timeline: Targeted completion date for an ongoing allocation methodology is fiscal year 2020–21 for a 2021-22 implementation.</p> <p>Fiscal Impact/Resources: Budget Services and Center for Children, Families & the Courts (CFCC) staff.</p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: None.</p>		
3.	Project Title: State Trial Court Improvement and Modernization Fund (IMF) and Trial Court Trust Fund (TCTF) Review	Priority 1⁵
		Strategic Plan Goal⁶ VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from a Trial Court Budget Advisory Committee recommendation approved by the Judicial Council on July 24, 2020, on 2020-21 allocations from the IMF in the amount of \$54.5 million due to an ongoing \$7.9 million General Fund reduction to the IMF. The R&E Subcommittee will review 2020-21 allocations from the IMF and the TCTF to ensure consistency with the Judicial Council goals and objectives and propose solutions to address any structural shortfall in either fund. The expected outcome is to assist the council in ensuring solvency of the IMF and TCTF.</p> <p>Status/Timeline: One-time review in 2020-21 to determine if any current year allocation adjustments are needed. The allocations for 2021–22 will be approved by July 2021.</p> <p>Fiscal Impact/Resources: Budget Services staff as well as multiple other Judicial Council office staff that have programs funded from the IMF and/or TCTF.</p>		

#	New or One-Time Projects⁴	
	<p>Internal/External Stakeholders: Various Judicial Council offices with programs funded from the IMF and/or TCTF, and external stakeholders include trial courts and service providers.</p> <p>AC Collaboration: Various advisory bodies that have programs in these funds and provide recommendations regarding funding and program priorities.</p>	
4.	<p>Project Title: Court Cluster System and Floor Funding</p>	<p>Priority 2⁵</p> <p>Strategic Plan Goal⁶ VII</p>
	<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from an FMS recommendation on February 20, 2020 to initiate an ad hoc subcommittee to reevaluate the cluster system and floor funding to identify any opportunities for refinement or change. The expected outcome could impact the statewide four-cluster system and/or its criteria as well as updates to the funding floor determination process.</p> <p>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Budget Services and Business Management Services staff.</p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Workload Assessment Advisory Committee.</p>	
5.	<p>Project Title: Trial Court Pension Trust Fund</p>	<p>Priority 2⁵</p> <p>Strategic Plan Goal⁶ VII</p>
	<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from a January 2019 Senate Bill 1413 (Chapter 665, Statutes of 2018) creating Government Code 21711, which established the California Employers' Pension Prefunding Trust (CEPPT). The CEPPT is a trust fund dedicated to prefunding employer contributions to defined benefit pension systems and works similarly to the existing California Employer's Retiree Benefit Trust dedicated to prefunding other post-employment benefits. The Trial Court Budget Advisory Committee voted on July 16, 2020 to further research the cost benefit impact for developing a recommendation regarding potential trial court participation in the CEPPT for consideration by the Judicial Council at a future business meeting. The expected outcome will inform the recommendation to the council.</p>	

#	New or One-Time Projects⁴	
	<p><i>Status/Timeline:</i> One-time.</p> <p><i>Fiscal Impact/Resources:</i> Branch Accounting and Procurement and Budget Services staff.</p> <p><i>Internal/External Stakeholders:</i> External stakeholders include the trial courts.</p> <p><i>AC Collaboration:</i> None.</p>	
6.	Project Title: Judicial Council-Provided Services Review	Priority 2⁵
	<p>Strategic Plan Goal⁶ VII</p> <p><i>Project Summary⁷:</i> Part of the charge of the committee pursuant to rule 10.64. The project originated from the FMS work plan to identify and evaluate the impact of Judicial Council-provided services versus those that are funded by local trial court operations funds. The expected outcome is to determine if any services provided should be shifted or combined along with any associated funding.</p> <p><i>Status/Timeline:</i> One-time.</p> <p><i>Fiscal Impact/Resources:</i> Various Judicial Council offices that provides services to trial courts.</p> <p><i>Internal/External Stakeholders:</i> Workload Assessment Advisory Committee.</p> <p><i>AC Collaboration:</i> Various advisory bodies that have programs that provide various court services.</p>	

