



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MATERIALS FOR SEPTEMBER 9, 2020

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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: September 9, 2020
Time: 12:10 p.m. – 1:10 p.m.
Public Call-in Number: <http://jcc.granicus.com/player/event/1031>

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 waac@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 March 3, 2020 meeting, and the March 26 and May 6, 2020, Action by Email Between Meetings of the Workload Assessment Advisory Committee.

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 waac@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Ms. Kristin Greenaway. Only written comments received by 12:00 p.m., September 8, 2020, will be provided to advisory body members prior to the start of the meeting.

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

Item 1

Annual Agenda Reassessment (Action Required)

The Judicial Council's internal committee chairs have requested a comprehensive review of current annual agendas with advisory body leadership to coordinate efforts to maintain access to court proceedings and the fair administration and delivery of justice during COVID-19 pandemic public health concerns and related budget shortfalls.

Presenter: Hon. Lorna A. Alksne, Chair

Item 2

RAS Study Timeline Update/RAS Policy (Action Required)

Discuss the projected timeline of the RAS study update; follow-up on Policy document.

Presenter: Ms. Kristin Greenaway, Supervising Analyst, Judicial Council, Business Management Services, Office of Court Research

Item 3

Work Items 2020-21 (Action Required)

Discuss the following:

1) Court Interpreter Data Collection.

Collect and analyze data from more courts to confirm patterns seen in the Superior Court of Monterey County (2019-20 ARP) to further assess courts' varying degrees of need for language access services and the resultant impact on case processing workload.

2) Adjustment Request Process (ARP).

San Francisco and Contra Costa. Discuss the request to account for misdemeanor jury trial workload that is currently unaccounted for in the Resource Assessment Study (RAS) and the Workload Formula (WF).

Presenter: Mr. Nicholas Armstrong, Senior Analyst, Judicial Council, Business Management Services, Office of Court Research

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Committee Membership Term of Service

Follow-up on request by Chief Justice Tani Cantil-Sakauye that all members of Judicial Council advisory committees extend membership terms by one year.

Presenter: Hon. Lorna A. Alksne, Chair

Info 2

Judicial Council Meeting

Provide update on:

- 1) Mental Health Interim Caseweight.

Adopt a new, interim RAS caseweight for certification hearings performed under Welfare and Institutions Code sections 5256, and

- 2) Superior Court of San Francisco County Cluster Change.

Change cluster assignment from cluster 4 to cluster 3 based on the court's current number of authorized judicial positions.

Presenters: Hon. Lorna A. Alksne, Chair

Ms. Kristin Greenaway, Supervising Analyst, Judicial Council, Business Management Services, Office of Court Research

Info 3

Mandated Studies

Provide update on:

- 1) *Standards and Measures that Promote the Fair and Efficient Administration of Justice.*

Report to the Legislature under Government Code Section 77001.

- 2) *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment.* Report to the Legislature under Government Code Section 69614(C)(1) & (3).

Presenters: Ms. Kristin Greenaway, Supervising Analyst, Judicial Council, Business Management Services, Office of Court Research

Ms. Khulan Erdenebaatar, Senior Analyst, Judicial Council, Business Management Services, Office of Court Research

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

Adjourn



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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

March 3, 2020

10:00 AM - 2:00 PM

Judicial Council, 455 Golden Gate Avenue, 3rd Floor, Redwood Room, San Francisco, California 94102

Advisory Body Members Present: Hon. Lorna A. Alksne, Chair; Hon. Charles R. Brehmer; Hon. Pamela L. Butler; Hon. Stephanie Cameron; Hon. Joyce C. Hinrichs; Hon. Kirk H. Nakamura; Hon. Lawrence P. Riff; Hon. Jennifer K. Rockwell; Ms. Sherri R. Carter; Ms. Arlene D. Junior; Mr. Michael D. Planet; Ms. Kim Turner

Advisory Body Members Absent: Mr. James Kim; Ms. Bonnie Sloan

Others Present: Ms. Leah Rose-Goodwin; Ms. Kristin Greenaway; Mr. Nicholas Armstrong; Ms. Carolyn Bernabe; Ms. Rose Butler

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:05 a.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the March 3, 2020, Workload Assessment Advisory Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Resource Assessment Study (RAS) Policy

Action:

The committee reviewed and discussed a proposed draft RAS policy document provided by the JC staff. To address the ask from courts' constituents, the committee identified possible approaches to do the studies differently:

1) **Driver: Filings-based model – 22 case type caseweights**

The committee discussed the number of case types and caseweights in the RAS and judicial needs models and talked about developing subset categories to break-down the more complex felony, unlimited civil, family, and dependency cases, placing a higher priority on felony and unlimited civil cases. The current reporting process requires the courts to report filings based on casetype without the sub casetype distinctions, which

leaves all cases of the same type to be lumped into the current casetype category. The proposed subset categories should capture nuances in cases, e.g., complex, multiple parties or defendants cases; how much time it takes to process cases of the same case types, e.g., a standard felony case takes three to four weeks while a capital felony case takes years.

2) Data Collection Period

The committee discussed about changing the collection period from spring to January of each year.

3) Court Participation

The committee discussed the benefits of using the same participants from year to year. Committee noted that over time participants get better with the study.

4) Update Cycles

The committee discussed changing the time study from a 5-year cycle to a 3-year cycle to address yearly legislative shifts and filings trends. The committee deems the change to be a priority. To move forward, JC staff will meet with the JC Chief Operating Officer to go over the proposed change, and the committee will raise the subject to the courts presiding judges and court executive officers (TCPJAC/CEAC).

5) Methodology: Ratios used to compute FTE Need (Staff only)

The committee discussed the disparity in clusters and the effect of measures in the formula for Manager/Supervisor Need Cluster Based Ratios (use Schedule 7A) and Program 90 Administrative Staff Need Cluster Based Ratios (use Schedule 7A). JC staff mentioned that the Trial Court Budget Advisory Committee is already discussing to establish a subcommittee to address 'clustering' in the courts. It is certain that WAAC will be involved in many of the new subcommittee's work.

Item II

Adjustment Request Process (ARP) Referred to WAAC

Action:

The committee discussed the recommendations concerning the requests from the following courts:

1) Monterey Superior Court ARP

The committee voted unanimously to explore the subject and directed staff to provide a report at the next in-person meeting. The report should include a representative sample of courts that includes courts with all level of language service workload in the next RAS Model update.

2) El Dorado Superior Court ARP

The committee voted to deny the request based on the current RAS model policies and absent specific criteria to establish and maintain locational needs.

3) Los Angeles/San Diego Superior Courts ARP

The committee voted to pass the recommendation for the workload (Mental Health filings) to be captured as part of the RAS Model, and directed staff to develop an interim solution to capture the workload until the next RAS update. Presiding Judge Lorna Alksne, Chair, abstained from the vote. Ms. Sherri R. Carter and Judge Lawrence P. Riff also abstained. The three abstained because the ARP was submitted by the courts represented by these members.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:29 p.m.

Approved by the advisory body on enter date.

DRAFT



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MINUTES OF OPEN MEETING

March 26, 2020

10:00 a.m.

Action by Email Between Meetings

Advisory Body Members Present: Hon. Charles R. Brehmer; Hon. Pamela Butler; Hon. Joyce Hinrichs; Hon. Jennifer K. Rockwell; Ms. Stephanie Cameron; Ms. Arlene D. Junior; Mr. James Kim; Ms. Kim Turner; Mr. Michael Planet. **Abstained:** Hon. Lawrence Riff; Ms. Sherri Carter

Advisory Body Members Absent: Hon. Lorna A. Alksne; Hon. Kirk Nakamura; Ms. Bonnie Sloan

Others Present: Ms. Leah Rose-Goodwin; Ms. Kristin Greenaway; Ms. Rose Butler

OPEN MEETING

Vote

The vote opened at 10:00 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

Use of an interim caseweight for Mental Health certification hearings in response to the Adjustment Request (ARP) submitted jointly by the Superior Courts of Los Angeles and San Diego counties. The decision will be applied to the subset of mental health filings for Fiscal Year 2018-19 not previously captured and reported as filings in JBSIS (n~55,000).

