



JUDICIAL COUNCIL OF CALIFORNIA

TRIAL COURT BUDGET
ADVISORY COMMITTEE

TRIAL COURT BUDGET ADVISORY COMMITTEE

MATERIALS FOR JANUARY 13, 2022 VIRTUAL MEETING

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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

Date: January 13, 2022
Time: 12:00 p.m. to 1:30 p.m.
Public Call-in Number: <https://jcc.granicus.com/player/event/1537>

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 November 30, 2021 Trial Court Budget Advisory Committee (TCBAC) 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 12:00 p.m. on January 12, 2022 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEM 1)

Item 1

Trial Court Budget Change Proposals for 2023-24 (Action Required)

Development and adoption of trial court funding priorities for 2023-24 budget change proposal consideration.

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

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Governor's Budget Proposal for 2022-23

Update on the Governor's Budget proposal for 2022-23.

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

Info 2

Adjustment Request Proposal (ARP) Update

Update on the two ARPs submitted by Humboldt and Siskiyou Superior Courts as reviewed by the Funding Methodology Subcommittee.

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

Info 3

2022 Trial Court Budget Advisory Committee Annual Agenda

Update on the agenda approved by the Judicial Branch Budget Committee for 2022.

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

Info 4

\$60 Million One-Time COVID-Driven Caseload Backlog Funding

Information on the second 2021-22 one-time allocation to be distributed to trial courts in January 2022.

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

Info 5

Trial Court Trust Fund Funds Held on Behalf Expenditure Reporting

Quarterly report to the TCBAC 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

V. A D J O U R N M E N T

Adjourn



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TRIAL COURT BUDGET ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

November 30, 2021
11:00 a.m. – 3:00 p.m.

<http://jcc.granicus.com/player/event/1482>

Advisory Body Members Present: Judges: Hon. Jonathan B. Conklin (Chair), Hon. Jill C. Fannin, Hon. Patricia L. Kelly, Hon. Erick L. Larsh, Hon. Scott B. Thomsen, and Hon. Theodore C. Zayner.

Executive Officers: Ms. Kim Bartleson, Mr. Chad Finke, Mr. Kevin Harrigan, Mr. Shawn Landry, Ms. Krista LeVier, Mr. Brandon E. Riley, Mr. Chris Ruhl, Mr. Neal Taniguchi, Mr. Brian Taylor, and Mr. David Yamasaki.

Advisory Body Members Absent: Hon. Daniel J. Buckley, Hon. Kimberly Gaab, Hon. Erick L. Larsh, Hon. Deborah A. Ryan, Hon. Michael A. Sachs, Hon. Kevin M. Seibert, Ms. Rebecca Fleming (Vice Chair), and Mr. James Kim .

Others Present: Mr. John Wordlaw, Ms. Fran Mueller, Mr. Rob Oyung, Ms. Heather Pettit, Mr. Zlatko Theodorovic, Ms. Brandy Olivera, Ms. Oksana Tuk, and Mr. Jason Haas.

OPEN MEETING

Call to Order and Roll Call

The chair welcomed the members, called the meeting to order at 11:01 a.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved minutes of the November 16, 2021 Trial Court Budget Advisory Committee (TCBAC) virtual meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1 - Delegation of Trial Court Trust Fund (TCTF) Authority (Action Required)

Consideration of a recommendation from the Revenue and Expenditure (R&E) Subcommittee to delegate TCTF authority to the Judicial Council Administrative Director to transfer council-approved funding from one program or project to another.

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

Action: *TCBAC unanimously voted to approve the following recommendation from the R&E Subcommittee to approve delegation authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council from one program or project to another, subject to any restrictions or conditions provided by the council, as necessary, to address unanticipated needs and contingencies, for consideration by the Judicial Branch Budget Committee (Budget Committee) on December 7, 2021 and the Judicial Council at its January 20-21, 2022 business meeting.*

Item 2- 2021-22 State Trial Court Improvement and Modernization Fund (IMF) Allocation Adjustment for the Judicial Council Information Technology (IT) Office (Action Required)

Consideration of a recommendation from the R&E Subcommittee to adjust the 2021-22 IMF allocation for IT telecommunications, statewide planning, and development support programs.

Presenter(s)/Facilitator(s): Ms. Heather Pettit, Chief Information Officer / Director, Information Technology Services

Mr. Jason Haas, Senior Analyst, Judicial Council Budget Services

Action: *TCBAC unanimously voted to approve the following recommendation to be considered by the Budget Committee at its December 7, 2021 meeting and the Judicial Council at its March 12, 2022 business meeting:*

A change to the 2021-22 approved Local Assistance allocation from the IT Statewide Planning and Development Support (SPDS) program (\$168,667) and the IT Telecommunications Support program (\$195,750), totaling \$364,417, shifting this amount to Support Operations to allow for the hire of 4.0 full-time equivalent (FTE) positions for the SPDS program and 5.5 FTE positions for the Telecommunications Support program. Approval of this funding shift request for 2021-22 allocations carries the understanding that future year allocation requests for these positions will be the same. Long-term funding for the 9.5 FTEs will result in no additional cost to the previous 2022-23 IT SPDS and Telecommunications Support program estimated expenditures.

Item 3 - SB 170 Ongoing \$7 Million Court Reporter Funding Allocation Methodology (Action Required)

Consideration of a recommendation from the Funding Methodology Subcommittee (FMS) on an allocation methodology to cover the costs associated with increased transcript rates effective 2021-22.

Presenter(s)/Facilitator(s): Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee

Action: *TCBAC unanimously voted to approve the following recommendation from the FMS, to be considered by the Budget Committee on December 7, 2021 and the Judicial Council at its January 20-21, 2022 business meeting:*

- 1. An allocation methodology that allocates the \$7 million appropriation to each trial court proportionally, based on an average of the prior three-year transcript expenditures;*

2. *Establish 2020-21 actual expenditures, adjusted to reflect the September 23, 2021 effective date of the increased transcript rate outlined in Attachment 3B, as a baseline to determine cost increases and identify unspent funds for General Fund reversion each fiscal year as necessary; and*
3. *Direct staff to update the three-year average for the allocation methodology each year based on the most recent data available for actual expenditures on transcripts.*

Item 4 - SB 170 Ongoing \$30 Million Court Reporter Funding Allocation Methodology (Action Required)

Consideration of a recommendation from the FMS on an allocation methodology to increase the number of court reporters in family law and civil law case types effective 2021-22.

