



JUDICIAL COUNCIL OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

9/5/2014

12:15 p.m.

Teleconference

Advisory Body Members Present: Hon. Lorna A. Alksne, Chair; Hon. Joyce Hinrichs; Hon. Suzanne N. Kingsbury; Hon. Richard C. Martin; Ms. Sheran Morton; Ms. Sherri Carter; Mr. Jake Chatters; Mr. Stephen Nash; Mr. Darrel E. Parker; Mr. Brian Taylor; Ms. Mary Beth Todd

Advisory Body Members Absent: Hon. Lee Smalley Edmon; Hon. John D. Kiriara; Hon. Irma Poole Asberry; Ms. Kim Turner

Others Present: Mr. Brian Boris; Ms. Krista LeVier; Mr. Brian Aho; Ms. Leah Rose-Goodwin

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:15 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the 5/22/2014 Workload Assessment Advisory Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Approve 2014 Judicial Needs Assessment for transmittal to Judicial Council (Action Required)

Action:

WAAC approved the report after discussion. Report will be forwarded to the Judicial Council, with the understanding that tables may be modified as courts report updated numbers for subordinate judicial officers (SJO). A footnote will be added to the document noting that certain SJO positions may be authorized and funded but not filled for a variety of reasons.

Item 2

Approve the report *Judicial Administration Standards and Measures that Promote the Fair and Efficient Administration of Justice* for transmittal to Judicial Council

Action:

WAAC approved the report and it will be forwarded to the Judicial Council.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Item 3

Recommendation to revise the methodology used to prioritize allocation of new judgeships will be forwarded to Judicial Council for consideration.

Info 4

Special Circumstances Workload

A subcommittee needs to be formed to consider the creation of a new workload category for special circumstances cases. Judge Alksne has asked E&P for approval to create a subcommittee and would like to know which members are interested and have time to participate. This would be a six-month subcommittee that would meet by conference call several times per month. Judge Alksne will send out an email asking for volunteers, once she receives approval.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:42 p.m

Approved by the advisory body on enter date.

Workload Assessment Advisory Committee
Annual Agenda—2015
Approved by E&P/RUPRO: _____

I. ADVISORY BODY INFORMATION

Chair:	Hon. Lorna Alksne
Staff:	Leah Rose-Goodwin and Deana Farole, Court Operations Services, Office of Court Research (OCR)
<p>Advisory Body's Charge: The committee makes recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice. The committee must recommend:</p> <p>(1)Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model;</p> <p>(2)Processes, study design, and methodologies that should be used to measure and report on court administration; and</p> <p>(3)Studies and analyses to update and amend case weights through time studies, focus groups, or other methods.</p>	
<p>Advisory Body's Membership: 16 members: 8 judicial officers, 8 court executives</p>	
<p>Subgroups/Working Groups: Special Circumstances Subcommittee</p>	
<p>Advisory Body's Key Objectives for 2015:</p> <ul style="list-style-type: none">• Finalize the project plan and methodology for conducting an update to the staff workload study.• Conduct the staff workload study update and produce preliminary results.• Improve data quality of filings data in the RAS categories.	

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1.	Staff workload study update. The update will consist of a time study of a sample of trial courts and is intended to update the caseweights and other model parameters that are used to estimate workload need. The committee's work in 2015 will consist of discussing the study parameters and methodology, advising council staff on and assisting with recruitment of courts to participate in the study, and directing council staff in carrying out the study and conducting a preliminary analysis of the results.	1	<p>Judicial Council Direction: In February 2013, the Judicial Council approved the updated RAS model parameters for use in estimating court staff workload need, with the understanding that ongoing technical adjustments will continue to be made by council staff as the data become available. The need for regular updates to the workload model has become more urgent now that RAS is used as the foundation piece of the model used to allocate trial court funding (WAFM).</p> <p>Origin of Project: The SB 56 Working Group was formed in 2009 at the direction of the Administrative Director to provide trial court input and oversight to the Office of Court Research in its ongoing work to revise and improve the workload estimates for judges and court staff. In October</p>	Ongoing. A preliminary analysis will be completed by the end of 2015, with review of preliminary results, caseweight adjustments, and finalization of the caseweights to continue through 2016.	Updated caseweights to measure trial court staff workload. These caseweights are used to estimate trial court staff need, which is then used for the WAFM model.

¹ 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.

² 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.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>2013, the advisory committee voted to update the studies every 5 years, as resources permit. In December 2013, the Judicial Council approved a recommendation to establish the Judicial Branch Resource Needs Assessment Advisory Committee to succeed the SB 56 Working Group and to continue its work. In April 2014, the committee was renamed to the Workload Assessment Advisory Committee (WAAC).</p> <p>Resources: 0.25 FTE Manager, 1.0 FTE Supervising Research Analyst, 2.5 FTE Senior Research Analyst, 0.5 FTE Staff Analyst II (2 FTE Senior Research Analysts are pending recruitment; all others are existing staff); ITSO support to create web-based data collection interface; subject matter expert consultants from the Center for Families, Children & the Courts and Criminal Justice Services.</p> <p>Key Objective Supported: #1 and #2</p>		
2.	Convene Special Circumstances Subcommittee to study the impact of special circumstances cases on the felony caseweight and make recommendations to		<p>Judicial Council Direction: In February 2013, the Judicial Council approved the updated RAS model parameters for use in estimating court staff workload need, with the</p>	Anticipated completion date is May 2015.	The subcommittee will formulate recommendations for consideration by the full committee on how