Action: *The Adjustment Request Process (ARP) submitted jointly by the Superior Courts of Los Angeles and San Diego counties, Use of An Interim Caseweight for Mental Health Certification Hearings, will go forward to the Judicial Council at its May 2020 meeting.*

ADJOURNMENT

The vote closed at 5:00 p.m.

Approved by the advisory body on enter date.



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MINUTES OF OPEN MEETING

May 6, 2020

10:00 a.m.

Action by Email Between Meetings

Advisory Body Members Present: Hon. Charles R. Brehmer; Hon. Pamela Butler; Hon. Joyce Hinrichs; Hon. Kirk H. Nakamura; Hon. Lawrence P. Riff; Hon. Jennifer K. Rockwell; Ms. Stephanie Cameron; Ms. Sherri Carter; Ms. Arlene D. Junior; Mr. James Kim; Ms. Kim Turner; Mr. Michael Planet; Ms. Bonnie Sloan

Advisory Body Members Absent: Hon. Lorna A. Alksne

Others Present: Ms. Leah Rose-Goodwin; Ms. Kristin Greenaway; Ms. Rose Butler

OPEN MEETING

Vote

The vote opened at 10:00 a.m.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1

The recommendation is to apply the statewide average change in filings by casetype from FY 2017-18 to 2018-19 to Plumas' and Santa Clara's FY 2017-18 filings to fill in missing FY 2018-19 filings data. This approach would only be used for the 2020-21 workload formula and would not be used in the *Court Statistics Report* and would not be entered into the JBSIS data warehouse.

Action: *The committee passed the recommendation to apply the statewide average change in filings by casetype from FY 2017-18 to 2018-19 to Plumas' and Santa Clara's FY 2017-18 filings to fill in missing FY 2018-19 filings data. This approach would only be used for the 2020-21 workload formula and would not be used in the Court Statistics Report and would not be entered into the JBSIS data warehouse.*

ADJOURNMENT

The vote closed at 5:00 p.m.

Approved by the advisory body on enter date.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date August 10, 2020	Action Requested Review and Respond
To Judicial Council Advisory Body Chairs	Deadline September 10, 2020
From Hon. Marsha G. Slough, Chair, Executive and Planning Committee Hon. David M. Rubin, Chair, Judicial Branch Budget Committee and Litigation Management Committee Hon. Kyle S. Brodie, Chair, Technology Committee Hon. Marla O. Anderson, Chair, Legislation Committee Hon. Harry E. Hull, Jr., Chair, Rules Committee	Contact Amber Barnett, Principal Manager Leadership Support Services 916-263-1398 phone amber.barnett@jud.ca.gov Michael I. Giden, Principal Managing Attorney Legal Services 415-865-7977 phone michael.giden@jud.ca.gov
Subject Annual Agendas: Review, Prioritization, and Future Planning	

The Judicial Council's internal committee chairs are interested in a comprehensive review of current annual agendas with advisory body leadership. Our goal is to coordinate efforts to maintain access to court proceedings and the fair administration and delivery of justice during COVID-19 pandemic public health concerns and related budget shortfalls.

We are asking all advisory body chairs to reevaluate the work currently in their annual agendas or planned for the coming year, and to prioritize projects that:

- Assist courts, justice partners, and parties with access to justice during and following the COVID-19 pandemic;
- Address otherwise urgent needs; or
- Are mandated by legislation.

Projects that do not meet any of these three criteria should be deferred.

For advisory bodies overseen by the Executive and Planning Committee, the Technology Committee, or the Litigation Management Committee, please complete a comprehensive review of the advisory body's 2020 annual agenda by September 10, 2020. Once your review is complete, please notify your lead committee staff of the results to revise annual agendas as needed.

For advisory bodies overseen by the Rules Committee, please apply the above-listed priorities as you develop the new annual agenda that is to be presented to the Rules Committee in October.¹

When reviewing existing annual agendas or planning upcoming annual agendas, all advisory bodies should consider, among other factors:

1. Advisory body members' limited ability to participate in committee meetings;
2. Courts' limited ability to comment on proposals and implement new proposals; and
3. Reduced staff time and resources to support committee work due to staff's increased need to devote its efforts to assist courts with pandemic-related issues.

Lead staff to advisory bodies are available to assist with these efforts. Specific guidelines for rules and forms projects are set out below.

Necessary Priorities

The COVID-19 pandemic has significantly impacted courts, justice partners, and access to justice, in turn requiring a reevaluation of the work being done by advisory committees. Courts are currently struggling to handle case backlogs, public health concerns requiring physical distancing of court staff and all court users, and serious budget cuts, while providing remote appearances and continuing to provide access to justice. Simultaneously balancing all these tasks raises many new issues for courts, justice partners, and parties and increases the workload of our advisory body members, leaving many with less time for committee work.

¹ These same priorities and guidelines should be applied by all advisory bodies as they develop annual agendas for 2021.

As we continue to navigate through this public health crisis and the numerous associated challenges, we encourage you to prioritize projects that will provide immediate relief and support to the courts and justice partners as they work to maintain access to justice. Each advisory body should reassess how best to meet its charge and the current needs of the judicial branch. While we must consider the current lack of resources and workload impacts, this is also a time for innovation and opportunity.

As you refocus your advisory body's annual agenda to address the necessary priorities, current projects may need to be amended, suspended, or eliminated, particularly those projects currently categorized as Priority Level 2 on your annual agenda. Projects that provide immediate relief and support to courts in responding to the impacts of the COVID-19 pandemic or that facilitate greater access to the court proceedings during the pandemic should be prioritized; otherwise-worthy projects should be deferred. The chair of an advisory body may request the internal oversight committee approve an amendment to the annual agenda. The internal oversight committees have approved a procedure and a form for amending agendas, which are set out in the *Guidelines for the Judicial Council Advisory Body Annual Agenda Process*.²

Rules and Forms Proposals: Special Considerations

In preparing annual agendas for the remaining and upcoming committee years, chairs should keep in mind that for rules and forms proposals, their relevant oversight committee will focus on established criteria in determining whether a proposal should proceed in the upcoming year and have a January 2022 effective date. Although this is not a significant change from the practice in recent years, the goal in highlighting these criteria is to reduce burdens on courts and to be responsive to court concerns about limited resources. The oversight committees strive to reduce court burdens related to:

- (1) Time and limited availability of advisory committee members who are also judicial officers and/or court staff to participate in meetings to consider proposals;
- (2) The review and comment process for rules and forms proposals;

² The Guidelines, a copy of which is attached, address the following areas that may assist in your committee's review of the 2020 annual agenda and planning for 2021:

- Preparing Draft Annual Agendas for Review;
- Review and Approval of Draft Annual Agendas;
- Roles of a Judicial Council Advisory Body and Its Chair;
- Policy Considerations in Reviewing Annual Agendas; and
- Judicial Branch Strategic Plan Alignment.

- (3) Implementation of new and amended rules and forms; and
- (4) The effect of new and amended rules and forms on court administration and operations, and particularly their effect on court costs, both monetary and in terms of judicial officer and court staff time.

Priority Level 1

The oversight committees ask advisory committees to apply the following criteria when prioritizing proposals:

- (a) The proposal is urgently needed to conform to the law;
- (b) The proposal is urgently needed to respond to a recent law change;
- (c) A statute or council decision requires adoption or amendment of rules or forms by a specified date;
- (d) The proposal will provide significant cost savings and efficiencies, generate significant revenue, or avoid a significant loss of revenue;
- (e) The change is urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; or
- (f) The proposal is otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk.

Given the current strains on courts, the oversight committees encourage advisory bodies to consider rule and form proposals that would meet criteria (1) and (d) referenced above to provide significant cost savings and efficiencies. Proposals that meet one of the criteria above and address ways for courts to handle case backlogs and efficiently process cases—or to provide increased access to justice through remote appearances or other means—should also be given priority. *For each Priority Level 1 project in a proposed annual agenda, the advisory body should provide a specific reason why it must be done this year and how it fits within the identified category.*

Priority Level 2

Given the many constraints on the judicial branch at this time, the oversight committees do not anticipate approving Priority Level 2 proposals. *If an advisory committee is interested in pursuing any Priority Level 2 proposals, please include justification as to why the proposal should be approved at this time.* Lower-level priority proposals are ones that are:

- (a) Useful, but not necessary, to implement changes in law;
- (b) Responsive to identified concerns or problems; or
- (c) Helpful in otherwise advancing Judicial Council goals and objectives.