Presenter(s)/Facilitator(s): Ms. Rebecca Fleming, Cochair, Funding Methodology Subcommittee

Action: *TCBAC unanimously voted to approve the following recommendation from the FMS, to be considered by the Budget Committee on December 7, 2021 and the Judicial Council at its January 20-21, 2022 business meeting:*

1. *Approve an allocation methodology that allocates the \$30 million funding proportionally to each trial court based on the most-recently published non-criminal Assessed Judicial Need (AJN), and after a \$25,000 funding floor is provided to those courts that fall below the floor amount through the model;*
2. *Capture a baseline number and associated costs for court reporters in non-criminal case types, effective July 1, 2021, to ensure that these funds are not being used to supplant existing expenditures in these areas, consistent with the requirements in the budget language;*
3. *Update the AJN data and Schedule 7A data used each year based on the most recent information available at the time of allocation for each fiscal year 3 ; and*
4. *Identify unspent funds for General Fund reversion each fiscal year as necessary.*

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:54 a.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: Prioritization of Trial Court Budget Change Proposals for 2023-24
Date: 12/28/2021
Contact: Brandy Olivera, Manager, Budget Services
415-865-7195 | brandy.olivera@jud.ca.gov

Issue

Identification of the 2023-24 statewide budget change proposal (BCP) priorities for the trial courts is needed for conceptual consideration and approval by the Judicial Branch Budget Committee (Budget Committee).

To facilitate a discussion of potential 2023-24 statewide BCPs, and to ensure full trial court participation as it relates to identifying priorities, each Trial Court Budget Advisory Committee (TCBAC) member was assigned one to two courts to contact for ascertaining their priorities for reporting back to the committee along with members' own court priorities at the January 13, 2022 virtual TCBAC meeting.

Background

Judicial Branch Budget Committee

The Budget Committee, established in July 2016, reviews and prioritizes BCPs prior to submission to the Judicial Council for final prioritization and approval. At its December 2016 meeting, the council approved a new process for BCP preparation, approval, and submission to the Department of Finance (DOF) to include the Budget Committee¹.

At its July 28, 2017 meeting, authority was delegated to the Judicial Council Administrative Director to make technical changes to BCPs as necessary².

¹ Judicial Council meeting report (December 16, 2016),
<https://jcc.legistar.com/View.ashx?M=F&ID=4817140&GUID=6165243B-1678-4074-B1D7-AB5A1467CA6F>;
Judicial Council meeting minutes (December 16, 2016),

<https://jcc.legistar.com/View.ashx?M=M&ID=463484&GUID=8E4B8E76-2D88-480D-843A-6576CC996914>

² Judicial Council meeting report (July 28, 2017),
<https://jcc.legistar.com/View.ashx?M=F&ID=5324681&GUID=0A450F2C-30A0-46F7-975B-B7B0B5ABEC79>;
Judicial Council meeting minutes (July 28, 2017),
<https://jcc.legistar.com/View.ashx?M=M&ID=512292&GUID=8C379D3F-1774-4555-AE4D-5B8728283100>

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BUDGET SERVICES
Report to the Trial Court Budget Advisory Committee

Trial Court Budget Advisory Committee

In addition to prioritizing budget concepts identified by the TCBAC, the members also review BCP concept submissions developed by other committees in which the TCBAC was identified as having purview and the opportunity to provide input for submission to the Budget Committee.

2022-23 Budget Change Proposals

TCBAC met on January 12, 2021³ and January 21, 2021⁴ and developed the following prioritized list of BCP concepts for recommendation to the Budget Committee:

1. Annual automatic inflationary adjustment (Consumer Price Index) / + Current year (2020-21) inflationary adjustment;
2. Restoration of 2020-21 budget reductions / Baseline funding;
3. Facility maintenance (including new courthouses);
4. Maintenance of Effort buyout;
5. Fund Workload Formula gap to 100 percent; and
6. New courthouse construction (including funding for equipment and local costs).

At its April 22, 2021 meeting, the TCBAC voted to support the following additional BCP concepts, for which it has purview, without prioritization⁵:

- A. Financial obligations of the Court Facilities Trust Fund;
- B. Phoenix system functional requirements;
- C. Trial court facility modification prioritization and costs; and
- D. Water conservation and leak detection in courthouses.

The committee also voted to change the prioritization of its six BCP concepts as follows:

1. Trial Court Workload Formula Gap Funding to 85 Percent (was #5 and at 100 percent, updated the percentage to provide a more focused request for courts below the statewide average funding level)

³ TCBAC meeting materials (January 12, 2021), <https://www.courts.ca.gov/documents/tcbac-20210112-materials.pdf>; TCBAC meeting minutes (January 12, 2021), <https://www.courts.ca.gov/documents/tcbac-20210112-minutes.pdf>.

⁴ TCBAC meeting materials (January 21, 2021), <https://www.courts.ca.gov/documents/tcbac-20210121-materials.pdf>; <https://www.courts.ca.gov/documents/tcbac-20210121-additional-material.pdf>; TCBAC meeting minutes (January 21, 2021), <https://www.courts.ca.gov/documents/tcbac-20210121-minutes.pdf>.

⁵ TCBAC meeting materials (April 22, 2021), <https://www.courts.ca.gov/documents/tcbac-20210422-materials.pdf>; TCBAC meeting minutes (April 22, 2021), <https://www.courts.ca.gov/documents/tcbac-20210422-materials.pdf>.

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2. Annual Automatic Inflationary Adjustment for Trial Courts (Consumer Price Index) (was #1)
3. Trial Court Deferred Maintenance (stays at #3)
4. Trial Court Civil Assessment Maintenance of Effort (stays at #4)
5. Trial Court Capital Outlay Funding: 2022-23 through 2025-26 (was #6)

The Trial Court Baseline Funding Restoration of 2020-21 Budget Reductions concept (was #2) was withdrawn due to a 2021-22 budget agreement between the Governor and the Legislature.

On July 9, 2021, the Budget Committee recommended and the Judicial Council approved the following 13 branch BCP concepts for submission to the DOF without prioritization⁶:

- A. Proposition 66 Costs in the Courts of Appeal and Habeas Corpus Resource Center
- B. Appellate Court Security
- C. Courts of Appeal Court-Appointed Counsel Program
- D. Self-Help Centers in Trial Courts: Expanding In-Person and Online Resources
- E. Criminal Justice Improvements to Increase Services and Efficiencies Related to Substance Use Disorders, Mental Illness, and Sex Offender Registration Termination
- F. Trial Court Capital-Outlay Funding: 2022–23 through 2025–26
- G. Trial Court and Court of Appeal Deferred Maintenance and Emergency Leak Mitigation
- H. Facility Modification Prioritization and Costs
- I. Branchwide Information Technology Modernization
- J. Language Access Efforts in California Courts
- K. Additional Legal Services Staff for Public Access Work
- L. Trial Court Workload Formula Gap Funding to 85 percent
- M. Judicial Branch Data and Information Governance

2021 Budget Act

The 2021 Budget Act provided for significant growth in governmental programs and services for the people of California, and included the following:

- \$72.2 million ongoing General Fund to provide the trial courts a 3.7 percent increase in funding to address inflationary costs;
- \$118.3 million General Fund to backfill the decline of fines and penalty revenues expected in 2021-22;

⁶ Judicial Council meeting materials (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9479380&GUID=38725D64-FBEE-42F7-82A6-7DC123DBE6AE>; Judicial Council meeting minutes (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=M&ID=803683&GUID=7A91FDD5-4839-4018-9831-79E23D4383BF>.