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	the full committee on how to handle such cases.		<p>understanding that ongoing technical adjustments will continue to be made by council staff as the data become available.</p> <p>Origin of Project: At its January 16, 2014 meeting, the Trial Court Budget Advisory Committee passed a motion to recommend to the Judicial Council that WAAC consider establishing a casetype for special circumstances cases. The motion was intended to highlight the extraordinary resource needs for those cases and also the criticality of the workload models to direct resources to courts based on workload. At the February 20, 2014 Judicial Council meeting, the Council refined the TCBAC's recommendation to recommend that WAAC specifically study homicide-death penalty cases.</p> <p>Resources: 0.1 FTE Supervising Research Analyst, 0.25 FTE Senior Research Analyst, nominal time from Manager (existing OCR staff). Subcommittee consists of representatives from the trial courts who are current WAAC members. Meeting expenses will be absorbed into existing IMF allocation for</p>		to approach special circumstances cases in terms of data collection and the analysis of court resource needs in this area.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			WAAC. Key Objective Supported: #1		
3.	<p>Improve data quality of filings data in the RAS categories, including:</p> <ul style="list-style-type: none"> Working with courts to ensure that data are reported in all of the RAS casetype categories Evaluate court reporting practices for filings data to ensure they meet current JBSIS standards; update and clarify JBSIS standards as needed Develop different possibilities for validating the filings data used in the RAS model, including establishing a data auditing process for filings data. <p>This project is a partnership with the Court Executive Advisory Committee.</p>		<p>Judicial Council Direction: The Judicial Council approved the judicial workload study (December 2011) and the Resource Assessment Study (February 2013) as the methodologies used to estimate judge and staff workload need. Both studies use filings as the driver to estimate resource need. The accuracy of the estimates rely on the accurate and complete reporting of filings data by the trial courts. The Council's motions to approve the two studies also anticipated the need for ongoing technical adjustments to the models as better data became available.</p> <p>Origin of Project: The need for better data reporting and data auditing were discussed at the last SB 56 Working Group meeting (October 2013). The issue has also been raised at various forums, including CEAC; Trial Court Budget Advisory Committee meetings; and Funding Methodology Subcommittee meetings.</p> <p>Resources: COS-OCR staff (existing</p>	Ongoing	The result of this work will be an improvement in the data presently collected from the courts for the RAS model.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>resources); ITSO staff (existing resources); a more extensive data validation project (3rd bullet) could require additional staff resources.</p> <p>Key Objective Supported: #3</p>		

III. STATUS OF 2014 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1.	Staff and judge workload studies update: the workload studies update will consist of a time study of a sample of trial courts and is intended to update the caseweights and other model parameters that are used to estimate workload need. The committee's work in 2014 will consist of discussing the study parameters, methodology, and securing the resources to conduct the time study data collection.	Ongoing. The staff workload study parameters and methodology are under continued discussion and will be finalized in Summer 2015, with the study to be conducted in the Fall. The judge workload study will trail the staff workload study in order to minimize the burden on participating courts. JC staff have submitted one PAR to recruit a research position in OCR to support the project; a second PAR will be submitted for another position to start in July 2015. These positions are key to the ability of OCR staff to support the project, because of loss of several key staff who previously were assigned to the project and in light of the recommendation by OCR and agreement by the Executive Office that the entire study should be done in-house, rather than contracted out to the National Center for State Courts as was the case with the previous study.
2.	Update the Judicial Needs Assessment: this project involves using updated filings data to project the need for judicial officers. Biennial updates in even-numbered years are required by Government Code Section 61614(c)(1).	Complete. The Judicial Council approved the report for transmission to Legislature and Governor on December 12, 2014.
3.	Review the method for prioritizing judicial need and determine if changes should be made to the current method.	Complete. The committee's recommendation to lower the eligibility threshold to get on the list for a new judgeship from 1.0 to 0.8 FTE was approved by the council on December 12, 2014.
4.	<p>Improve data quality of filings data in the RAS categories, including:</p> <ul style="list-style-type: none"> Working with courts to ensure that data are reported in all of the RAS casetype categories Evaluate court reporting practices for filings data to ensure they meet current JBSIS standards; update and clarify JBSIS standards as needed Develop different possibilities for validating the filings 	Ongoing. Key milestones achieved in 2014 include modifying the JBSIS web portal to accept filings in the disaggregated family law-other category (DV, parentage, child support, and family law-other petitions). Portal modifications for probate and civil limited will be completed in early 2015. Additionally, a working group of CEAC has been convened to compile and prioritize a list of JBSIS reporting issues.

	data used in the RAS model, including establishing a data auditing process for filings data.	
5.	Subordinate Judicial Officer Conversion Program: Provide to E&P updated information that would show how the remaining 54 subordinate judicial officer conversions authorized under Government Code section 61695 would be allocated if more current workload data were used.	Ongoing. This project was delayed because of the need to update the number of authorized subordinate judicial officer FTE in the courts. A census was conducted in September 2014, and E&P reviewed changes made in several courts at its October 9, 2014 meeting. An updated analysis will be reviewed by WAAC in January 2015 and, if approved, will be presented to E&P in early 2015.

IV. Subgroups/Working Groups - Detail

Subgroups/Working Groups: *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

Subgroup or working group name: Special Circumstances Subcommittee

Purpose of subgroup or working group: To study the impact of special circumstances cases on the felony caseweight and make recommendations to the full committee on how to handle such cases.

Number of advisory body members on the subgroup or working group: 5

Number and description of additional members (not on this advisory body): N/A

Date formed: 11/20/2014

Number of meetings or how often the subgroup or working group meets: Approximately 4 monthly meetings are anticipated.

Ongoing or date work is expected to be completed: Work is expected to be completed by May 2015.