In developing proposals to respond to a specific need, advisory committees should consider whether the need could be addressed in other ways, such as developing suggested practices for courts. Advisory committees should consider whether a proposal must have statewide application as a rule or whether a different solution tailored to specific courts or all courts of a particular size would address the matter.

Attachments

1. *Guidelines for the Judicial Council Advisory Body Annual Agenda Process*
2. *Operating Standards for Judicial Council Advisory Bodies*

MGS/DMR/KSB/MOA/HEH/AB

cc: Hon. Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council
Mr. Martin Hoshino, Administrative Director, Judicial Council
Ms. Millicent Tidwell, Chief Deputy Director, Judicial Council
Mr. Robert Oyung, Chief Operating Officer, Judicial Council
Mr. John Wordlaw, Chief Administrative Officer, Judicial Council
Advisory Body Lead Staff

GUIDELINES FOR THE JUDICIAL COUNCIL ADVISORY BODY ANNUAL AGENDA PROCESS

Introduction

This document provides an overview of the annual agenda process and information to help prepare the Judicial Council internal committees serving as oversight committees—the Executive and Planning Committee (Executive Committee), the Rules Committee, the Judicial Council Technology Committee (Technology Committee), and the Litigation Management Committee (Litigation Committee)—advisory body chairs, and lead staff for annual agenda review meetings.

Annual Agenda Review Meetings

The Judicial Council governance policies express the council’s interest in connecting with the leaders of its advisory bodies and coordinating efforts for the sake of continuously improving access to the courts and the administration and delivery of justice. The annual agenda review meetings serve as substantive conversations in a multiyear process between the oversight committees and the chairs of the advisory bodies to define the key objectives and projects for advisory bodies in order to align them with judicial branch goals, objectives, and desired outcomes.

The oversight committees and the advisory body chairs discuss the best use of each advisory body’s resources for the coming year. The oversight committees also identify any overlap in advisory body activities and projects. In these conversations, oversight committees are likely to convey their interest in the fulfillment of the council’s strategic goals and operational objectives through the advisory body’s objectives and projects. The oversight committees may see opportunities for collaboration between advisory bodies.

Through the review meetings, the Executive Committee, Rules Committee, Technology Committee, and Litigation Committee provide oversight to the council’s advisory bodies to guide them in focusing on matters of importance to the council and on providing the council with valuable advice and policy recommendations. The internal committees meet to review and approve the annual agendas over which they exercise oversight. The advisory body chairs and lead staff attend the meetings either in person or by telephone.

Preparing Draft Annual Agendas for Review

Before the annual agenda review meetings, advisory bodies submit their draft annual agendas to their respective oversight committees for review. Using the [template](#) approved by Executive Committee, each advisory body submits a proposed annual agenda consistent with its charge, which includes a list of key objectives and a list of related projects that the advisory body intends to either commence or accomplish in the coming year. The annual agenda also contains information relating to any subgroups (e.g., subcommittees, workstreams, working groups, curriculum committees, ad hoc groups); fiscal impact to the council or the trial courts; relevant

resource needs; allocation or distribution of funds to the courts; potential internal or external stakeholders; and anticipated collaboration with committee subgroups; and the status and achievements of the previous year's projects.

If the advisory body would like to create a new subgroup, it may request approval from the oversight committee by including “new” before the name of the proposed subgroup and describing its purpose and membership on the annual agenda.¹ The annual agenda template includes a space for this information in the *Subcommittee/Working Groups–Detail* section.

Prior to the annual agenda review meetings, executive management meets with lead staff to conduct a preliminary review of the draft annual agendas.

Review and Approval of Draft Annual Agendas

Each advisory body's draft annual agenda forms the basis for a conversation during the review meetings about the advisory body's key objectives for the coming year, related projects, and the alignment of those projects with the council's strategic plan. During the meetings, the oversight committees ask questions of the advisory body chairs and engage in conversations to understand the direction and priorities of the advisory bodies. Lead staff are generally included in these meetings to support the chair and to provide further detailed information as needed.

Understanding an advisory body's recent history may be helpful, but the focus of the chair and lead staff should be on the advisory body's present and future work. Questions and proposals from the advisory body chair and lead staff asking for the oversight committee's guidance are also welcome and appropriate.

The intended outcome is an understanding between the oversight committee, the advisory body chair, and lead staff of the advisory body's priorities for the coming year, the objectives to be pursued, and the projects to be undertaken. This understanding serves as a foundation for subsequent annual agenda meetings in a continuous effort to enhance mutual support and coordination between the Judicial Council and its advisory bodies.

Following the review meetings, the approved annual agendas are posted on the advisory bodies' webpages of the California Courts website to allow branch stakeholders to be informed of the work of the advisory bodies.

Roles of a Judicial Council Advisory Body and Its Chair

The [Judicial Council Governance Policies](#) state that the advisory bodies, under California Rules of Court, rule 10.34(a), make recommendations and offer policy alternatives to the Judicial Council for improving the administration of justice within their designated areas of focus by doing the following:

¹ 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.

- Identifying issues and concerns affecting court administration and recommending solutions to the council;
- Proposing necessary changes to rules, standards, forms, and jury instructions;
- Reviewing pending legislation and making recommendations to the Legislation Committee on whether to support or oppose it;
- Recommending new legislation to the council;
- Recommending to the council pilot projects and other programs to evaluate new procedures or practices;
- Acting on assignments referred by the council or an internal committee; and
- Making other appropriate recommendations to the council.

The advisory body chair, with the assistance of the lead staff, is responsible for developing a realistic annual agenda and discussing appropriate staffing and resources with the advisory body's office head. The oversight committees are responsible for reviewing and approving the annual agendas, which provide the advisory bodies with charges specifying what they are to achieve during the coming year. The oversight committees may add or delete specific projects and reassign priorities. The template provides descriptions of priority level 1 and 2 projects. For projects that involve rules and forms, descriptions of sub-priorities are also provided. Specifically, the Rules Committee offers the following guidance for rule and form proposals it has approved for inclusion in the annual agendas of the advisory bodies it oversees:

An advisory body can expect that a rule or form proposal on its annual agenda that was approved by the Rules Committee will be circulated for comment. There are limited circumstances in which approval to work on a proposal might not result in approval for public circulation. For example, the Rules Committee could reasonably not approve for circulation something that it earlier approved for development if there is a significant change in the proposal and the proposal: (1) is much bigger in scope or more complex than described on the annual agenda; (2) has consequences not recognized or anticipated when presented on the annual agenda; or (3) is no longer urgent or needed to avoid inconsistency in the law.

If, after approval of its annual agenda, an advisory body identifies additional or different priorities and projects, because of legislation or other reasons, it may seek approval from its oversight committee to amend its annual agenda. [Templates](#) approved for this purpose are available to lead staff on [The Hub](#). In determining whether to give approval to a proposed additional project, the oversight committee considers:

- The new project's urgency;
- Whether it is consistent with the advisory body's charge;
- The advisory body's approved annual agenda;
- The Judicial Council's strategic plan; and
- Whether it falls within the body's available staff and other resources.

Policy Considerations in Reviewing Annual Agendas

Distinction Between Policy Recommendation and Policy Implementation

Because the primary role of advisory bodies is to advise and provide policy recommendations to the Judicial Council, the oversight committees may focus on projects that fall outside of this role. If an advisory body has been directed to implement policy or produce a program, the oversight committee will want to ensure that staff continue to be accountable to the Administrative Director for the satisfactory performance of the implemented policy or program, and that the role of the advisory body is to provide advice to staff. These roles are consistent with the council's governance policies.

For advisory bodies that have policy implementation and programmatic projects, the annual agenda process can clarify for the advisory body the part for which it is responsible (e.g., providing advice and guidance to staff) and the part for which staff are responsible (e.g., performing to the standards and expectations of the Administrative Director).

Preliminary questions about the annual agendas include:

- Which projects give advice or make policy recommendations? (Both are the advisory body's primary role.)
- Which projects are policy implementation or programmatic?
- Which projects may result in a budget change proposal (BCP) or a distribution of funds to the courts?