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- \$31.2 million General Fund for trial court employee health benefits and retirement costs;
- \$19.1 million General Fund each year for three years for trial courts to provide self-help services to unrepresented litigants and to achieve court efficiencies;
- \$60 million in one-time General Fund to address backlogs and workload delays resulting from the COVID-19 pandemic;
- \$30 million one-time General Fund for allocation by the Chief Justice’s Temporary Assigned Judges Program to support early disposition readiness conference programs in trial courts;
- \$140 million General Fund in 2021–22, and \$70 million annually thereafter to courts to enter into contracts with probation departments or other county departments for the provision of pretrial monitoring and services;
- \$12.3 million General Fund in 2021–22, increasing to \$58.4 million by 2024–25, to expand the use of an online ability-to-pay tool statewide for both traffic and non-traffic infractions;
- With the consent of the defendant, courts may conduct proceedings, including arraignments and trials, remotely for all infractions;
- \$10 million General Fund in 2021–22 is to address dependency counsel pandemic-related operational costs and caseload increases, and up to \$30 million in 2021–22 and ongoing, upon the order of the Department of Finance, to correct for any shortfall in Title IV-E federal funding;
- \$50 million General Fund in 2021–22, and \$20 million annually thereafter, for legal aid services through the Equal Access Fund;
- \$40 million federal American Rescue Plan Act funds in 2021–22 and \$20 million in two subsequent years for a total of \$80 million to provide legal aid services for renters and homeowners to avoid eviction and foreclosure;
- \$16.5 million General Fund each year for two years to County Law Libraries to backfill lost revenue;
- \$5 million reimbursement authority to cover the increased contract amount with the Department of Child Support Services to support the AB 1058 Child Support Commissioner and Family Law Facilitator Program;
- Budget bill language to allow unspent cannabis convictions-resentencing funds (\$16.8 million) included in the 2019–20 and 2020–21 Budgets to fund workload resulting from the requirements of AB 1793 to be carried over into the 2021–22 fiscal year rather than revert to the General Fund;
- \$331,000 one-time General Fund for a technical adjustment to the Case Management System funding that was provided in the 2019–20 Budget;
- \$330,000 General Fund in 2021–22 and \$660,000 ongoing for increased costs for marshal’s security services related to the opening of the new Redding Courthouse in Shasta County;

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- \$200,000 one-time General Fund for Court Appointed Special Advocates of Los Angeles to provide advocacy for youth in foster care in Los Angeles County’s child welfare system and address caseload waitlists due to the COVID-19 pandemic;
- \$180 million one-time General Fund to support trial court costs for deferred maintenance and special repairs;
- \$50.7 million ongoing General Fund to support facilities maintenance, utility, and lease costs for trial courts;
- \$18.9 million in 2021-22 and \$48.8 million in 2022-23 to make facility modifications in two trial courts (Orange and San Diego);
- \$115 million in new funding for seven courthouse projects;
- \$30 million one-time General Fund for a new Court Interpreter Employee Incentive Grant intended to increase the number of new interpreters in trial courts and to increase language access services for court users inside courthouses;
- \$7 million ongoing General Fund to cover the costs associated with increased transcript rates; and
- \$30 million ongoing General Fund to increase the number of court reporters in family law and civil law case types.

2022-23 Governor’s Budget

The 2022-23 Governor’s Budget proposal includes:

- \$100 million ongoing General Fund to the trial courts to expand equal access and promote greater fiscal equity, and materially reduce the funding gap between trial courts;
- \$84.2 million General Fund to provide the trial courts a 3.8 percent increase in funding to address inflationary costs;
- \$39.9 million General Fund in 2023-23 and \$39.1 million annually thereafter for 23 additional superior court judgeships. The Budget also includes funding to address the increased security needs placed on the counties due to additional judgeships;
- \$117.8 million General Fund to backfill the decline of fines and penalty revenues expected in 2022-23;
- \$50 million General Fund to backfill civil assessment fee revenue loss due to a reduction in the civil assessment fee from \$300 to \$150;
- \$28.7 million General Fund for trial court employee health benefits and retirement costs;
- \$13.4 million General Fund to backfill revenues lost from the repeal of fees in AB 177;
- \$1.3 million one-time General Fund to conduct a comprehensive study of probate conservatorships in California and develop statewide recommendations, as required by AB 1194;
- Proposed budget bill language to authorize General Fund backfill to the State Trial Court Improvement and Modernization Fund to ensure trial court programs are funded;

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- \$34.7 million General Fund in 2022-23 increasing to \$40.3 million in 2025-26 to support Judicial Branch modernization and stabilization efforts;
- \$15 million General Fund in 2022-23 and \$3.8 million annually thereafter to implement a data and information framework to improve data collection from trial and appellate courts;
- \$33.2 million General Fund each for two years and \$1.6 million annually thereafter to implement and support remote access to courtroom proceedings pursuant to AB 716;
- \$2.6 million in 2022-23 and \$1.7 million annually thereafter to implement and support electronic filing interfaces for domestic violence restraining orders, domestic temporary restraining orders, and gun violence restraining orders for all trial courts as required by AB 887 and SB 538;
- \$40 million one-time General Fund to backfill the State Court Facilities Construction Fund and maintain existing service levels;
- \$15.4 million ongoing General Fund for critical building repairs in the trial and appellate courts and an additional \$4 million in reimbursement authority to reflect additional funding from counties; and
- \$135.8 million General Fund and \$127.2 million Public Buildings Construction Fund for funding five new projects (Los Angeles, Plumas, Solano, Fresno, and San Luis Obispo) and continued funding of three previously approved projects (Mendocino, Butte, and San Bernardino).

Recommendation

It is recommended that the 2023-24 BCP concept proposals and prioritization by the membership include consideration of the 2022-23 Governor's Budget.

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

(Information Only)

Title: Adjustment Request Proposal (ARP) Update
Date: 1/7/2022
Contact: Oksana Tuk, Senior Analyst, Judicial Council Budget Services
916-643-8027 | oksana.tuk@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 requests sought to modify the Bureau of Labor Statistics (BLS) adjustment to create a floor for cluster 2 courts and extend the floor to cluster 1 courts if the BLS factor negatively impacts their Workload Formula allocation. The ARPs were reviewed by the Funding Methodology Subcommittee (FMS) and its findings and resolution are included in this report.

Background

Judicial Council staff presented the ARPs to the FMS at its February 18, 2021 meeting, and highlighted the issues raised in the ARPs noting they had been reviewed previously by the FMS. 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.