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

JUDICIAL AND COURT OPERATIONS SERVICES DIVISION

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MEMORANDUM

Date

January 14, 2015

Action Requested

Please review

To

Executive and Planning Committee

Deadline

n/a

From

Hon. Lorna A. Alksne, Chair
Workload Assessment Advisory Committee

Contact

Leah Rose-Goodwin
415-865-7708 phone
Leah.Rose-Goodwin@jud.ca.gov

Subject

Update of Subordinate Judicial Officer
Conversion Allocations Using More Current
Workload Data

Background

At its January 10, 2014 meeting, the Executive and Planning Committee (E&P) asked the Workload Assessment Advisory Committee to provide updated information on how the remaining subordinate judicial officer (SJO) conversions authorized under Government Code Section 69615 would be allocated if more current workload data were used. The current methodology (referred to in this memo as the “2007 study” or “2007 methodology”) used to identify the number of conversions needed to ensure that the right number of judges is handling judge-appropriate work in the trial courts and to identify the courts in need of converting those positions was based on a 2001 Judicial Officer Workload Assessment and filings data from FY 02-03 through FY 04-05.¹ A 2011 update to the Judicial Officer Workload Assessment and changes in both the number of filings and the case mix in the courts make it timely to reexamine the remaining conversions and make sure they match the workload needs in the courts.

E&P’s request for information is similar to a recent request to update the allocation list for the second set of fifty judgeships that were authorized by the Legislature based on updated filings

¹ “Judicial officers” is used to mean both/either judges and subordinate judicial officers.

data. The updated judge allocation list, and the principle of using the most recent workload data to inform judicial allocations, was approved by the Judicial Council in December 2013.

In preparing the analysis, the Workload Assessment Advisory Committee determined that some courts had made changes in the number of authorized subordinate judicial officer FTE which needed to be confirmed by E&P. E&P confirmed those changes at its October 9, 2014 meeting, and those modifications have been incorporated into this analysis.

SJO Conversion Legislation and 2007 Methodology

Government Code Section 69615 (Attachment A) provides the statutory framework for the conversion of subordinate judicial officers. The goal of the conversions was to address the disproportionate growth in the number of SJO positions over a period of time when there was not commensurate growth in the number of new judgeships. Absent new judge resources, some courts found it necessary to hire SJOs to meet growing judicial workload need. The conversion legislation aimed ensure that there were enough judicial officers of each classification (judges and subordinate judicial officers) by measuring the SJO-appropriate work and the full time equivalents (FTE) needed to carry it out.

The methodology used in the 2007 study to measure the appropriate workload for SJOs and the courts in need of conversion was based on a 2002 report by the Subordinate Judicial Officer Working Group called “Subordinate Judicial Officers: Title and Duties.”² That report identified the type of judicial work that SJOs had the authority to perform or that otherwise was appropriately categorized as subordinate judicial duties:

- 100% of small claims and infractions cases;
- Portions of the workload in the following casetypes:
 - Criminal cases:
 - Arraignments—Authority to conduct arraignments and accept “not guilty” pleas.
 - Penal Code Section 1269c Bail Determinations—Authority subject to review by a judge.
 - Bench Warrants—Same authority as a judge.
 - Discovery Motions—Authority subject to review by a judge.
 - Contempt Power—Same contempt powers as a judge on all matters within the scope of the SJO’s authority. (This authority would not extend to matters an SJO hears as a temporary judge.)

² The 2007 study methodology is described in this report to the Judicial Council: <http://www.courts.ca.gov/documents/022307item9.pdf>. The 2002 report of the Subordinate Judicial Officer Working Group can be found at: <http://www.courts.ca.gov/documents/sjowgfinal.pdf>

Family law: adjudication should be by judges, except for child support cases heard by child support commissioners (AB 1058)

Juvenile cases: should be heard by judges, except for minor truancy matters and some delinquency matters that do not result in imprisonment.

Civil cases:

- Uncontested Civil Matters
- Discovery Motions
- Pretrial Motions- only those that cannot terminate the litigation
- Settlement Conferences/Mediation

The 2001 Judicial Workload Assessment, a workload study based on a time study of eleven courts, provided the time estimates per casetype that were used measure judicial workload. Caseweights measure the average amount of judicial time, in minutes, needed per filing. When caseweights are multiplied by a three-year average of filings, then divided by the judicial year value,³ the result is an estimate of judicial officer need, expressed in full time equivalents.

The Subordinate Judicial Officer Working Group had previously determined that 100% of small claims and infractions work was appropriate for SJOs. Therefore, to estimate SJO need in those casetypes, the 2001 Judicial Workload Assessment caseweights for those casetypes were multiplied by a three-year average of recent filings and divided by the judicial year value to determine the need for SJOs for this workload.

A different approach was needed to estimate the need for SJOs in the casetypes where the 2002 report deemed that only a portion of the work was appropriate to SJOs. The Judicial Workload Assessment does not provide data at a level of detail to determine the need for SJOs at the event or hearing level. For example, though the SJO Working Group determined that civil discovery motions were appropriate for SJOs to handle, the branch lacks the statewide data needed to estimate the average number of discovery motions per case or the average amount of time per motion.