An advisory body's *recommendations* of new or revised rules and forms are policy recommendations because they require the weighing of various possibilities and alternatives, and their approval requires a policy decision by the Judicial Council. An advisory body's *recommendations* of specific programs or of specific ways to implement policy are also policy recommendations. As long as an advisory body stays in the realm of making recommendations to the council, it occupies its traditional advisory role.

However, when the advisory body's project actually produces products or services, such as resource materials, content, or programs, or the advisory body takes final action independent of the council, it is considered to be performing the work of implementation and program delivery. An explicit Judicial Council or oversight committee charge is required for an advisory body to take this action or pursue this type of project. The advisory body's oversight committee may approve the body's involvement with policy implementation or program delivery, but it is important to specify on the annual agenda that a policy implementation project is being approved and to clarify the role and accountability of the advisory body and staff. In particular, the oversight committee's expectations for reviewing final products or introducing new services at the completion of an advisory body's project should be made clear. That way, oversight committees can ensure that the Administrative Director continues to be accountable to the Judicial Council for staff performance and advisory bodies can proceed with the explicit support of their respective oversight committees. In the event that the advisory body's work results in

recommendations to be submitted to the Judicial Council for its consideration and approval, please consult the [calendar](#) of Judicial Council meeting dates and the Executive and Planning Committee’s [agenda-setting schedule](#) to ensure timely delivery of the Judicial Council report.

Judicial Branch Strategic Plan Alignment

The annual agendas require advisory bodies to identify the strategic plan goals each project works toward. If an oversight committee determines that a project does not appear to align with existing branch priorities, the oversight committee can propose soliciting involvement by a more appropriate entity (e.g., the State Bar). If the annual agenda conversation results in the conclusion that a specific project is attenuated or not covered by branch priorities, the oversight committee and the advisory body chair should discuss and decide whether the project can be modified to meet a judicial branch strategic goal or policy, or an operational objective or outcome, or whether that project should be referred to an outside entity.

General Questions and Issues Applicable to Most Annual Agendas

The following are general questions that may be applicable to annual agendas under review:

- Is this a “realistic” list of objectives and projects for the coming year? (Factors may include the number of projects on the list, the varied scope of projects, the impact on the courts if approved, the resources needed, etc.)
- What is the key direction and focus for this advisory body?
- What is the status of the previous year’s priority level 2 projects? (For priority level 2 projects approved by the Rules Committee, the expectation is that the advisory body can develop the project—typically a rule or form proposal—and that it will be approved for circulation in the second year, absent unusual circumstances.)
- Were there issues/projects that the advisory body worked on during the previous year that were unanticipated? If so, what were they?
- For a project that implements policy or produces a program:
 - What role do the advisory body members play in performing this project? What role do staff play? To whom are staff accountable for the satisfactory and timely completion of this project?
 - Does the advisory body have an explicit Judicial Council or oversight committee charge to pursue this project? If the charge is ambiguous or was issued several years ago, should the oversight committee renew that charge? If so, under what circumstances and conditions should the advisory body pursue this project?
- Does the advisory body gather stakeholder perspectives?
- How does the advisory body intend to obtain information about the cost and training impact on the courts of a particular proposal?
- Does the chair or staff have any concerns about the adequacy of resources to accomplish the projects?

Operating Standards for Judicial Council Advisory Bodies

California Rules of Court, rules 10.30–10.34, 10.70, and 10.75, specify the general parameters within which Judicial Council advisory bodies operate under the direction and oversight of the Chief Justice and the Judicial Council.

- [Rule 10.30. Judicial Council advisory bodies](#)
- [Rule 10.31. Advisory committee membership and terms](#)
- [Rule 10.32. Nominations and appointments to advisory committees](#)
- [Rule 10.33. Advisory committee meetings](#)
- [Rule 10.34. Duties and responsibilities of advisory committees](#)
- [Rule 10.70. Task forces, working groups, and other advisory bodies](#)
- [Rule 10.75. Meetings of advisory bodies](#)

The parameters set forth in the rules of court are supported by the operating standards below for Judicial Council advisory bodies. The operating standards guide the work of advisory body chairs and Judicial Council staff relative to annual agendas, staffing, Judicial Council advisory body membership, reporting to the council, and public access.

I. Definitions

The following definitions apply for purposes of these operating standards:

1. *Internal committee.*
 - a. A committee comprised of Judicial Council members.
 - b. An “internal oversight committee” is an internal committee to which the Chief Justice has assigned oversight of a specific council advisory body.
2. *Advisory body.* Any multimember body created by the Judicial Council to review issues and report to the council, consistent with rule 10.75 of the California Rules of Court, other than a subcommittee or an internal committee as defined herein.
3. *Subcommittee (standing and ad hoc).*
 - a. Any subset of an advisory body. Naming or referring to a subset of an advisory body as something other than “subcommittee” (i.e., workstream, curriculum committee, working group, etc.) does not absolve the subset from the requirements of a subcommittee.
 - b. Typically assists in completing a purpose or task for the parent body; may also advise the parent body.
 - c. Two or more advisory bodies may request approval from their internal oversight committee for the establishment of a joint subcommittee.

- d. Standing subcommittees are for ongoing or long-term projects. Ad hoc subcommittees are short term, generally less than two years, and sunset after the final reports are submitted or projects completed.

II. Annual Agendas and Staffing

1. *Annual Agendas.*

- a. *Annual agenda template.* An annual agenda is the mechanism by which an advisory body clarifies and documents its plan for addressing an annual scope of work consistent with its charge. It is through this process that advisory bodies receive input, guidance, and delegation from the council in order to provide the necessary information and recommendations to the council to address judicial branch business. Unless otherwise provided for by the assigned internal oversight committee, advisory body annual agendas are completed using the annual agenda template.
- b. *Agenda planning.* Before developing the proposed annual agenda, the assigned internal oversight committee chair, advisory body chair, office head, and lead staff member discuss the work completed during the prior annual agenda period; the potential activities or projects, timelines, and priorities for the upcoming annual agenda period; and Judicial Council staff resource needs. Agendas should be developed based on existing resources.
- c. *Soliciting input from other advisory bodies.* To avoid duplication of effort and ensure the availability of resources, advisory body chairs, office heads, and lead staff should solicit input on activities or projects from affected advisory bodies before or as annual agendas are first drafted. This early collaboration ensures that relevant feedback is received before recommendations are completed and submitted to the council.
- d. *Soliciting input and review from appropriate Judicial Council offices.* Lead staff should consult with other offices regarding projects that require collaboration with their resources. Discuss with the staff of the Center for Judicial Education and Research projects that include elements pertaining to education. Projects that may result in an allocation or distribution of funds to the courts must be reviewed and approved by Budget Services prior to inclusion in an annual agenda. Discuss and advise Information Technology (IT) of projects with an IT element.
- e. *Executive and management review.* Before the proposed final annual agenda is submitted to the assigned internal oversight committee for approval, the heads of all offices that staff advisory bodies meet to review all annual agendas, discuss resource needs, and ensure that the appropriate offices are aware of projects that may impact them. Each office head must review the proposed final annual agenda, and any resource needs, with their division chief before internal committee review. Resource needs that cannot be resolved by the division chief should be raised with the Chief

OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

Deputy Director and/or the Administrative Director for further reconciliation with the chair of the internal oversight committee and the advisory body chair.

- f. *Annual agenda meeting.* After consultation with the assigned internal oversight committee chair, the advisory body chair presents the proposed annual agenda to the full internal oversight committee for approval. The lead staff member to the advisory body attends this meeting, as well as the office head and the division chief.
- g. *Online posting of approved annual agendas.* Upon completion of the annual agendas and the approval of any changes requested by the internal oversight committees, the annual agendas are posted under the relevant advisory body link on the [Advisory Bodies](#) page of the California Courts website, www.courts.ca.gov. The advisory body chair should refer members to the approved agenda to guide the work of the group in the coming year.
- h. *Ongoing communication.*
 - (1) *Judicial Council internal committee and advisory body chairs.* The internal oversight committee chair and the advisory body chair should strive to check in over the course of the year to review progress on annual agenda items, resource needs, and other relevant areas.
 - (2) *Advisory body chair and staff.* The advisory body chair, office head, and lead staff member should be in contact at least twice a year to discuss progress on annual agenda items. Any extraordinary changes in council priorities or additional resource needs that are identified after the internal oversight committee has approved an annual agenda should be discussed and communicated to the Chief Deputy Director for review with the chair of the assigned internal oversight committee.