A review of BLS and cluster 2 courts showed that these courts tend to have a lower BLS factor compared to courts in other clusters. Thus, cluster 2 courts have a lower full-time equivalent (FTE) value 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 idea of adjusting the BLS factor (e.g., apply a floor) but decided that doing so could negate the premise of applying a wage index.

As part of the review of cluster 2 courts, Judicial Council staff also looked at overall cluster groupings. The current four-cluster model was based on the number of Authorized Judicial

¹ FMS meeting materials (October 16, 2017), <https://www.courts.ca.gov/documents/tcbac-20171026-fms-materials.pdf>; 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.

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Positions (AJPs). Although the clusters were developed in the early 2000s, the number of AJPs has not changed significantly since its initial use in the Resource Assessment Study (RAS) model in 2004-05. Staff determined that if the clusters were established at the time of the review 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 the Trial Court Budget Advisory Committee (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

On February 18, 2021, the FMS voted to continue to study cluster 2 courts as part of the FMS Work Plan, which also includes the BLS, and to make no BLS adjustments in response to the ARPs.

2022 Submission Information

The current deadline for courts to submit ARPs for consideration is January 18, 2022. Information on the background, guidelines, and previous ARP submissions is outlined below.

Background

At its July 28, 2017 meeting, the Judicial Council approved revisions to the policy, including a change to the submission deadline to January 15 of each year. The ARP is a means of asking for a change in the Workload Formula to account for unforeseen factors not presently in the model.⁶

Guidelines

The policy's submission guidelines require that ARPs be submitted to the Judicial Council Administrative Director and copied to the TCBAC mailbox at tcbac@jud.ca.gov. Submissions should include the following:

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 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>; TCBAC meeting minutes (June 11, 2020), <https://www.courts.ca.gov/documents/tcbac-20200611-minutes.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>.

⁶ Judicial Council meeting report (July 28, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5317311&GUID=34036AC3-3D05-4512-A131-49338D993A33>; Judicial Council meeting minutes (July 28, 2017), <https://jcc.legistar.com/View.ashx?M=M&ID=512292&GUID=8C379D3F-1774-4555-AE4D-5B8728283100>.

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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. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by the Workload Formula.
6. Description of the consequences to the public and access to justice without the funding.
7. Description of the consequences to the requesting court(s) of not receiving the funding.
8. Any additional information requested by the Judicial Council Budget Services Office, FMS, and/or the TCBAC deemed necessary to fully evaluate the request.

Previous Submissions

Previous ARP requests taken under consideration and resolved are listed below:

- In 2018, Los Angeles and San Diego Superior Courts submitted a joint request regarding the creation of a new RAS model caseweight to be applied to mental health certification hearings under Welfare and Institutions Code section 5250.
 - This request was considered by Workload Assessment Advisory Committee (WAAC) and subsequently approved by the council at its July 28, 2017 business meeting.
- In 2019, El Dorado Superior Court submitted a request regarding the computation of funding need for operating multiple locations.
 - This request was referred to the WAAC at its March 3, 2020 meeting and denied.⁷
- In 2019, Monterey Superior Court submitted a request that the RAS model be adjusted to account for the varying need of language access services and the impact these services have on case processing workload.
 - While a direct change to the model was not adopted at the time WAAC considered this submission on March 3, 2020, staff was directed to further investigate the potential impact different language access service needs could have on workload.
- In 2020, San Francisco Superior Court submitted a request seeking a revision to its existing cluster assignment, from cluster 4 to cluster 3, based on the data used to currently determine clusters and to make cluster re-evaluation a regular part of workload formula revision.
 - This request was considered by TCBAC and subsequently approved by the Judicial Council at its July 24, 2020 business meeting.⁸

⁷ WAAC meeting report (March 3, 2020), <https://www.courts.ca.gov/documents/waac-20200303-materials.pdf>;
WAAC meeting minutes (March 3, 2020), <https://www.courts.ca.gov/documents/waac-20200303-minutes.pdf>.

⁸ Judicial Council meeting report (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=F&ID=8643165&GUID=506C4AE4-3DD1-4559-B281-C6D055EC103C>;
Judicial Council meeting minutes (July 24, 2020), <https://jcc.legistar.com/View.ashx?M=M&ID=711582&GUID=90001AF2-7CEE-4F0F-906B-29A03ED9CB43>.

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

- In 2020, Contra Costa and San Francisco Superior Courts submitted a joint request that the workload models account for workload associated with misdemeanor jury trials, which the ARP expressed was not accounted for.
 - A vote took place via an action by email between meetings by WAAC on December 9, 2020 and was denied.⁹

Attachments

Attachment A: Humboldt Superior Court ARP Submission

Attachment B: Siskiyou Superior Court ARP Submission

⁹ WAAC meeting report (December 9, 2020), <https://www.courts.ca.gov/documents/waac-20201209-materials.pdf>;
WAAC meeting minutes (December 9, 2020), <https://www.courts.ca.gov/documents/waac-20201209-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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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:

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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.

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Very truly yours,

Honorable Laura Masunaga, APJ
Siskiyou Superior Court

Trial Court Budget Advisory Committee
Annual Agenda¹—2022

Approved by Judicial Branch Budget Committee: December 7, 2021

I. COMMITTEE INFORMATION

Chair:	Hon. Jonathan B. Conklin, Judge, Superior Court of Fresno County
Lead Staff:	Ms. Brandy Olivera, Manager, Judicial Council Budget Services
<p>Committee’s Charge/Membership:</p> <p>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.</p> <p>Rule 10.64(c) sets forth the membership position of the committee. The Trial Court Budget Advisory Committee currently has 24 members. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²: <i>List the names of each subcommittee or working group, including groups made up exclusively of committee/task force members and joint groups with other advisory committees/task forces. To request approval for the creation of a new subgroup, include “new” after the name of the proposed subgroup and describe its purpose.</i></p> <ol style="list-style-type: none"> 1. Fiscal Planning Subcommittee (FPS) – Review 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. 	

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.

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.

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 – 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 and the \$60 million one-time augmentation in the 2021 Budget Act.
6. Ad Hoc Court Reporter Funding Subcommittee (*New*) – To develop a methodology for allocations to all courts from the ongoing funding included in SB 170 that amended the 2021 Budget Act; \$7 million to cover the costs associated with increased transcript rates, and \$30 million to increase the number of court reports in family law and civil law case types.