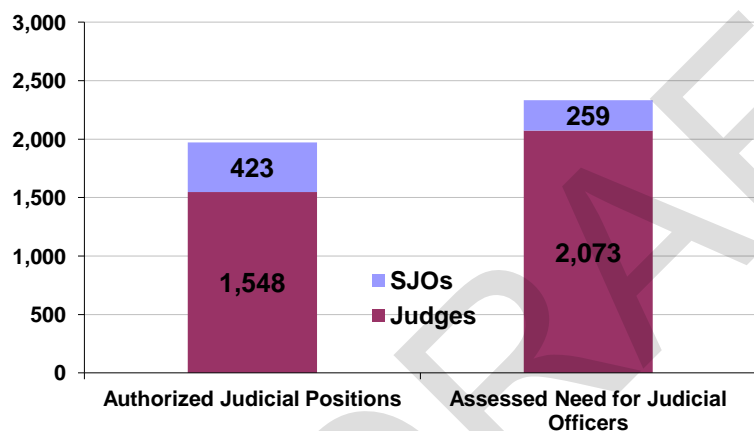
However, the Judicial Workload Assessment data does provide estimates of time reported by phase of case: pre-trial, trial/non-trial disposition, and post-disposition and by the classification of the judicial officer performing the work: judge or subordinate judicial officer. Most of the hearing work that the SJO Working Group identified as appropriate for SJOs took place in the

³ The amount of time that judicial officers have to hear cases, subtracting weekends, holidays, and time needed for training and other administrative duties.

pre-trial phase, so the SJO-reported time in the time study for the pre-trial phase was used to create an “SJO work caseweight.” These SJO-specific caseweights were then multiplied by the three-year average filings and divided by the judge year value to estimate the number of SJOs needed to handle the workload in the casetypes where the 2002 report deemed that portions of the work could be handled by SJOs.

Based on the above method, the 2007 study showed that there was a need for 259 FTE Subordinate Judicial Officers, compared to the then- number of authorized SJO positions (423 FTE) (see table 1).

Table 1: 2007 Comparison between Authorized Judicial Positions and Assessed Need for Judicial Officers⁴



Conversions Completed to Date

To identify the number of SJO positions in each court that were appropriate for conversion, authorized SJO positions in each court were compared to the assessed need for SJOs. The difference between the two represented the number of conversions needed to ensure that there were enough judges assigned to handle the judge-appropriate workload and vice versa. With some adjustments made for rounding to whole numbers, the total number of SJO positions that were deemed appropriate for conversion was 162 FTE.

Table 2 summarizes the conversions that have taken place in each fiscal year, the courts and positions still eligible for conversion, and the courts that have completed their conversions. At present, 116 conversions have taken place, with 46 conversions remaining.

⁴ The difference- 164 FTE- was adjusted downwards to 162 FTE after making some adjustments due to rounding and to eliminate conversions of positions that were less than a full FTE.

Table 2: Summary of SJO Conversions

	Positions Eligible for Conversion	Conversions							Total Conversions to Date	Positions Remaining to Convert	
		07-08	08-09	09-10	10-11	11-12*	12-13	13-14			14-15
Courts Still Eligible for SJO Conversions											
Contra Costa	6	3	0	1	0	0	0			4	2
Kern	2	0	1	0	0	0	0			1	1
Los Angeles*	78	4	5	7	7	8	6	7	7	51	27
Napa	1	0	0	0	0	0	0			0	1
Placer	1	0	0	0	0	0	0			0	1
San Diego	7	2	0	0	0	0	1	1		4	3
San Francisco	9	1	0	1	0	0	0			2	7
San Luis Obispo	2	1	0	0	0	0	0			1	1
San Mateo	2	0	0	0	0	0	0			0	2
Tulare	2	0	0	1	0	0	0			1	1
Yolo	2	1	0	0	0	0	0	0	1	2	0
Courts That Have Completed Their SJO Conversions											
Alameda*	6	0	0	1	2	3	0			6	0
El Dorado	2	0	1	0	1	0	0			2	0
Fresno	3	0	1	0	1	0	0	1		3	0
Imperial	1	0	0	0	1	0	0			1	0
Marin	2	0	0	0	0	1	1			2	0
Merced	2	0	1	0	0	1	0			2	0
Orange	14	1	2	2	2	3	2	2		14	0
Riverside	6	1	1	0	0	1	3			6	0
Sacramento*	5	1	2	0	0	2	0			5	0
Santa Barbara	2	0	0	2	0	0	0			2	0
Santa Cruz	1	0	0	0	0	1	0			1	0
Solano	3	1	2	0	0	0	0			3	0
Sonoma	2	0	0	1	1	0	0			2	0
Stanislaus	1	0	0	0	1	0	0			1	0
Total	162	16	16	16	16	20	13	11	8	116	46
Last Updated: January 2015											

Last Updated: January 2015

* Note that total conversions in FY 2011-12 exceed 16 because of 4 conversions under SB 405.

Shaded rows represent courts that have completed all of the conversions for which they are eligible.

SJO Conversion Allocation Update

Changes in filings since the 2007 study and an updated Judicial Workload Assessment study completed in 2011 make it timely for E&P to make sure that the remaining conversions match the workload needs in the courts.

Attachment B summarizes the data needed to make the update. Existing judicial resources—the number of authorized judges and subordinate judicial officers—in each court are identified in the far left columns (columns A through E). Column F shows the judicial need in each court, based on the biennial Judicial Needs Assessment, which estimates judicial officer (both judges and SJOs) need in each of the courts, based on a three-year average of filings and caseweights approved by the Judicial Council in 2012. The 2014 Judicial Needs Assessment, which was approved for transmittal to the Legislature by the Judicial Council at its December 12, 2014 meeting, is based on filings from FY 10-11 through FY 12-13.

Column G shows SJO need, calculated using the same methodology as was used in the 2007 study. When E&P requested this update, the expectation was that only filings and SJO

caseweights be updated and that the underlying assumptions about the type of work appropriate for SJOs to conduct would be based on the 2002 report of the Subordinate Judicial Officer Working Group.