2. *Amending Annual Agendas.*

In the event an advisory body's annual agenda needs to be updated or changed during the year (e.g., to address changes in council priorities or newly enacted laws), the chair of the advisory body may request that the internal oversight committee amend the advisory body's annual agenda. The internal oversight committees have approved a procedure and a form for amending agendas.¹

3. *Staff Responsibilities.*

- a. *Staffing oversight.* The Administrative Director and Chief Deputy Director have oversight responsibility and authority for directing staff support to the advisory bodies.

¹ The procedure and form may be accessed on the Judicial Council staff intranet under Reference > Judicial Council & Advisory Bodies > [Annual Agenda Timeline and Procedures](#).

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- b. *Lead staff.*² Each advisory body has a lead staff member assigned to assist the body in meeting its charge and completing the activities and projects identified on the annual agenda. The lead staff member is responsible for keeping his or her office head apprised of the activities of the advisory body, including resource issues.
- c. *Office heads.* Office heads are required to proactively support the advisory body chairs and lead staff, to work with them on sensitive issues, and to communicate those issues to the responsible division chief.
- d. *General duties.* Judicial Council staff, under rule 10.34(e) of the California Rules of Court, support the planning, coordination, and ongoing implementation of the work of the council's advisory bodies by drafting annual agendas, managing budgets and resources, providing legal and policy analysis, organizing and drafting reports, selecting and supervising consultants, providing technical assistance, and assisting chairs in presenting advisory body recommendations to the Judicial Council. Staff also organize meetings, provide information to members and to the public, ensure meeting notices are posted, facilitate advisory body nominations, and coordinate the work of the advisory body with related judicial branch work.
- e. *Alternative analysis/recommendations.* Under rule 10.34(e) of the California Rules of Court, staff may provide independent legal or policy analysis of issues that is different from the advisory body's position, if authorized to do so by the Administrative Director. The decisions or instructions of an advisory body or its chair are not binding on staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.
- f. *Addressing resource needs.* Office heads are responsible for ensuring that resource needs are addressed, including discussing those needs with the advisory body chair and the responsible division chief before the annual agenda meeting. Ongoing resource issues brought to the attention of the office head that are likely to impede progress or impact the outcome of approved activities or projects should be raised with the Chief Deputy Director and/or the Administrative Director for further reconciliation with the chair of the appropriate internal oversight committee and discussion with the advisory body chair. (See Cal. Rules of Court, rule 10.80(d).)

III. Membership and Duration

1. *Composition.* An advisory body and its chair may make recommendations to the Judicial Council and the Executive and Planning Committee about the composition of the advisory body's membership, including nominating members. An advisory body consists of between 12 and 18 members (Cal. Rules of Court, rule 10.31(a)); however, this number may vary depending on the charge and the scope of work.

² For additional lead staff duties, see section VI, Public Access.

OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

2. *Subcommittees.* An advisory body may propose the establishment of a subcommittee. A proposal for the establishment of a subcommittee should specify:

- The purpose of, or charge for, the new subcommittee;
- Whether standing or ad hoc, and if ad hoc, specify an end date;
- Number of members; and
- The timeline for the activity or project.

Membership in a subcommittee consists of members of the parent body. However, the chair of a standing subcommittee may request the appointment of a non-advisory body member to the subcommittee by completing a form, *Request for Appointment to a Subcommittee of an Advisory Body* (see Attachments), and submitting it for consideration to the office head, the executive office, and the designated internal oversight committee.³

3. *Liaisons.* Standing advisory bodies may have liaisons to other advisory bodies to facilitate the accomplishment of their common projects and programs. For example, the Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee have liaisons to other advisory bodies to ensure the trial court leadership perspective is received in a timely manner on matters under consideration. The liaison process:

- Facilitates an efficient and effective process for advisory bodies to seek and receive input from other advisory bodies that may have an interest in or be affected by its work; and
- Provides an opportunity for liaisons to share input from their respective advisory bodies early in the process on matters being considered by other advisory bodies.

The advisory body chair may determine the selection process for naming a liaison from the advisory body that he or she chairs to another advisory body. Before confirming an appointment, the appointing chair should consult with the chair of the advisory body to which the liaison will be appointed. When a member of the Trial Court Presiding Judges Advisory Committee or the Court Executives Advisory Committee is a member of another council advisory body, he or she should also serve as the liaison for his or her committee. The appointing advisory body is responsible for costs related to the liaison member fulfilling his or her liaison responsibilities.

4. *Duration.* Sunset dates are required for all advisory bodies other than standing advisory bodies. Ad hoc advisory bodies typically are dissolved following the submission and/or consideration of their final reports. The Chief Justice or the chair of the internal oversight committee may extend a sunset date.

³ The form and the accompanying instructions may also be accessed on the Judicial Council staff intranet under Reference > Judicial Council & Advisory Bodies > [Subcommittee Appointment Process and Request Form](#).

IV. Meetings

1. *Meeting notification.* Each advisory body's public web page on the California Courts website must provide notification of upcoming meetings as well as any meeting materials, consistent with rule 10.75 of the California Rules of Court.
2. *Meeting frequency.* To conserve judicial branch resources, advisory bodies (inclusive of all subcommittees, standing and ad hoc) may meet in person no more than once each annual committee cycle. Internal oversight committees may authorize additional meetings based on need and the availability of funds. If an additional in-person meeting is needed, the responsible office head reviews the request with his or her division chief and the Chief Deputy Director. Final approval of the request is sought from the internal oversight committee chair. The rules of court that govern meeting frequency or approved exceptions for internal committees must be cited in the committee's annual agenda.⁴
3. *Meeting schedules.* Schedules should prioritize same-day travel; overnight travel should be avoided. If an additional in-person meeting is needed, the responsible office head reviews the request with his or her division chief and the Chief Deputy Director. Final approval of the request is sought from the assigned internal oversight committee chair.
4. *Coordination with internal committee schedules.* To ensure the timely submission of an advisory body's recommendations and materials to the council and allow time for consideration and review, the lead staff member should coordinate advisory body meetings with the meeting schedule of the internal committee that receives the initial submission.
5. *Minutes.* In accordance with the council's [open meeting guidelines](#), minutes should contain a brief description of the proposal or other matter considered (e.g., a recommendation that the Judicial Council adopt a rule) and the action taken (e.g., the advisory body recommended that the rule be adopted by the Judicial Council, effective on a particular date). An advisory body may provide more detailed minutes, if necessary.

V. Reports and Recommendations to the Judicial Council

1. *Report writing.* The [Judicial Council Report Writing Manual](#) specifies the proper format and content standards for all reports to the council.
2. *Notification of Judicial Council agenda items.* The Executive and Planning Committee is responsible for setting the agenda for each Judicial Council meeting. Judicial Council staff must submit a [Judicial Council Agenda Request \(JCAR\) form](#) to Judicial Council Support (the lead staff unit to the Executive and Planning Committee) for the item to be considered for placement on the council's meeting agenda.

To assist the Executive and Planning Committee with meeting planning, JCAR forms must be submitted as early in the process as possible. Offices or committees with

⁴ See section II.2, Amending Annual Agendas.

OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

numerous, reoccurring, or annual reports are required to submit an initial JCAR form for those items at the beginning of each year (fiscal, calendar, or committee year, as applicable) outlining the expected work product and Judicial Council meeting date on which the item is expected for consideration. When the deadline to submit draft reports approaches for the meeting at which the item will be heard, report authors (office staff or committee staff) submit a final JCAR form along with the draft report.