Meetings Planned for 2022³ (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, the committee has not finalized its meeting schedule for 2022. 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 2022/Videoconference; March 2022/TBD; April 2022/Videoconference; May 2022/TBD; July 2022/TBD; November 2022/TBD

Fiscal Planning Subcommittee

May 2022/Teleconference; October 2022/Teleconference; November 2022/TBD

Revenue and Expenditure Subcommittee

March 2022/Teleconference

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

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

COMMITTEE PROJECTS

#	New or One-Time Projects ⁴	
1.	Project Title: Federally Funded Dependency Representation Program Allocation 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 as a result of up to \$30 million General Fund included in the 2021 Budget Act for court-appointed counsel in dependency cases to address a shortfall between what was expected could be claimed from Federal Title IV-E funding and what was able to be claimed once federal guidance on eligible activities for Title IV-E reimbursement was provided. The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on November 4, 2021 to proportionally allocate and distribute funds in 2021-22 to Federally Funded Dependency Representation Program providers based on invoicing and Judicial Council Center for Children, Families & the Courts (CFCC) monitoring criteria. The expected outcome is to address shortfalls timely and accurately.</p> <p>Status/Timeline: One-time; the item is scheduled to be considered by the Judicial Council at its January 21, 2022 business meeting for 2021-22 implementation.</p> <p>Fiscal Impact/Resources: CFCC and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></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: Court Reporter Funding	Priority 1⁵
	Strategic Plan Goal⁶ VII	
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of new, ongoing funding included in the 2021 Budget Act; \$7 million to address cover the costs associated with increased transcript rates, and \$30 million to increase the number of court reporters in family law and civil law case types, both of which cannot be used to supplant existing expenditures in these areas. The Ad Hoc Court Reporter Funding Subcommittee was established to develop a methodology for allocating these funds to all trial courts, and a recommendation by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 was made and approved to allocate the \$7 million proportionally in one lump sum using an average of the prior three-year transcript expenditures and an established baseline for identifying cost increases, and the \$30 million proportionally based on the most-recently published Assessed Judicial Need, and after a funding floor is provided, both beginning in 2021-22. The expected outcome is to assist the courts with costs for these defined areas.</p> <p>Status/Timeline: Ongoing; this item is scheduled to be considered by the Judicial Council at its January 21, 2022 business meeting for 2021-22 implementation.</p> <p>Fiscal Impact/Resources: Business Management Services, Governmental Affairs, and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>		
3.	Project Title: Court Interpreter Employee Incentive Grant Funding	Priority 1⁵
	Strategic Plan Goal⁶ VII	
<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated as a result of new, one-time \$30 million included in the 2021 Budget Act for a new Court Interpreter Employee Incentive Grant program intended to increase the number of new interpreters in trial courts, and to increase language access services to court users inside courthouses. CFCC has notified courts of the funding and is developing an application process for interested courts to attest to qualification for grants under the provisions of the Budget Act and based on their interpreter expenditures over the past four fiscal years. Grant applications will be reviewed by CFCC staff with recommendations to be presented to the Trial Court Budget Committee, the Judicial Branch Budget Committee, and the Judicial Council for approval, including an allocation methodology in the event the total grant requests exceed the \$30 million in one-time funding. The expected outcome is to assist the courts with funding for staff interpreters based on approved grant applications.</p>		

#	New or One-Time Projects⁴	
	<p>Status/Timeline: One-time; targeted completion date is spring of 2022 for allocating funds to approved trial courts in 2021-22.</p> <p>Fiscal Impact/Resources: CFCC and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
4.	<p>Project Title: Base Funding Floor Adjustments</p>	<p>Priority 1⁵</p> <p>Strategic Plan Goal⁶ VII</p>
	<p>Project Summary⁸: Part of the charge of the committee pursuant to rule 10.64. The project originated from the FMS work plan to review the trial court base funding floor amounts annually, if requested by the applicable courts, for presentation to the Trial Court Budget Advisory Committee no later than December, to determine whether an inflationary adjustment is needed. In the summer of 2021, two requests were received by Alpine and Sierra Superior Courts for an ongoing increase effective July 1, 2022 and was recommended by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 and approved. The expected outcome is to assist these courts in providing the identified funding needed to maintain operations and provide access to justice.</p> <p>Status/Timeline: One-time; this item is scheduled to be considered by the Judicial Council at its March 11, 2022 business meeting for 2022-23 implementation.</p> <p>Fiscal Impact/Resources: Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the two smallest trial courts, Alpine and Sierra.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
5.	<p>Project Title: State Trial Court Improvement and Modernization Fund Allocation Adjustment</p>	<p>Priority 1⁵</p>

⁸ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects ⁴	
	<i>Strategic Plan Goal⁶ VII</i>	<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from a request from Judicial Council Information Technology to transfer approved IMF funds from Local Assistance to State Operations, which the office will utilize for staff employees in lieu of contractors for telecommunications, statewide planning, and development support programs. A recommendation was made by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 and approved. The expected outcome is to hire and retain permanent positions for programs to provide a foundational level of support and maintain institutional knowledge in these areas.</p> <p>Status/Timeline: One-time; this item is scheduled to be considered by the Judicial Council at its March 11, 2022 business meeting for 2021-22 implementation.</p> <p>Fiscal Impact/Resources: Information Technology and Budget Services staff.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>
6.	Project Title: Delegation of Trial Court Trust Fund Authority	Priority 2⁵ <i>Strategic Plan Goal⁶ VII</i>
	<p>Project Summary⁷: Part of the charge of the committee pursuant to rule 10.64. The project originated from an identified opportunity to increase efficiencies to operational impacts in allowing for immediate implementation to meet the critical needs of trial courts and enable council staff to commit funding on a timely basis by delegating authority to the Judicial Council Administrative Director to transfer TCTF funding allocations approved by the Judicial Council between programs or projects. This approach is consistent with the council's past practice in delegating limited authority to the Administrative Director to transfer allocations funded from the IMF, and a recommendation has been made by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on December 7, 2021 and approved. The expected outcome is to increase efficiencies in making timely transfers when available and as needed.</p> <p>Status/Timeline: One-time; this item is scheduled to be considered by the Judicial Council at its March 11, 2022 business meeting for immediate implementation upon approval by the council.</p> <p>Fiscal Impact/Resources: Various Judicial Council offices that provides services to trial courts.</p>	

#	New or One-Time Projects⁴	
	<p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Internal stakeholders include various Judicial Council offices; external stakeholders include the R&E Subcommittee, Trial Court Budget Advisory Committee, Judicial Branch Budget Committee, and the Judicial Council.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
7.	Project Title: Court Cluster System and Floor Funding	<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><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Workload Assessment Advisory Committee and Judicial Branch Budget Committee.</p>	
8.	Project Title: Trial Court Pension Trust Fund	<p>Priority 2⁵</p> <p>Strategic Plan Goal⁶ VII</p>
	<p>Project Summary⁹: 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</p>	

⁹ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects⁴	
	<p>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> <p>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Branch Accounting and Procurement and Budget Services staff.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>	
9.	Project Title: Judicial Council-Provided Services Review	Priority 2⁵
	<p>Project Summary¹⁰: 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>Status/Timeline: One-time.</p> <p>Fiscal Impact/Resources: Various Judicial Council offices that provides services to trial courts.</p> <p><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: Workload Assessment Advisory Committee.</p> <p>AC Collaboration: Various advisory bodies that have programs that provide various court services and the Judicial Branch Budget Committee.</p>	