Consistent with that approach, the workload need for SJOs in small claims and infractions cases, where SJOs can perform 100% of the judicial duties, was calculated using the 2011 judicial caseweights for those casetypes, multiplied by a three-year average of filings (FY 10-11 through FY 12-13) and divided by the judicial year value.

However, there were some changes in how the 2011 time study data were reported that required some minor adjustments to the methodology used to estimate workload need for SJOs in the casetypes where SJOs perform a portion of the overall workload. In the 2011 Judicial Workload Study Update, subordinate judicial officers were asked to record the amount of time they spent on each phase of case (as with the 2001 study) for each casetype *when acting either as a judge pro tem or as an SJO*. This distinction allows for a more accurate assessment of SJO-appropriate workload. Knowing that time reported when serving as judges pro tem was tracked elsewhere, the total amount of time reported by SJOs per casetype, across all phases of case, could be used to create an SJO-specific caseweight for those casetypes where SJOs perform a portion of judicial work. This slight change in the study methodology is still consistent with the basic premise of the 2007 study.

Based on these calculations, the workload need for SJOs is 231 FTE statewide, 28 fewer than in 2007. Estimates for each court are shown in column G of Attachment B. To estimate the number of SJO positions that should be converted if newer workload data were used, authorized AB 1058 commissioner positions are first subtracted out from both sides of the equation because those positions are specifically excluded from the policy about SJO conversions. Column H shows SJO need in each court with authorized AB 1058 commissioner positions removed; comparing this number to authorized SJOs, again minus the AB 1058 commissioner positions (column B), and rounding down to whole numbers, yields an initial number of SJOs to be converted—57 FTE statewide.

However, an adjustment should be made before finalizing an updated list of conversions in order to address policy issues that weren't relevant when the original SJO conversion study was done. The 2007 study and the policy decisions made about the conversions at that time did not anticipate changes in judicial workload need as a result of filings declines. Since peaking in FY 09-10, statewide filings counts have declined about 10% per year. While statewide there is still a need for more judicial officers than currently authorized, the result of the filings decline in recent years is that a small number of courts that are recommended to convert one or more positions currently have more authorized *judges* than their assessed judicial need. For those courts, the value in column A of Attachment B is larger than the value in column F. These courts already have an appropriate number of judges performing judge work, and converting SJO positions in

those courts would not further the goals of the conversion legislation. When this adjustment is applied, the final list of SJOs appropriate for conversion is reduced to 53 FTE in eleven courts (See Table 3), or seven more FTE than the number of positions remaining to convert using the 2007 workload data (see Column N of Attachment B).

Table 3: SJO Conversions by Court Using Updated Workload Data

Court	Number of SJO positions that are appropriate for conversion based on updated workload data
Contra Costa	3
Los Angeles	34
Napa	1
Orange	3
Placer	2
Sacramento	1
San Diego	4
San Luis Obispo	1
San Mateo	2
Santa Cruz	1
Tulare	1
Total	53

Another policy issue that should be taken into account is that, after several years of budget cuts, some courts have laid off commissioners and otherwise used salary and benefit savings from vacant commissioner positions to manage the fiscal crisis, something that had not been anticipated when the SJO policy was first developed. Several courts that have been identified as having an SJO position eligible for conversion have fewer filled SJO positions than authorized according to the latest Schedule 7A.⁵

If the list of conversions were amended to eliminate any conversions in excess of a court's filled SJO positions, the number of positions appropriate for conversion would drop to 39 FTE. However, since circumstances can change at any time, it makes sense to retain the recommended list of 53 conversions (Table 3), but de-prioritize the 14 conversions in excess of filled SJO positions (53 minus 39) until those positions are no longer vacant. Doing so would give sufficient deference to courts' needs to manage their own budgets, while still meeting the overall goals of conversion.

⁵ Filled SJO positions are reported annually on the Schedule 7A. The filled positions shown in column J of Attachment B were reported on the FY 14-15 Schedule 7A, which is current as of July 1, 2014.

Positions Remaining to Convert, Comparison with 2007 Workload Data

Government Code 69615 calls for a total of 162 conversions, capped at 16 per year. The more current workload data suggests that seven additional conversions are needed. Columns J and N of Attachment B contrast the updated conversion list with the remaining conversions under the original 2007 methodology and are summarized here:

Table 4: SJO Conversions Using Updated Data Compared to 2007 Conversion List

Court	Number of SJO positions appropriate for conversion based on updated workload data	Positions remaining to convert (as of June 2014) using 2007 workload data	Difference
Contra Costa	3	2	+1
Kern	0	1	-1
Los Angeles	34	27	+7
Napa	1	1	0
Orange	3	0	+3
Placer	2	1	+1
Sacramento	1	0	+1
San Diego	4	3	+1
San Francisco	0	7	-7
San Luis Obispo	1	1	0
San Mateo	2	2	0
Santa Cruz	1	0	+1
Tulare	1	1	0
Total	53	46	

Some of the difference in the results of the 2007 analysis and the current update stem from changes in workload (filings volume and mix) from the time the original study was completed. The difference is also the result of changes in the number of authorized subordinate judicial officer FTE that have been made by courts since SJO FTE was first confirmed in 2007. While this workload update was being conducted, the Workload Assessment Advisory Committee was made aware of changes in the number of authorized subordinate judicial officer FTE that needed to be confirmed by E&P. A statewide survey was sent out in September 2014 so that all courts had the opportunity to confirm their SJO FTE. Several courts made permanent changes to their authorized subordinate judicial officer FTE, which were confirmed by E&P in October 2014. Those changes affected the number of positions deemed appropriate for conversion.

