



JUDICIAL COUNCIL OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF OPEN MEETING AND ACTION BY EMAIL

12/2/15

12:15 p.m.

Teleconference

Advisory Body Members Present: Hon. Lorna Alksne, Chair; Hon. Irma Asberry; Hon. Joyce Hinrichs; Hon. Suzanne Kingsbury; Hon. John Kiriwara; Hon. Annemarie Pace; Hon. Garrett Wong; Mr. Sean Metroka; Ms. Sheran Morton; Mr. Stephen Nash; Mr. Michael Planet; Mr. Darrel Parker; Ms. Teresa Risi; Mr. Brian Taylor

Advisory Body Members Absent: Ms. Sherri Carter; Hon. Richard C. Martin

Others Present: Mr. Bryan Borys; Ms. Christine Donovan; Mr. Brian Aho; Ms. Deana Farole; Ms. Savet Hong; Mr. Peter James; Ms. Leah Rose-Goodwin; Ms. Karen Viscia

OPEN MEETING

Call to Order and Roll Call

The Workload Assessment Advisory Committee (WAAC) chair called the meeting to order at 12.15 p.m. and took roll call.

Approval of Minutes

WAAC reviewed and approved the minutes of the August 27, 2015 meeting and the October 13, 2015 Action by E-mail Between Meetings.

DISCUSSION AND ACTION ITEMS (ITEMS 1-4)

Item 1

AB 1058 Funding Allocation Joint Subcommittee (Action Required)

Hon. Irma Asberry, Joint Subcommittee Co-Chair, presented an update on the status of the development of a new funding methodology for the Child Support Commissioner and Family Law Facilitator Programs. WAAC discussed the joint subcommittee's recommendation to not propose a new allocation model at this time, and whether WAAC wished to comment on this recommendation.

Action: WAAC will submit a comment to accompany the joint subcommittee's recommendation to the Judicial Council. Ms. Farole will incorporate the finalized language of the joint subcommittee recommendation into the comment, and circulate the comment by email to WAAC members for their review/approval.

Item 2

Death Penalty Data Collection (Discussion)

WAAC discussed establishing a plan to gather data on death penalty cases in order to further explore the associated workload. Although a special caseweight for death penalty cases will not be developed at this time, identifying the workload will be helpful in exploring alternative solutions to meet courts' resource needs in these cases. Hon. Lorna Alksne will speak to CEAC regarding the counting of death penalty cases on the individual court level.

Item 3

2016 Annual Agenda (Discussion)

The Chair led a discussion regarding which projects to include on the 2016 WAAC annual agenda. Proposed agenda items include the 2016 RAS study, closing out involvement with the AB1058 joint subcommittee, the biennial update of the judicial needs assessment, and the annual report to the Legislature on standards of judicial administration. WAAC members can review the draft agenda at its next meeting, to be scheduled for early 2016.

Item 4

Next In-Person WAAC Meeting (Discussion)

WAAC discussed possible dates and topics for an in-person meeting in early 2016.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Status of staff workload study

Ms. Farole provided WAAC with a status report on the upcoming staff workload study, the results of which will be used to update the Resource Assessment Study model parameters. The Office of Court Research is now fully staffed for the study and the team is preparing to launch the study in early March.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:15 p.m.

Minutes to be approved by the advisory body on 2/9/15.

ACTION BY EMAIL

Report emailed to WAAC on 12/17/15

ACTION ITEM (ITEM 1)

Review/Approve Memo on Recommendations of the AB 1058 Funding Allocation Joint Subcommittee

This comment was circulated to WAAC for approval via email because the finalized language of the joint subcommittee's recommendation needed to be incorporated into the comment after the 12/2/15 meeting.

Action: WAAC reviewed and approved the memo summarizing its position on the AB 1058 Funding Allocation Joint Subcommittee recommendations, as discussed at the 12/2/15 meeting.