¹⁰ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	Ongoing Projects and Activities⁴	
1.	Project Title: Workload Formula Adjustment Request Process (ARP)	Priority I⁵
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><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: The Workload Assessment Advisory Committee oversees the Resource Assessment Study model, which informs the Workload Formula and is often the area for recommendation submissions by trial courts.</p>		
2.	Project Title: Interpreter Funding Methodology	Priority X⁵
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 same methodology continued for 2021-22. The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee on December 7, 2021 on a proportional allocation methodology effective July 1, 2022 that incorporates the prior three years' interpreter expenditures and allocated funds up to the appropriation amount which was approved. Unspent funds will reimburse courts with a shortfall. The Ad Hoc Interpreter Subcommittee will continue its work to fine-tune the allocation methodology for Trial Court Budget Advisory Committee and Judicial Branch Budget Committee consideration for the 2023-24 fiscal year to consider what other data can be utilized and considered from current case management systems and reporting capabilities. The expected outcome is to continue to appropriately allocate funds that do not exceed the CIP appropriation via a methodology that takes workload into consideration, utilizing the best data available.</p>		

#	Ongoing Projects and Activities ⁴
	<p>Status/Timeline: This item is scheduled to be considered by the Judicial Council at its January 21, 2022 business meeting for 2022-23 implementation. Targeted completion date for further refinement of the ongoing allocation methodology is fiscal year 2022–23 for 2023-24 implementation.</p> <p>Fiscal Impact/Resources: Budget Services and CFCC staff.</p> <p><input checked="" type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p>Internal/External Stakeholders: External stakeholders include the trial courts.</p> <p>AC Collaboration: Judicial Branch Budget Committee.</p>

LIST OF 2021 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	<p>COVID-19 Backlog Funding</p> <p>The 2020-21 \$50 million one-time COVID-19 backlog funding was allocated in two \$25 million installments for the 2020-21 fiscal year, with a redistribution that occurred prior to the end of the fiscal year. The first \$25 million was approved the Judicial Council at its July 24, 2020 business meeting, and allocated funding proportionally based on trial courts’ Workload Formula; the second \$25 million was first a presentation by the Trial Court Budget Advisory Committee to the Judicial Branch Budget Committee on November 12, 2020 and included a COVID-19 related backlog definition, reporting requirements, and methodology for allocation. The recommendation was subsequently approved by the Judicial Council on January 22, 2021.</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee on August 13, 2021 on an allocation methodology for the 2021-22 \$60 million one-time COVID-driven caseload backlog funding in one lump sum. The recommendation was adjusted by the Judicial Branch Budget Committee to include two separate \$30 million allocations; one in October 2021 and the other in January 2022 based on the most updated filings and clearance data available. The recommendation was subsequently approved by the Judicial Council on October 1, 2021; therefore; this item is not carried forward into the 2022 agenda.</p>
2.	<p>Child Support Commissioner and Family Law Facilitator (AB 1058) Funding</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved on July 9, 2021 on a new, population-based funding methodology for the AB 1058 Family Law Facilitator program effective 2021-22, a continuation of fund reallocations for the AB 1058 Child Support Commissioner program, and base and federal drawdowns.</p>
3.	<p>Workload Formula, IMF, and TCTF Allocations</p> <p>The Judicial Branch Budget Committee and the Trial Court Budget Advisory Committee made 2021-22 recommendations to the Judicial Council that included IMF and TCTF allocations, a \$2.259 billion allocation to the trial courts from the TCTF, and an ongoing restoration of \$167.831 million that was approved on July 9, 2021. IMF and TCTF allocation adjustments were not needed as it was determined that both funds were in a position to support the allocation requests for 2021-22.</p> <p>The Trial Court Budget Committee made a recommendation to the Judicial Branch Budget Committee on May 18, 2021 on an allocation methodology for new, ongoing \$72.2 million included in the 2021 Budget Act for trial courts to address inflationary cost increases, which took a similar approach as the current Workload Formula. The recommendation was adjusted by the Judicial Branch Budget Committee to allocate the funds to all courts using a 3.7 percent Consumer Price Index-based increase which was subsequently approved by the Judicial Council on July 9, 2021. In addition, a request to fund courts below the Workload Formula average funding level and to bring them up to an 85-percent funding level is included in a 2022-23 budget change proposal.</p>

#	Project Highlights and Achievements
4.	<p>Interpreter Funding Methodology</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Council that was approved to May 21, 2021 on a one-time return of unspent Court Interpreters Program funding for 2020-21 as well as a one-time allocation methodology for 2021-22 while the Ad Hoc Interpreter Subcommittee continues development of a workload-based methodology recommendation for consideration effective July 1, 2022. The project continues into the 2022 agenda.</p>
5.	<p>Pretrial Release Funding and Allocation Methodology</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on August 13, 2021 to allocate 2021-22 one-time and ongoing Pretrial Release funding of \$140 million in accordance with methodologies outlined in SB 129 and including minimum funding floors for trial courts to contract with probation departments or other county departments for the provision of pretrial monitoring and services. The recommendation was subsequently approved by the Judicial Council on October 1, 2021.</p>
6.	<p>AB 1058 Reimbursement Authority Increase</p> <p>The Trial Court Budget Advisory Committee made a recommendation to the Judicial Branch Budget Committee that was approved on August 13, 2021 to allocate 2021-22 an additional and ongoing \$4.45 million in base funding for the AB 1058 Child Support Commissioner and Family Law Facilitator program based on current funding methodologies as well as a technical adjustment to 2021-22 Child Support Commissioner base allocations. The recommendation was subsequently approved by the Judicial Council on October 1, 2021.</p>

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

(Information Only)

Title: \$60 Million One-Time COVID-Driven Caseload Backlog Funding

Date: 1/10/2022

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Issue

At its October 1, 2021 business meeting, the Judicial Council approved two separate allocations from the \$60 million one-time COVID-driven caseload backlog funding included in the 2021 Budget Act based on the most recent filings and disposition data for identifying backlog¹. The allocation for the first \$30 million was based on the most updated filings and clearance data available through March 2021 and was distributed to trial courts in October 2021 (Attachment 4A). This report includes information on the second \$30 million allocation based on the most recent filings and clearance data available and will be distributed to trial courts in January 2022 (Attachment 4B).

Background

Funding Use and Timing

This funding is for trial courts to specifically address backlogs and workload delays resulting from the COVID-19 pandemic, with the funding available for expenditure or encumbrance through the 2022-23 fiscal year.