3. *Report submission.* Reports to the Judicial Council from an advisory body are first submitted to the Executive and Planning Committee following an approved process and format.⁵ Lead staff and report authors should be familiar with and adhere to the deadlines on the [JC Report Deadlines and E&P Meeting Dates](#) chart.⁶ This document details a timeline that allows the Executive and Planning Committee to consider the readiness and completeness of the report and, if necessary, to ask the advisory body for revisions. Draft reports that are not submitted by the established deadlines may be pulled from the agenda-setting process without notice.
4. *Recommendations.* Reports to the Judicial Council may reflect an advisory body's recommendations or provide options without a recommendation, allowing the council to weigh the policy considerations in making its decision. The advisory body should carefully consider the recommendations or options that it presents to the council to ensure that they are limited to a manageable number for implementation by the courts or by council staff within reasonable time frames. This requires regular check-ins on scope and expectations with the chair of the internal oversight committee and with executive leadership throughout the process.
5. *Fiscal considerations.* Recommendations or options that may have a significant and unforeseen fiscal impact should be raised with the Administrative Director and the Chief Deputy Director. The Administrative Director and the Chief Deputy Director consult the internal oversight committee chair on financial impacts of concern before the recommendations or options are finalized and the council report is developed. Depending on the outcome of that review, the advisory body may need to conduct additional analysis of the recommendations or options.

VI. Public Access

1. *Rule 10.75.* Public access to advisory body meetings and meeting materials, and meeting minutes as official records, are addressed in this rule of court and in the open meeting guidelines. The rule includes a list of advisory bodies that are exempt from the requirements.
2. *Web page content.* The lead staff member to each advisory body is responsible for working with [Web Content](#) staff to maintain a public web page on the California Courts

⁵ The process is posted on the Judicial Council staff intranet under [Judicial Council & Advisory Bodies > Reports and Presentations to the Council](#) > Checklist for Submitting Reports to the Council and Step-by-Step Guidelines.

⁶ Posted on the Judicial Council staff intranet under Calendars > JC Report Deadlines.

OPERATING STANDARDS FOR JUDICIAL COUNCIL ADVISORY BODIES

website with information about the advisory body's charge, annual agenda, membership, meetings, and other activities.

3. *Member rosters.* The lead staff member is responsible for maintaining the accuracy of the roster of advisory body members, which must be kept current and consistent between internal and public postings. He or she is also responsible for communicating all membership changes within the advisory body to Judicial Council Support and to the Judicial Information System (JIS) administrator. The JIS administrator ensures the appropriate judicial experience of each advisory body member is reflected in the system, along with the member's correct mailing address, telephone number, and email address.

VII. Attachments

Request for Appointment of a Non-member to a Subcommittee of an Advisory Body

Summary: Workload Studies Policies and Methodology

Driver: Filings-based model

- Filings are best available data
 - 3-year average filings
- Case types now similar for each study, staff and judicial
- 22 case type caseweights

Filings: JBSIS

- Courts must be able to report filings in the RAS categories. As a general rule, there are no filings data adjustments (e.g. filling in missing data) made for courts who cannot report complete data.
- The filings counts used in RAS must match what has been submitted into the JBSIS data warehouse.
- To be consistent with the data management requirements in JBSIS and the recommendations made by the Audit Advisory Committee, court data from each of the three filings years is managed in the following way: the data for each fiscal year is “frozen” in the year it is submitted. For example, the 17-18 data that was submitted on or around December 2019 has been “frozen” into RAS. If a court later needs to amend a previous year’s filings data submission under either the JBSIS error correction policy or as a result of a JBSIS data audit, the court can request access to the JBSIS database to make changes. For courts that need to amend filing data as a result of the JBSIS error correction policy, data changes must be accompanied by a list of the corresponding case numbers, both pre- and post- change by month. Courts that need to amend as a result of a JBSIS data audit will not be required to provide a case listing but should maintain one for reference.

Time Study and Data Collection

- Time Diary (Judge)
- Random Moment (Staff)
- Electronic reporting
- 4 weeks, consecutive
- Spring or Fall

Court Participation

- Voluntary participation varies study period to study period
- Representative Sample of Courts
 - Small, medium, large, urban, suburban, and rural
 - Northern, coastal, central, and southern regions
- Court cluster model
 - Four clusters

Update Cycles

- Annually – filings
- Periodically – study update every five years (caseweights)
 - Program 90 and Manager/Supervisor every three years
- Biennial – Judicial Needs Assessment update every two years
- Interim adjustments as needed

Methodology

- Staff FTE Need (Case Processing Staff) - Filings x Caseweights / Workyear (minutes)
- Complex Filings – based on Complex Fee Data
- Asbestos and EDD filings – manually request
- Median Cluster Ratios based on Schedule 7A
 - Program 10 Staff Need and Court Reporters Need
 - Program 10 Manager/Supervisor Need and Court Interpreters Need
 - Program 90 Administrative Staff Need
- Adjustments
 - Small Courts, round up to nearest whole number

Oversight Committee

- Workload Assessment Advisory Committee
 - Previously Resource Allocation Study Working Group
 - Previously SB 56 Working Group
- In collaboration with JCC Budget and Trial Court Budget Working Group (TCBAC)/Funding Methodology Subcommittee (FMS)
- Updates to Court Executives Advisory Committee (CEAC) and Trial Court Presiding Judges Advisory Committee (TCPJAC)

Resource Assessment Study (RAS)

- 2000 – trial court staff workload model developed
 - filings-based workload model used to determine case processing staff need
 - study conducted by the National Center for State Courts (NCSC)
 - weighted caseload methodology
 - utilized data gathered from the time study to construct a year value
 - apply caseweights to allow for differences in workload across casetypes
 - used in at least 25 different states for measuring court staff workload
- 2004 – RAS first implemented
- 2005 – RAS model approved by the Judicial Council
- 2013 – RAS model as basis for funding allocations (workload formula, formerly the Workload-based Allocation and Funding Methodology (WAFM))
 - update every five years approved by the SB 56 Working Group
 - court reporter need included in the caseweights
 - Program 90 administrative staff need cluster ratio
- 2015 – interim caseweight for complex civil workload approved by the Judicial Council
- 2016 – RAS model update (most recent)
 - Delphi conducted, but not incorporated
 - court reporter need computed separately
 - Program 90 administrative staff and Manager/Supervisor cluster ratio
- 2017 – Updated RAS caseweights based on 2016 time study

Judicial Workload Study (JWS)

- 2001 – model approved by the Judicial Council
 - filings-based workload model used to determine judicial officers need
 - study conducted by the NCSC
 - weighted caseload methodology
 - utilized data gathered from the time study to construct a year value
 - used in at least 25 different states for measuring court staff workload
 - use caseweights to represent the average case processing time across case types
 - case-related and non-case-related activities
 - used to advocate to the Legislature for new judgeships
- 2009 – study update; conducted by the NCSC
- 2011 – updated caseweights based on 2009 time study
- 2018 – study update conducted by the Judicial Council Office of Court Research
 - No Delphi; previous studies have used Delphi process
- 2019 – updated caseweights based on 2018 time study

Items to Consider

1. Review process of workload studies

a. What timeline for updates is appropriate?

Study update every 5 years

b. What timeline for data collection is appropriate?

Two to four weeks in the Spring or Fall

c. What is NCSC/Other States doing?

Used in at least 25 different states

d. Can automations be incorporated to reduce the data collection effort?

2. Review current methodologies and explore for new or different approaches to measure judicial and staff workload

- Model Refinements/Adjustments Review

3. Review data collection process

- Time study (Time Diary or Random Moment) - electronic
- Training (“train the trainer” sessions)
 - In person
 - WebEx
 - Video
- Data validation
 - Supplemental Survey
 - Delphi Process - Focus groups (not included in last RAS or Judge)
- WAAC reviews caseweights and other model parameters
- Updates to Court Executives Advisory Committee and Trial Court Presiding Judges Advisory Committee (TCPJAC)
- Judicial Council approval of caseweights and other model parameters

4. Review Calculation of Caseweights, Work Year Value, Filings Trends

- Case complexity increasing
- Judges taking on new and expanded roles (described as “appellate” type work)
- New and amended laws
- Multiple legislative initiatives
- New court rules, policy and procedures
- Transition to new case management systems (CMS) or other technologies
- Judicial vacancies resulting from retirements, elevations, operational restructuring
- Funding and staffing issues from all the unfunded legislative mandates

5. Review Number of Casetypes

- Future: Expand casetype categories as data becomes available and improvements in the quality of filings data submitted by the courts
- Current: collapse and consolidate filings data not available for all casetypes

6. Court study participation

- Maintain consistency on court participation (same courts year to year)?
- Include: Small, medium, large, urban, suburban, and rural
- Include: Northern, coastal, central, and southern regions
- Other factors to consider?