Next Steps

The Executive and Planning Committee asked the Workload Assessment Advisory Committee to provide information on how SJO conversions would be allocated if updated workload data were

used. This report shows that using updated workload data results in the need for 53 SJO conversions; seven more than the remaining positions under the 2007 conversion allocation. The updated workload data is a better reflection of the workload-based need for subordinate judicial officers.

Should E&P wish to adopt a new conversion list based on updated workload data, there are a few different approaches that E&P could take to reconcile the updated list with the previous one:

- **E&P could adopt the updated conversion list and allow any court on one or both lists to convert positions, up to a maximum of 46 FTE.** Adopting this approach would not require new legislation nor creation of new SJO positions and would allow for some flexibility in the courts to determine how best to manage finances while fulfilling the spirit of the legislation. Under this proposal, courts with eligible conversions, identified as those with a number value in column J or N on Attachment B, could convert as many SJO FTE as the higher value in either of those columns on a first come, first served basis until all 46 remaining authorized conversions are used.

Alternately, E&P could prioritize the 39 positions identified as appropriate for conversion and currently filled, according to the latest Schedule 7A. Those conversions are listed in Column M of Attachment B.

This approach recognizes that the timing of conversions, and the decision whether to convert upon a vacancy or request an exemption to defer the conversion, is and should be made locally. While the workload data provides a quantitative analysis of the number and placement of SJO conversions, the slower pace of the conversions in recent years suggest that other, local factors—besides just the requirement that the position be vacated—play a role in the decision whether to convert an SJO position.

- **E&P could request the Workload Assessment Advisory Committee to prioritize the updated conversion list down to the 46 conversions remaining under Government Code section 69615.** A methodology similar to the one used to rank judgeship need could be applied to the updated SJO conversion data to identify the 46 positions most in need of conversion. This approach would not require new legislation nor the creation of new SJO positions. It does decrease local flexibility somewhat by applying only a quantitative approach to identifying courts in need of conversion rather than factoring in local decision-making.
- **E&P could seek legislation to request an additional 11 FTE SJO conversions based on the new workload data.**

Regardless of the approach taken, E&P should also discuss whether the conversion list should be updated on a regular basis to account for changes in workload. Future changes in the number of authorized commissioner FTE and changes in judicial workload may prompt changes to the number of positions to be converted in the future and suggest the need for periodic updates to the analysis. E&P may also wish to consider whether the 2002 report on SJO workload should be updated to reflect any changes in law, rule of court, or practice.

DRAFT

Attachment A

Government Code Section 69615

(a) It is the intent of the Legislature in enacting this section to restore an appropriate balance between subordinate judicial officers and judges in the trial courts by providing for the conversion, as needed, of subordinate judicial officer positions to judgeships in courts that assign subordinate judicial officers to act as temporary judges. The Legislature finds that these positions must be converted to judgeships in order to ensure that critical case types, including family, probate, and juvenile law matters, can be heard by judges.

(b) (1) The Legislature finds that because of the unique nature of family and juvenile law matters, including the long-lasting impact of decisions in these cases, particularly on vulnerable children, whenever possible, these cases should be presided over by judges, who are accountable to the public.

(2) The Legislature also finds that a Judicial Council study concluded that public trust and confidence in the courts are strongest when the public believes that the decisionmaking processes used by the court are fair and allow each litigant a reasonable opportunity to be heard by the court. In order to improve the public perception of procedural fairness in family law and juvenile law matters, it is necessary that cases be heard by judges whenever possible.

(3) It is therefore the intent of the Legislature, in allowing the conversion of up to 10 additional subordinate judicial officer positions, as provided in subparagraph (C) of paragraph (1) of subdivision (c), to expedite the timeline for ensuring that family and juvenile law matters are presided over by judges.

(c) (1) (A) Sixteen subordinate judicial officer positions in eligible superior courts, as determined and approved by the Judicial Council on February 23, 2007, pursuant to uniform criteria for determining the need for converting existing subordinate judicial officer positions to superior court judgeships, shall be converted to judgeships as set forth in paragraph (2).

(B) Upon subsequent authorization by the Legislature, 146 subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council pursuant to uniform criteria for determining the need for converting existing subordinate judicial officer positions to superior court judgeships, shall be converted to judgeships as set forth in paragraphs (2) and (3), except that no more than 16 subordinate judicial officer positions may be converted in any fiscal year.

(C) Notwithstanding subparagraph (B), up to 10 additional subordinate judicial officer positions in eligible superior courts may be converted to superior court judgeships in any fiscal year. Each additional position may be converted to a judgeship only if the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer. The additional conversions authorized by this subparagraph are subject to the requirements of paragraph (3).

(2) The positions for conversion shall be allocated each fiscal year pursuant to uniform allocation standards to be developed by the Judicial Council for factually determining the relative judicial need for conversion of a subordinate judicial officer position that becomes vacant to a superior court judgeship position.

(3) Beginning in the 2010–11 fiscal year, a subordinate judicial officer position shall be converted to a judgeship when all of the following conditions are met:

(A) A vacancy occurs in a subordinate judicial officer position in an eligible superior court as determined by the uniform allocation standards described in paragraph (2).

(B) The Judicial Council files notice of the vacancies and allocations with the Chairperson of the Senate Committee on Rules, the Speaker of the Assembly, and the Chairpersons of the Senate and Assembly Committees on Judiciary.