#	Ongoing Projects and Activities⁴	
1.	Project Title: Workload Formula Adjustment Request Process (ARP)	Priority 1⁵
		Strategic Plan Goal⁶ VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. At its August 22, 2013 meeting, the Judicial Council approved a recommendation made by the Trial Court Budget Advisory Committee to approve the Workload Formula Adjustment Request Process to allow courts an annual opportunity to submit recommendations for changes to the Workload Formula. The expected outcome is to assist the courts and the council with ongoing review and refinements to the Workload Formula.</p> <p>Status/Timeline: Ongoing.</p> <p>Fiscal Impact/Resources: Budget Services and Business Management Services staff.</p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: The Workload Assessment Advisory Committee oversees the Resources Assessment Study model, which feeds into the Workload Formula, and which is often the area for recommendation submissions by trial courts.</p>		
2.	Project Title: Child Support Commissioner and Family Law Facilitator (AB 1058) Funding	Priority 2⁵
		Strategic Plan Goal⁶ VII
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from a Judicial Council meeting in April 2015 as a recommendation from the Family and Juvenile Law Advisory Committee, with an original targeted completion date of December 2017 for 2018–19 implementation (which has been delayed to 2021–22 implementation). The Family and Juvenile Law Advisory Committee will work on the development of a workload-based funding methodology for the facilitator portion of the program, which was originally developed in 1997 (the commissioner portion is completed, and a reallocation of funds will be considered every two years beginning with fiscal year 2021–22). The expected outcome is for the Trial Court Budget Advisory Committee to provide input on allocating funds based on workload per a Judicial Council December 2016 report. The AB 1058 program experienced a \$7 million reduction by the California Department of Child Support Services (DCSS) to the Judicial Council’s cooperative agreement for 2020-21, which was allocated via an approval by the Judicial Council on September 25, 2020.</p> <p>Status/Timeline: Targeted completion for the facilitator portion of the methodology is fiscal year 2020–21 for 2021–22 implementation.</p> <p>Fiscal Impact/Resources: Budget Services and CFCC staff.</p>		

Internal/External Stakeholders: Internal stakeholders include CFCC, and external stakeholders include trial courts and DCSS.

AC Collaboration: Family and Juvenile Law Advisory Committee.

III. LIST OF 2020 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p>Workload Formula</p> <p>The Trial Court Budget Advisory Committee made recommendations to the Judicial Council that were approved on January 17, 2020 including redirecting the fee collected per Government Code section 68086(a)(2), court reporter services in civil proceedings lasting more than one hour, to be distributed back to trial courts on a dollar-for-dollar basis after deposit into the TCTF and that this revenue stream be excluded from the Workload Formula; and technical refinements to current Workload Formula policy parameters that provided clearer allocation methodologies to further the goal of funding equity, minimize adverse funding impacts to trial courts, and provide clear direction on applying policy parameters.</p> <p>The Trial Court Budget Advisory Committee made recommendations to the Judicial Council that were approved on July 24, 2020 that included allocation of \$2.201 billion to the trial courts from the TCTF, an ongoing reduction of \$167.831 million, and allocation of the first \$25 million in one-time funding for COVID-19 backlog.</p>
2.	<p>Operating Expenditures and Equipment (OE&E) Review</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved on July 24, 2020 related to how Workload Formula-based allocations are calculated and increasing the accuracy and transparency of the Workload Formula by updating the calculation for OE&E, and making updates to general ledger accounts used in the Workload Formula effective with 2020-21 allocations.</p>
3.	<p>IMF and TCTF Allocations</p> <p>The Trial Court Budget Advisory Committee made 2020–21 IMF and TCTF recommendations to the Judicial Council that were approved on July 24, 2020.</p>
4.	<p>Interpreter Funding Methodology</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved on September 25, 2020 to allocate CIP funds via a one-time allocation methodology not to exceed the 2020 Budget Act appropriation. The project continues into the 2021 agenda.</p>

#	Project Highlights and Achievements
5.	<p data-bbox="201 204 598 240">Consumer Price Index (CPI)</p> <p data-bbox="201 280 1881 423">The Ad Hoc CPI Subcommittee was disbanded as the charge to develop a methodology for CPI allocations to trial courts was no longer required as this funding request was not included in a 2020-21 budget change proposal (BCP) submission. The Ad Hoc CPI Subcommittee could be reestablished in the event this funding is included in the 2021-22 budget. A 2021-22 BCP for Inflationary Cost Adjustment for Trial Courts was submitted to the Department of Finance for consideration in the 2021-22 Governor’s Budget.</p>
6.	<p data-bbox="201 448 489 483">Joint Facilities Costs</p> <p data-bbox="201 521 1822 553">Costs of leases remaining with courts are pending the outcome of a funding request for these costs included in a 2021-22 BCP.</p>