7. Evaluate existing court cluster model and determine if the clusters should be changed

8. Refine ways to study the small courts on measuring their workload need

- Longer time study period and simpler data collection tools.

9. Develop a policy document that will document aspects of the methodology and decision rules and approaches that we apply when conducting workload studies

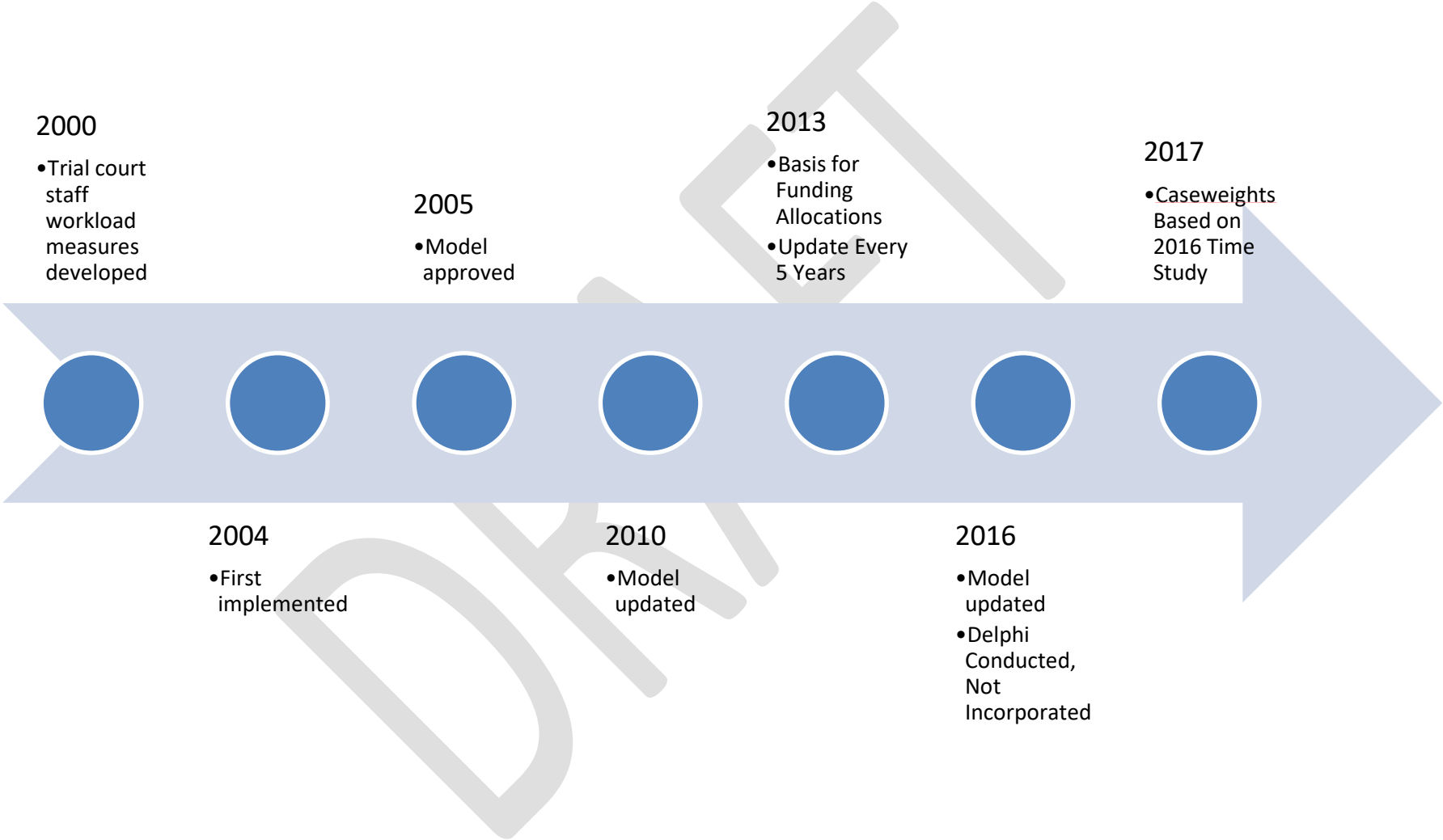
Attachments:

Attachment 1. RAS Caseweights

Attachment 2. Judicial Officer Caseweights

Attachment 3. RAS Components

Resource Assessment Study (RAS) Model



2005

- 2800 staff
- 9 courts
- 6 clusters
- 2 week period
- 15 case types
- Initially 2 year filings; revised 3 year filings
- Staff year value 96300
- AOC/NCSC conducted study

2011

- 20 casetypes
- Staff year value 98550

2015

- Interim caseweight for civil workload

2017

- 20 casetypes
- Staff year value 111,360 align with DOF

2010

- 5000 staff
- 24 courts
- 2-4 week period
- 20 casetypes
- Asbestos, EDD, Conservatorship/Guardianship, Estates/Trusts, Parentage
- AOC/NCSC conducted study

2013

- 20 casetypes
- Program 90 staff need cluster based ratios
- Staff year value 95900
- Caseweights based on 2010 time study
- Court reporter need included in the caseweights
- SB 56 working group approved model update every five years

2016

- Over 4000 staff
- 15 courts
- 2-4 week period
- 21 casetypes (new complex civil)
- Court reporter need computer separately
- Manager/Supervisors cluster ratio
- Program 90 admin staff cluster ratio
- Staff year value 98550

2018

- 1.25 to 1 ratio for court reporters need
- Staff work year value 98550

Attachment 1. RAS Caseweights

RAS Caseweights (2017)		
Casetype	Weight in minutes	Notes
Infractions (for courts with <100k filings)	38	
Infractions (For courts with >100k filings)	22	
Misdemeanor-non traffic	478	
Misdemeanor- traffic	103	
Felony	813	
Asbestos	3,625	
Unlimited Civil	719	
Limited Civil	182	
Unlawful Detainer	276	
Small Claims	259	
Mental Health	324	
Estates/Trusts	1,831	
Conservatorship/ Guardianship	2,225	
Juvenile Delinquency	646	
Juvenile Dependency	1,211	
Dissolution/Separation/Nullity	861	
Family Law- Child Support	405	
Family Law- Domestic Violence	475	
Family Law- Parentage	1,260	
Family Law- All other petitions	571	
EDD	14	(Employment Development Department cases, only filed in Sacramento Superior Court)
Complex	1,921	(Courts cannot count complex cases as “filings” so to arrive at a filings proxy, we use fee data from Finance to estimate the number of complex cases)

Attachment 2. Judicial Officer Study Caseweights

2018 Judicial Workload Study Update - Caseweights and Standards

Work Year Value	77,400
3-Year Average Filings	FY2015, FY2016, FY2017
Case Type	2018 Caseweights
	<i>minutes per filing</i>
<i>Criminal</i>	
Felony	204
Misdemeanor - Traffic	15
Misdemeanor - Non-Traffic	45
Infractions	1.3
<i>Civil</i>	
Complex	707
Asbestos	553
Unlimited Civil	115
Limited Civil (without UD)	15
Limited Civil - Unlawful Detainer	13
Small Claims	20
<i>Family Law</i>	
Family Law- Dissolution	85
Family Law- Parentage	127
Family Law- Child Support	43
Family Law - Domestic Violence	56
Family Law - Other Petitions	133
<i>Juvenile</i>	
Juvenile Dependency	199
Juvenile Delinquency	149
<i>Probate and Mental Health</i>	
Probate - Other	79
Conservatorship/Guardianship	119
Mental Health	46
EDD	0.4

Attachment 3. RAS Components

Resource Assessment Study (RAS) Model Components to Calculate Staff Need

Component	Details
Average filings	Three-year average filings in each RAS case type based on the last three fiscal years' data available from JBSIS.
Caseweights	Use most recent RAS Model update
Staff year value	98,550 minutes (1642.5 hours)
Court reporter need (FTE)	For most courts, court reporter need is calculated by multiplying assessed judicial need in each mandated case type by a factor of 1.25 (Felony, Misdemeanor, Conservatorship & Guardianship, and Mental Health). For the 15 courts mandated to use court reporters in all case types (except Infractions), the same multiplication factor is used across all case types. ¹
Manager/Supervisor ratios	Ratios are based on existing staffing patterns in the courts as reported in the last three years' available Schedule 7A data. The ratio of staff to managers/supervisors is calculated for each court and each year. The cluster ratio is then calculated by taking the median of observed ratios in each cluster.