Workload Assessment Advisory Committee

DRAFT Annual Agenda—2016

Approved by E&P: _____

I. ADVISORY BODY INFORMATION

Chair:	Hon. Lorna Alksne
Staff:	Deana Farole, Court Operations Services, Office of Court Research
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: (1)Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model; (2)Processes, study design, and methodologies that should be used to measure and report on court administration; and (3)Studies and analyses to update and amend case weights through time studies, focus groups, or other methods.	
Advisory Body's Membership: 16 members: 8 judicial officers, 8 court executives	
Subgroups/Working Groups: AB 1058 Funding Allocation Joint Subcommittee (with Family and Juvenile Law Advisory Committee and Trial Court Budget Advisory Committee)	
Advisory Body's Key Objectives for 2016: <ul style="list-style-type: none">• Conduct the staff workload study update and develop preliminary caseweights.• Complete and submit mandated reports to the legislature on judicial needs and standards and measures of judicial administration.	

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 2016 will consist of training participating courts on data collection, fielding the staff time study, preliminary data analysis, review and validation of data with study courts, supplemental data collection, and holding Delphi sessions to make adjustments to draft caseweights.	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 through spring 2017	Updated caseweights to measure trial court staff workload. These caseweights are used to estimate trial court staff need, which is then used for WAFM.

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, 0.75 FTE Supervising Analyst, 1.5 FTE Senior Analyst, 1.0 FTE Analyst, 0.5 FTE Associate Analyst (existing staff); IT support to create web-based data collection interface (existing staff); subject matter expert consultants from the Center for Families, Children & the Courts and Criminal Justice Services (existing staff).</p> <p>Key Objective Supported: #1</p>		
2.	To enrich recommendations to the council and avoid duplication of effort, members of the Family and Juvenile Law Advisory Committee will collaborate with members of the	1	Judicial Council Direction: At its April 17, 2015 meeting, the Judicial Council received and approved a recommendation from the Family and Juvenile Advisory Committee to form a joint subcommittee to study the AB	Report with recommendations due to the Judicial Council in February 2016.	The subcommittee will provide recommendations to the Judicial Council regarding updating the AB 1058 funding

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	<p>Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.</p>		<p>1058 funding methodology.</p> <p>Origin of Project: The AB 1058 funding methodology was first established in 1997 and has not since been updated. In reviewing the proposed midyear funding reallocations, the Family and Juvenile Law Advisory Committee acknowledge the need to reexamine the funding methodology to account for “the myriad of factors that must be considered when allocating funding to both optimize program success and provide for mechanisms for all funds to be spent by the end of each fiscal year.”</p> <p>Resources: 0.25 FTE Supervising Analyst (existing resources); CFCC staff (existing resources); Finance staff (existing resources)</p> <p>Key Objective Supported: N/A (WAAC is acting in a consulting role and the key objective rests with the Family and Juvenile Law Advisory Committee.)</p>		<p>methodology.</p>

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
3.	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).	1	<p>Judicial Council Direction: The methodology for determining the number of judgeships needed in the trial courts was approved by the Judicial Council in August 2001 and modified and approved by the council in August 2004 and December 2011. The methodology was incorporated into statute in 2006 (Stats. 2006, ch. 390).</p> <p>Origin of Project: Government Code Section 61614(c)(1) requires the Judicial Council to prepare biennial updates of the Judicial Needs Assessment in even-numbered years.</p> <p>Resources: 0.10 FTE Manager or Analyst (existing resources)</p> <p>Key Objective Supported: #2</p>	Fall 2016	Report to Legislature, Judicial Council presentation (October 2016)
4.	Prepare report to legislature on judicial administration standards and measures that promote the fair and efficient administration of justice. Annual reports are required pursuant to Government Code Section 77001.5.	1	<p>Judicial Council Direction: The Judicial Council must approve this statutorily mandated report before it is transmitted to the legislature.</p> <p>Origin of Project: Government Code Section 77001.5 requires the Judicial Council to report to the legislature annually on judicial administration standards and measures.</p>	Fall 2016	Judicial Council report (October 2016) and Report to Legislature