(C) Except for proposed actions authorized pursuant to subparagraph (C) of paragraph (1), the proposed action is ratified by the Legislature, either in the annual Budget Act or by statutory enactment. Because of the unique nature of the need for judges as expressed in subdivision (b), a proposed action under subparagraph (C) of paragraph (1) shall be ratified by the Legislature by statutory enactment other than the annual Budget Act.

(4) Section 12011.5 shall apply to an appointment to a superior court judgeship converted from a subordinate judicial officer position.

(d) For purposes of this section, “subordinate judicial officer” means an officer appointed under the authority of Section 22 of Article VI of the California Constitution. This section shall not apply to a subordinate judicial officer position established by Section 4251 of the Family Code.

(e) It is the intent of the Legislature that no subordinate judicial officer shall involuntarily lose his or her position solely due to operation of this section. This section does not change the employment relationship between subordinate judicial officers and the trial courts established by law.

(f) This section does not limit the authority of the Governor to appoint a person to fill a vacancy pursuant to subdivision (c) of Section 16 of Article VI of the California Constitution.

(g) This section does not entitle a court to an increase in funding.

(h) The operation of this section shall neither increase nor decrease the number of judicial and subordinate judicial officer positions and court support positions for which a county is responsible by law.

(Amended by Stats. 2010, Ch. 690, Sec. 2. Effective January 1, 2011.)

	A	B	C	D	E	F	G	H	I	J	K	L	M	N
COUNTY	Authorized Resources				Total Authorized Judicial Officers	Judicial Need			Workload-based SJO need compared to authorized SJOs: number of SJOs appropriate for conversion (B-H)	Determining SJO Conversions				Positions remaining to convert using 2007 workload data
	Authorized Judges (as of June 2013, plus SJO conversions through January 1, 2015)	Authorized SJOs (without AB 1058 child support commissioners)	Authorized AB 1058 child support commissioners	Authorized SJOs (as of June 2013, reported in CSR, minus conversions through Jan 1, 2015)		2014 Assessed Judicial Need	SJO Need (from updated SJO workload analysis)	SJO need minus authorized AB 1058 positions (G-C)		Final List of SJOs appropriate for conversion. If A is greater than F, result is "0", else I	Filled SJO positions (as reported by court on FY 14-15 7A, June 2014)	Filled SJO FTE minus AB 1058 authorized FTE (K-C)	SJOs appropriate for conversion compared to filled SJO positions (If L<H, 0, else (L-H))	
STATEWIDE	1,714	247.2	51.8	299.0	2,013.0	2,171.3	231	179.1	57	53	262.8	211.0	39	46
Alameda	75	8.1	1.9	10.0	85.0	70.1	8.6	6.7	1	-	9.0	7.1	-	
Alpine	2	0.0	0.3	0.3	2.3	0.2	0.0	--	-	-	-	-	-	
Amador	2	0.0	0.3	0.3	2.3	2.7	0.2	--	-	-	0.3	0.0	-	
Butte	12	1.5	0.5	2.0	14.0	14.2	1.4	0.9	-	-	2.0	1.5	-	
Calaveras	2	0.0	0.3	0.3	2.3	2.8	0.2	--	-	-	0.3	0.0	-	
Colusa	2	0.0	0.3	0.3	2.3	1.6	0.2	--	-	-	-	-	-	
Contra Costa	39	6.5	1.5	8.0	47.0	42.5	4.8	3.3	3	3	3.0	1.5	-	2
Del Norte	3	0.5	0.3	0.8	3.8	3.7	0.3	--	-	-	-	-	-	
El Dorado	8	0.7	0.3	1.0	9.0	9.9	1.0	0.7	-	-	1.0	0.7	-	
Fresno	47	3.7	2.3	6.0	53.0	60.7	5.5	3.2	-	-	6.2	3.9	-	
Glenn	2	0.0	0.3	0.3	2.3	2.0	0.3	--	-	-	-	-	-	
Humboldt	7	0.7	0.3	1.0	8.0	10.6	0.9	0.6	-	-	1.0	0.7	-	
Imperial	10	1.0	0.3	1.3	11.3	13.8	1.8	1.5	-	-	1.4	1.1	-	
Inyo	2	0.0	0.3	0.3	2.3	1.6	0.3	--	-	-	0.2	-	-	
Kern	39	5.1	1.9	7.0	46.0	58.0	6.2	4.3	-	-	6.0	4.1	-	1
Kings	8	1.3	0.3	1.6	9.6	11.4	1.0	0.7	-	-	1.6	1.3	-	
Lake	4	0.3	0.3	0.6	4.6	5.2	0.4	0.1	-	-	0.6	0.3	-	
Lassen	2	0.0	0.3	0.3	2.3	3.2	0.3	--	-	-	0.3	-	-	
Los Angeles	483	94.5	8.8	103.3	586.3	629.5	68.3	59.5	34	34	103.0	94.2	34	27
Madera	10	0.0	0.3	0.3	10.3	10.9	1.0	0.7	-	-	0.8	0.5	-	
Marin	12	0.4	0.3	0.7	12.7	11.8	1.4	1.1	-	-	0.7	0.4	-	
Mariposa	2	0.0	0.3	0.3	2.3	1.3	0.1	--	-	-	0.2	-	-	
Mendocino	8	0.1	0.3	0.4	8.4	7.3	0.6	0.3	-	-	0.4	0.1	-	
Merced	12	1.5	0.5	2.0	14.0	16.7	1.8	1.3	-	-	2.0	1.5	-	
Modoc	2	0.0	0.3	0.3	2.3	0.8	0.1	--	-	-	-	-	-	
Mono	2	0.0	0.3	0.3	2.3	1.1	0.2	--	-	-	0.3	-	-	
Monterey	20	1.7	0.5	2.2	22.2	21.8	2.1	1.6	-	-	2.2	1.7	-	
Napa	6	1.7	0.3	2.0	8.0	8.2	0.7	0.4	1	1	2.0	1.7	1	1
Nevada	6	1.3	0.3	1.6	7.6	5.4	0.6	0.3	1	-	1.0	0.7	-	
Orange	125	17.2	2.8	20.0	145.0	155.6	16.8	14.0	3	3	17.0	14.2	-	
Placer	12	4.1	0.4	4.5	16.5	19.4	1.8	1.4	2	2	4.0	3.6	2	1
Plumas	2	0.0	0.3	0.3	2.3	1.4	0.1	--	-	-	-	-	-	
Riverside	69	10.9	3.1	14.0	83.0	127.4	13.7	10.6	-	-	15.0	11.9	-	
Sacramento	68	9.2	1.3	10.5	78.5	81.8	9.1	7.8	1	1	8.0	6.7	-	
San Benito	2	0.0	0.3	0.3	2.3	2.8	0.2	--	-	-	0.3	0.0	-	
San Bernardino	78	12.4	2.6	15.0	93.0	143.0	14.7	12.1	-	-	10.0	7.4	-	
San Diego	132	18.9	3.1	22.0	154.0	153.3	17.8	14.7	4	4	19.0	15.9	1	3
San Francisco	52	2.8	1.1	3.9	55.9	53.8	5.4	4.3	-	-	1.9	0.8	-	7
San Joaquin	32	3.3	1.2	4.5	36.5	42.3	3.8	2.6	-	-	2.0	0.8	-	
San Luis Obispo	12	2.7	0.3	3.0	15.0	17.9	1.6	1.3	1	1	3.0	2.7	1	1
San Mateo	26	6.5	0.5	7.0	33.0	31.1	4.2	3.7	2	2	3.0	2.5	-	2
Santa Barbara	21	2.2	0.8	3.0	24.0	23.4	2.5	1.7	-	-	2.0	1.2	-	
Santa Clara	79	8.1	1.9	10.0	89.0	69.6	7.4	5.5	2	-	10.0	8.1	-	
Santa Cruz	11	2.2	0.3	2.5	13.5	14.2	1.4	1.1	1	1	1.5	1.2	-	
Shasta	11	1.4	0.6	2.0	13.0	16.4	1.3	0.7	-	-	2.0	1.4	-	
Sierra	2	0.0	0.3	0.3	2.3	0.2	0.0	--	-	-	-	-	-	
Siskiyou	4	0.7	0.3	1.0	5.0	3.4	0.4	0.1	-	-	1.0	0.7	-	
Solano	21	2.4	0.6	3.0	24.0	25.0	2.4	1.8	-	-	3.0	2.4	-	
Sonoma	21	2.3	0.75	3.0	24.0	26.1	2.7	1.9	-	-	2.0	1.3	-	
Stanislaus	23	2.1	0.95	3.0	26.0	32.6	2.9	1.9	-	-	2.0	1.1	-	
Sutter	5	0.0	0.3	0.3	5.3	6.7	0.6	0.3	-	-	-	-	-	
Tehama	4	0.0	0.3	0.3	4.3	5.8	0.6	0.3	-	-	1.0	0.7	-	
Trinity	2	0.0	0.3	0.3	2.3	1.6	0.1	--	-	-	-	-	-	
Tulare	21	3.0	1	4.0	25.0	25.9	2.5	1.5	1	1	3.0	2.0	-	1
Tuolumne	4	0.5	0.3	0.8	4.8	4.3	0.4	0.1	-	-	0.8	0.5	-	
Ventura	29	2.7	1.3	4.0	33.0	40.4	4.7	3.4	-	-	4.0	2.7	-	
Yolo*	12	1.1	0.3	1.4	13.4	11.2	1.0	0.7	-	-	2.0	1.7	-	
Yuba	5	0.0	0.3	0.3	5.3	5.6	0.5	0.2	-	-	-	-	-	