Funding Formula

The formula includes filings data by case type to determine the caseload clearance rate, which is measured by dividing dispositions by filings². The data compares clearance rates from March to

¹ Judicial Council meeting report (October 1, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9786383&GUID=BAE523E6-391B-4148-8D4D-E6B8BCDEB261>; Judicial Council meeting minutes (October 1, 2021), <https://jcc.legistar.com/View.ashx?M=M&ID=803685&GUID=53194909-299F-4F59-928B-D5E9BDA28821>.

² Case types include mental health certification, child support, civil-limited, civil-unlimited, conservatorship/guardianship, dissolution, domestic violence, estates/trusts, felony, infractions, juvenile delinquency, juvenile dependency, mental health, misdemeanor-nontraffic, misdemeanor-traffic, other family petition, parentage, small claims, unlawful detainers, complex civil, asbestos, and EDD (Sacramento only).

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

August 2019 (pre-pandemic) to those of March 2020 to June 2021, the “pandemic period” containing the most recent and complete data reported by courts. Backlog is calculated by applying pre-pandemic clearance rates to pandemic filings minus dispositions to identify the case types in which a backlog exists. These identified areas of backlog for each court are then weighted by the caseweights used in the Resource Assessment Study model, and then each court’s share of the statewide backlog is used to determine the proportional allocation of funding.

For those courts unable to report complete disposition and filings data for the time period noted, proxies were applied using statewide data trends to establish those courts’ backlog for the purpose of allocating funds. Previous committee discussions indicated that proxies should be used in limited circumstances. The final dataset contained proxies for disposition data for two courts (Glenn-all casetypes and Contra Costa-juvenile casetypes). As of the data reporting deadline (December 17, 2021), courts had submitted 99.9% of the filings and disposition data needed to compute the backlog through June 2021. Data submissions for the subsequent months were less complete; 89% for July 2021, 84% for August 2021, 82% for September 2021, and 57% for October 2021.

In Attachments 4A and 4B, aggregate, non-weighted clearance rates are displayed as informational, followed by weighted clearance rates for backlog case types only for the first and second \$30 million allocations. Next, total caseload is converted into minutes, weighted by case type, and displayed separately to show non-backlog caseloads, backlog caseloads, and the total. Only the backlog-weighted minutes are used to determine each courts’ percentage of backlog. That multiplier is then applied to each \$30 million and then allocated proportionally.

Data Collection

Per Judicial Council direction, staff collected filings and disposition data for asbestos, complex civil, and Employment Development Department (Sacramento only) cases and have included those calculations in this allocation. Those casetypes, representing less than 1 percent of total filings, had previously been excluded from the analysis due to lack of pre-pandemic monthly data needed to calculate backlog for those case types.

Case data collection by the branch is ongoing and updated data may be used to determine progress made by the trial courts in addressing the workload backlogs related to the pandemic.

Attachments

Attachment 4A: \$30 Million COVID-Driven Caseload Backlog Funding (First Half)

Attachment 4B: \$30 Million COVID-Driven Caseload Backlog Funding (Second Half)

\$30 Million COVID-Driven Caseload Backlog Funding (First Half)
August 2021

Court	Non-Backlog Weighted Minutes	All Pandemic Backlog Weighted Minutes	Total Caseload Weighted Minutes	All Pandemic Backlog Weighted Minutes		First Half / \$30m Allocation
	O	P	Q (O + P)	R	% of Backlog	
				(= P)	(R / TOTAL R)	
			T (S * \$30m)			
Alameda*	(1,184,571)	2,272,032	1,087,461	2,272,032	1.763%	\$528,921
Alpine	(9,722)	2,290	(7,432)	2,290	0.002%	533
Amador	(92,524)	74,735	(17,789)	74,735	0.058%	17,398
Butte	(755,179)	529,612	(225,567)	529,612	0.411%	123,292
Calaveras	(170,977)	70,171	(100,806)	70,171	0.054%	16,336
Colusa*	(171,999)	70,470	(101,529)	70,470	0.055%	16,405
Contra Costa	(1,883,986)	1,304,290	(579,696)	1,304,290	1.012%	303,634
Del Norte	(410,922)	275,086	(135,836)	275,086	0.213%	64,039
El Dorado	(361,150)	189,982	(171,169)	189,982	0.147%	44,227
Fresno	(1,609,470)	4,249,514	2,640,044	4,249,514	3.298%	989,272
Glenn*	(66,095)	158,135	92,040	158,135	0.123%	36,813
Humboldt*	(228,352)	587,683	359,331	587,683	0.456%	136,811
Imperial	(358,254)	972,580	614,326	972,580	0.755%	226,413
Inyo	(87,000)	142,181	55,182	142,181	0.110%	33,099
Kern	(1,011,452)	4,061,563	3,050,111	4,061,563	3.152%	945,517
Kings	(178,916)	1,536,600	1,357,684	1,536,600	1.192%	357,715
Lake	(31,130)	1,227,273	1,196,143	1,227,273	0.952%	285,705
Lassen*	(42,751)	455,049	412,298	455,049	0.353%	105,934
Los Angeles	(5,178,726)	32,241,900	27,063,174	32,241,900	25.019%	7,505,801
Madera	(443,526)	1,698,754	1,255,228	1,698,754	1.318%	395,464
Marin	(97,345)	1,093,269	995,924	1,093,269	0.848%	254,509
Mariposa*	(74,505)	78,445	3,940	78,445	0.061%	18,262
Mendocino	(1,538,436)	210,006	(1,328,430)	210,006	0.163%	48,889
Merced*	(788,832)	1,029,325	240,493	1,029,325	0.799%	239,623
Modoc	(8,443)	217,343	208,900	217,343	0.169%	50,597
Mono	(168,203)	92,048	(76,155)	92,048	0.071%	21,429
Monterey	(747,802)	535,045	(212,757)	535,045	0.415%	124,557
Napa*	(114,460)	431,047	316,587	431,047	0.334%	100,346
Nevada	(223,147)	416,297	193,150	416,297	0.323%	96,912
Orange*	(4,930,899)	8,098,597	3,167,699	8,098,597	6.284%	1,885,325
Placer*	(250,959)	651,442	400,483	651,442	0.506%	151,653
Plumas*	(78,760)	51,682	(27,079)	51,682	0.040%	12,031
Riverside*	(2,347,550)	7,000,753	4,653,203	7,000,753	5.433%	1,629,751
Sacramento	(1,093,089)	5,931,305	4,838,217	5,931,305	4.603%	1,380,787
San Benito	(248,356)	124,092	(124,264)	124,092	0.096%	28,888
San Bernardino*	(1,317,357)	12,630,254	11,312,898	12,630,254	9.801%	2,940,279
San Diego	(1,324,872)	6,832,170	5,507,298	6,832,170	5.302%	1,590,505
San Francisco*	(1,271,928)	1,828,604	556,675	1,828,604	1.419%	425,692
San Joaquin*	(1,674,653)	1,146,534	(528,119)	1,146,534	0.890%	266,909
San Luis Obispo	(192,356)	1,522,064	1,329,708	1,522,064	1.181%	354,331
San Mateo	(620,461)	2,935,370	2,314,909	2,935,370	2.278%	683,344
Santa Barbara	(370,921)	1,485,667	1,114,747	1,485,667	1.153%	345,858
Santa Clara*	(3,086,704)	2,997,247	(89,457)	2,997,247	2.326%	697,749
Santa Cruz	(1,003,645)	935,843	(67,802)	935,843	0.726%	217,861
Shasta	(203,363)	961,048	757,685	961,048	0.746%	223,729
Sierra*	(42,903)	20,064	(22,839)	20,064	0.016%	4,671
Siskiyou	(190,895)	284,600	93,704	284,600	0.221%	66,254
Solano	(1,244,832)	1,778,422	533,590	1,778,422	1.380%	414,010
Sonoma	(878,811)	2,715,869	1,837,058	2,715,869	2.107%	632,245
Stanislaus	(357,422)	3,734,267	3,376,845	3,734,267	2.898%	869,324
Sutter*	(177,513)	412,581	235,069	412,581	0.320%	96,048
Tehama	(141,968)	587,481	445,513	587,481	0.456%	136,763
Trinity	(27,883)	297,252	269,368	297,252	0.231%	69,199
Tulare	(627,876)	2,507,612	1,879,736	2,507,612	1.946%	583,763
Tuolumne*	(146,061)	576,310	430,249	576,310	0.447%	134,163
Ventura	(1,486,907)	3,523,832	2,036,926	3,523,832	2.734%	820,336
Yolo	(215,107)	551,154	336,048	551,154	0.428%	128,307
Yuba	(173,177)	523,082	349,906	523,082	0.406%	121,772
	(43,765,100)	128,867,922	85,102,822	128,867,922	100.000%	\$30,000,000