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			Resources: 0.25 FTE Associate Analyst (existing resources) Key Objective Supported: #2		
5.			Judicial Council Direction: Origin of Project: Resources: Key Objective Supported:		
6.			Judicial Council Direction: Origin of Project: Resources: Key Objective Supported:		

III. STATUS OF 2015 PROJECTS:

[List each of the projects that were included in the 2015 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1	<p>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 to finalize updates of the data collection instruments in preparation for launch of the time study in early 2016.</p>	<p>Work on the staff workload study update will be ongoing through spring 2017. Recruitment is complete and 14 courts have committed to participating in the study. The data collection instruments have been revised, reviewed by court subject matter experts, and finalized.</p>
2	<p>Convene Special Circumstances Subcommittee 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.</p>	<p>The subcommittee completed its work and reported back to the full committee at its August 27, 2015, meeting. The committee voted not to develop a special circumstances caseweight at this time, but to use the subcommittee's work to inform closer study of the associated workload in the 2016 update of the staff workload study.</p>
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 Executives Advisory Committee.</p>	<p>All reporting of filings data has been aligned with the RAS casetype categories. The JBSIS working group will wrap up its work in 2016 and report back to CEAC, though it is expected that there will be ongoing work to update and clarify JBSIS standards as new issues arise. In November 2015, Office of Court Research staff provided CEAC with an update laying out options for a data auditing or validation program and CEAC will be considering those options in 2016. Office of Court Research staff will coordinate to provide WAAC with any needed updates on CEAC's efforts in this area.</p>

#	Project	Completion Date/Status
4	<p>To enrich recommendations to the council and avoid duplication of effort, members of the Family and Juvenile Law Advisory Committee will collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting. [Note: This item was not initially on WAAC's annual agenda. It was added pursuant to council action on a report from the Family and Juvenile Law Advisory Committee in April 2015 and the amended agenda was approved in June.]</p>	<p>The subcommittee voted on its final recommendations in November 2015, which included not changing the AB 1058 allocation methodology at this time and coordinating with the California Department of Social Services (DCSS) on its two-year program review and parallel process of reassessing funding allocations, as well as retooling the midyear reallocation process so it's done earlier in the year and helps to ensure more efficient use of funding. WAAC met in December to review and provide feedback on the subcommittee's recommendations for the purposes of the February 2016 report to the Judicial Council. WAAC voted in support of the subcommittee's recommendations and committed to further study of AB 1058 issues through the staff workload study update, to assist the Family and Juvenile Law Advisory Committee with data that may be useful in its ongoing work with DCSS.</p>
5	<p>Develop an interim caseweight for complex civil cases, applying it to paid complex civil case fee filings, for the purposes of FY 2015-16 budget allocations. For future budget cycles, review the validity of the weighting and propose a long-term solution. [Note: This item was not initially on WAAC's annual agenda. It was added pursuant to council action on a report from the Trial Court Budget Advisory Committee in April 2015 and the amended agenda was approved in June.]</p>	<p>The Judicial Council approved the committee's recommendation to establish an interim caseweight of 2,271 minutes at its June 26, 2015, meeting. The data collection instruments for the update of the staff workload study have been revised to more specifically capture the workload in complex civil cases and a long-term solution will be proposed upon review and analysis of the new data.</p>

IV. Subgroups/Working Groups - Detail

Subgroups/Working Groups:

Subgroup or working group name: AB 1058 Funding Allocation Joint Subcommittee

Purpose of subgroup or working group: To reconsider the AB 1058 allocation methodology developed in 1997, with an eye to the myriad of factors that must be considered when allocating funding to both optimize program success and provide for mechanisms for all funds to be spent by the end of each fiscal year.

Number of advisory body members on the subgroup or working group: 4

Number and description of additional members (not on this advisory body): 6 members of the Family and Juvenile Law Advisory Committee, 6 members of the Trial Court Budget Advisory Committee, 1 representative of the Department of Child Support Services

Date formed: 4/17/15

Number of meetings or how often the subgroup or working group meets: Meetings occur approximately once every two to three months.

Ongoing or date work is expected to be completed: A report with recommendations is due to the Judicial Council in February 2016.