*The Superior Court of the County of Yolo converted an SJO position on January 5, 2015; the number reported in column K has been updated to reflect the conversion.

RAS Project Plan Overview

	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17
Phase 1: Study planning/design and ramp-up																									
Finalize list of case types, resolve mapping issues, refine data definitions																									
Modify data collection instruments based on feedback from last study, new legislation, changes in case processing practices, consultation with SMEs																									
Identify potential existing data sources or opportunities to collect data to improve event frequency estimates for Delphi groups																									
Establish court sample - number of courts, distribution of sizes/types																									
Recruit courts to participate - initially target those that participated in last study																									
Phase 2: Field staffing study, compile data, run preliminary analyses																									
Build and test data collection interface																									
Back end testing of data collection interface (server load capacity, timing of notifications)																									

RAS Project Plan Overview

	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17
Obtain staff census and roster for sample size estimates, verify e-mail addresses																									
Train staff on data collection protocols, consider feasibility of train-the-trainer model																									
Pilot test data collection tool in courts, make any needed modifications pursuant to testing																									
Study in field - maintain helpdesk to field questions from respondents, troubleshoot issues with ITSO, update files to load to serve, follow up with courts on non-respondents																									
Clean, weight, and aggregate data																									
Phase 3: Data validation, finalize new caseweights																									
Field survey capturing case-related work performed by non-court staff																									
Review preliminary data with study courts through site visits and conference calls																									

RAS Project Plan Overview

	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17
Hold Delphi sessions to determine whether/how time study data need to be adjusted																									
Review preliminary findings with WAAC, convene subcommittees for technical review of caseweights																									
Finalize results, get WAAC and Judicial Council approval																									