§30 Million COVID-Driven Caseload Backlog Funding (Second Half)
January 2022

Non-Backlog Weighted Minutes	All Pandemic Backlog Weighted Minutes	Total Caseload Weighted Minutes	All Pandemic Backlog Weighted Minutes	% of Backlog	Second Half / \$30m Allocation
O	P	Q (O + P)	R (= P)	S (R / TOTAL R)	T (S * \$30m)
(1,325,709)	4,087,910	2,762,201	4,087,910	2.468%	\$740,263
(9,311)	5,211	(4,100)	5,211	0.003%	944
(136,267)	66,331	(69,936)	66,331	0.040%	12,012
(941,536)	360,628	(580,908)	360,628	0.218%	65,305
(150,872)	73,015	(77,857)	73,015	0.044%	13,222
(73,679)	171,824	98,145	171,824	0.104%	31,115
(1,885,112)	1,606,204	(278,909)	1,606,204	0.970%	290,861
(475,959)	357,169	(118,790)	357,169	0.216%	64,678
(510,157)	176,378	(333,779)	176,378	0.106%	31,940
(1,824,403)	4,460,577	2,636,175	4,460,577	2.692%	807,747
(20,750)	301,021	280,270	301,021	0.182%	54,511
(497,229)	651,674	154,445	651,674	0.393%	118,009
(404,050)	1,121,724	717,673	1,121,724	0.677%	203,128
(107,998)	137,580	29,582	137,580	0.083%	24,914
(1,116,605)	4,728,070	3,611,465	4,728,070	2.854%	856,187
(247,020)	1,544,486	1,297,466	1,544,486	0.932%	279,685
(35,132)	1,569,245	1,534,113	1,569,245	0.947%	284,168
(34,756)	529,086	494,331	529,086	0.319%	95,810
(10,880,080)	35,780,287	24,900,206	35,780,287	21.598%	6,479,303
(488,850)	2,311,589	1,822,739	2,311,589	1.395%	418,596
(111,096)	1,278,351	1,167,255	1,278,351	0.772%	231,491
(37,733)	252,946	215,213	252,946	0.153%	45,805
(964,918)	497,189	(467,728)	497,189	0.300%	90,034
(1,213,844)	1,027,248	(186,596)	1,027,248	0.620%	186,020
(6,635)	264,905	258,269	264,905	0.160%	47,970
(216,514)	118,094	(98,420)	118,094	0.071%	21,385
(1,001,527)	581,018	(420,508)	581,018	0.351%	105,214
(120,535)	510,407	389,872	510,407	0.308%	92,427
(224,211)	162,713	(61,498)	162,713	0.098%	29,465
(3,854,444)	20,478,613	16,624,169	20,478,613	12.361%	3,708,387
(511,325)	1,884,132	1,372,807	1,884,132	1.137%	341,190
(99,901)	91,361	(8,540)	91,361	0.055%	16,544
(2,831,309)	12,073,135	9,241,825	12,073,135	7.288%	2,186,274
(5,524,280)	6,663,178	1,138,898	6,663,178	4.022%	1,206,607
(341,807)	231,757	(110,050)	231,757	0.140%	41,968
(1,854,741)	16,666,524	14,811,783	16,666,524	10.060%	3,018,071
(2,606,067)	6,948,914	4,342,848	6,948,914	4.194%	1,258,350
(2,038,408)	2,644,270	605,863	2,644,270	1.596%	478,840
(3,794,035)	1,011,135	(2,782,899)	1,011,135	0.610%	183,102
(238,348)	1,581,803	1,343,455	1,581,803	0.955%	286,442
(960,166)	3,167,893	2,207,727	3,167,893	1.912%	573,661
(420,025)	1,702,249	1,282,224	1,702,249	1.028%	308,253
(1,857,764)	4,713,892	2,856,128	4,713,892	2.845%	853,619
(1,256,650)	820,805	(435,846)	820,805	0.495%	148,636
(251,674)	1,526,868	1,275,194	1,526,868	0.922%	276,494
(44,671)	66,416	21,744	66,416	0.040%	12,027
(199,383)	415,750	216,367	415,750	0.251%	75,286
(1,583,549)	2,023,027	439,478	2,023,027	1.221%	366,342
(1,155,665)	2,437,066	1,281,401	2,437,066	1.471%	441,318
(483,915)	3,895,939	3,412,024	3,895,939	2.352%	705,499
(190,055)	502,328	312,273	502,328	0.303%	90,965
(172,795)	646,599	473,804	646,599	0.390%	117,090
(42,329)	353,628	311,299	353,628	0.213%	64,037
(834,071)	2,518,459	1,684,388	2,518,459	1.520%	456,057
(278,435)	289,807	11,372	289,807	0.175%	52,480
(1,939,049)	4,370,235	2,431,185	4,370,235	2.638%	791,388
(242,812)	647,006	404,195	647,006	0.391%	117,164
(218,657)	561,627	342,971	561,627	0.339%	101,703
(60,888,817)	165,667,297	104,778,480	165,667,297	100.000%	\$30,000,000

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