Cluster	2016 Updated Ratio
1	7.5
2	7.8
3	8.6
4	11.4

Administrative staff (Program 90) ratios	Ratios are based on existing staffing patterns in the courts as reported in the last three years' available Schedule 7A data. The ratio of staff and managers to support staff is calculated for each court and each year. The cluster ratio is then calculated by taking the median of observed ratios in each cluster.
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Cluster	2016 Updated Ratio
1	4.3
2	5.9
3	7.6
4	7.6

¹ Those courts are: Butte, Contra Costa, El Dorado, Lake, Madera, Mendocino, Merced, Monterey, Nevada, Shasta, Solano, Stanislaus, Tehama, Tulare, and Tuolumne.

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

(Discussion Item)

Title: Superior Court of San Francisco and Contra Costa Adjustment Request Proposal
Date: 9/1/2020
Contact: Nicholas Armstrong, Senior Research Analyst
415-865-7829 | Nicholas.Armstrong@jud.ca.gov

Issue

On January 13, 2020 an Adjustment Request Proposal (ARP) was jointly submitted by the Superior Courts of San Francisco County and Contra Costa County. This ARP seeks to account for misdemeanor jury trial workload which the proposal suggests is not adequately accounted for in the workload models. The ARP specifically states courts with higher rates of misdemeanor jury trials have more workload burden than courts with lower rates. Furthermore, the ARP claims an increase in misdemeanor jury trials results in fewer misdemeanor filings in a court. The proposal suggests this penalizes these courts on two fronts because not only is a higher jury trial rate more resource-intensive--which the model does not differentiate on--but higher jury trial rates also depress the filings counts that drive the workload need estimates.

The committee's recommendation should be made to TCBAC by January 2021.

Description

The ARP identifies two areas of concern: aggregated filings that do not specifically account for misdemeanor jury trial workload; and an inverse relationship between misdemeanor jury trials and misdemeanor filings.

Jury trial workload

Currently, the RAS model is a filings-driven model in which the method of disposition is not taken directly into account when calculating workload need. However, time spent on jury trial activities is collected during the time study portion of the RAS and is therefore captured in the final casetype caseweights. Also note, both the San Francisco and Contra Costa courts participated in the 2016 RAS time study. Therefore, data from these courts is incorporated in the current caseweights. The ARP, however, requests that misdemeanor jury trials be specifically differentiated when calculating the workload need in each court instead of using the aggregated caseweights.

Inverse relationship

The second issue in the proposal highlights an inverse relationship between misdemeanor filings and misdemeanor jury trials. More precisely, courts with higher rates of misdemeanor jury trials tend to have fewer total misdemeanor cases filed. Consequently, courts with a high jury trial rate

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

will have fewer filings than if the rate was closer to the state average. This dampening of the filings coupled with the increase in average minutes per case filing via higher jury trial rate creates unassessed workload, according to the ARP.

Discussion

The following are RAS policies and principles to assist in discussing the ARP and subsequently drafting a recommendation.

The RAS model:

- By including a representative sample of courts in the data collection, the resulting caseweights represent a range of case processing practices and case outcomes.
- Is a filings-driven model
- Is meant to capture average practices in the courts. Includes case processing activities, from filing to post disposition
- While primarily capturing statewide workload and averages, there are some exceptions such as:
 - Infractions (two weights, one for courts with greater than 100,000 filings and one for courts with fewer than 100,000)
 - Employment development division (statewide matter, but workload only occurs in one court)
 - Complex and mental health certifications (statewide weight, but workload only occurs in some courts)

WAAC should review the ARP in relation to the RAS principles to determine whether the ARP's proposal is consistent with workload measurement in the branch. If needed, WAAC can direct staff to conduct additional research.

Attachments

Attachment A: Adjustment Request Proposal – Misdemeanor Trials – Final.pdf

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



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

KATE BIEKER
COURT EXECUTIVE OFFICER

T. MICHAEL YUEN
COURT EXECUTIVE OFFICER

January 13, 2020

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

Re: Workload Formula Adjustment Request

Dear Mr. Hoshino:

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

Sincerely,

A handwritten signature in blue ink, appearing to read "KB", with a long horizontal flourish extending to the right.

Kate Bieker
Court Executive Officer
Contra Costa Superior Court

A handwritten signature in blue ink, appearing to read "Michael Yuen", with a long horizontal flourish extending to the right.

T. Michael Yuen
Court Executive Officer
San Francisco Superior Court

cc: Trial Court Budget Advisory Committee

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

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

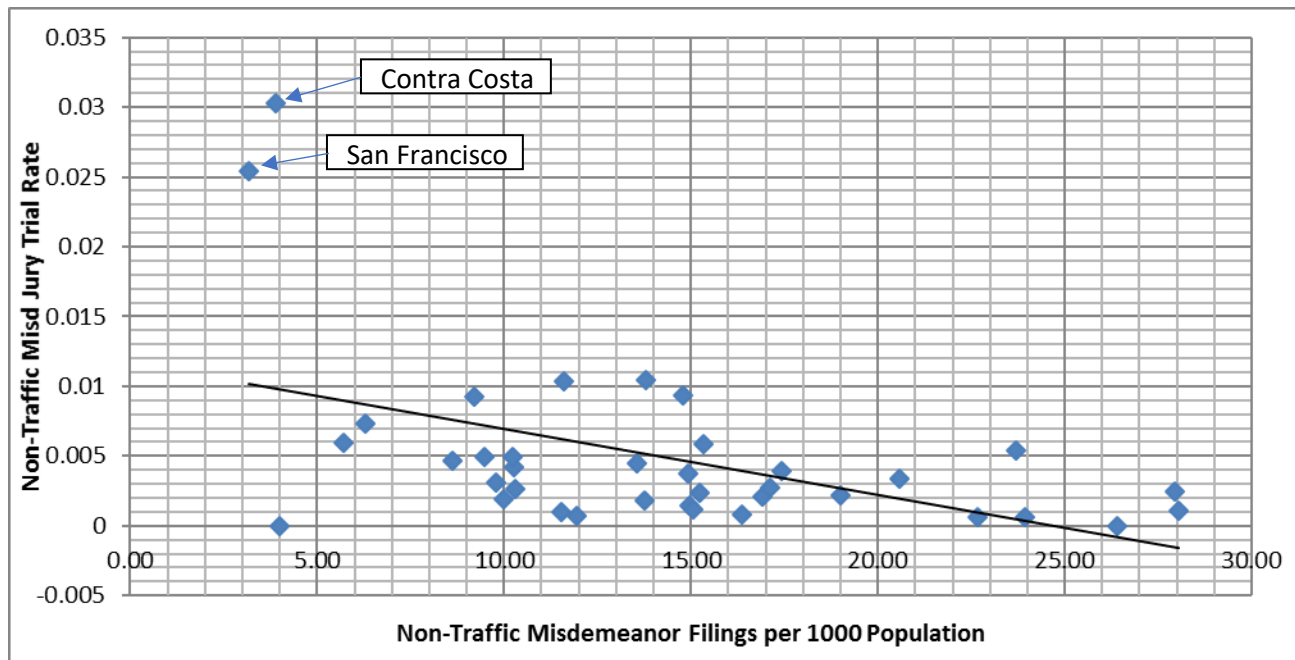
1. Description of How the Factor Is Not Currently Accounted for in the Workload Formula

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

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

A comparison of misdemeanor jury trial-to-filing ratios¹ with misdemeanor filings per capita (i.e. filings per 1,000 county population) indicates a statistically strong inverse relationship between these variables. This is illustrated by the clustering of courts around the trend lines in the graphs below.

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

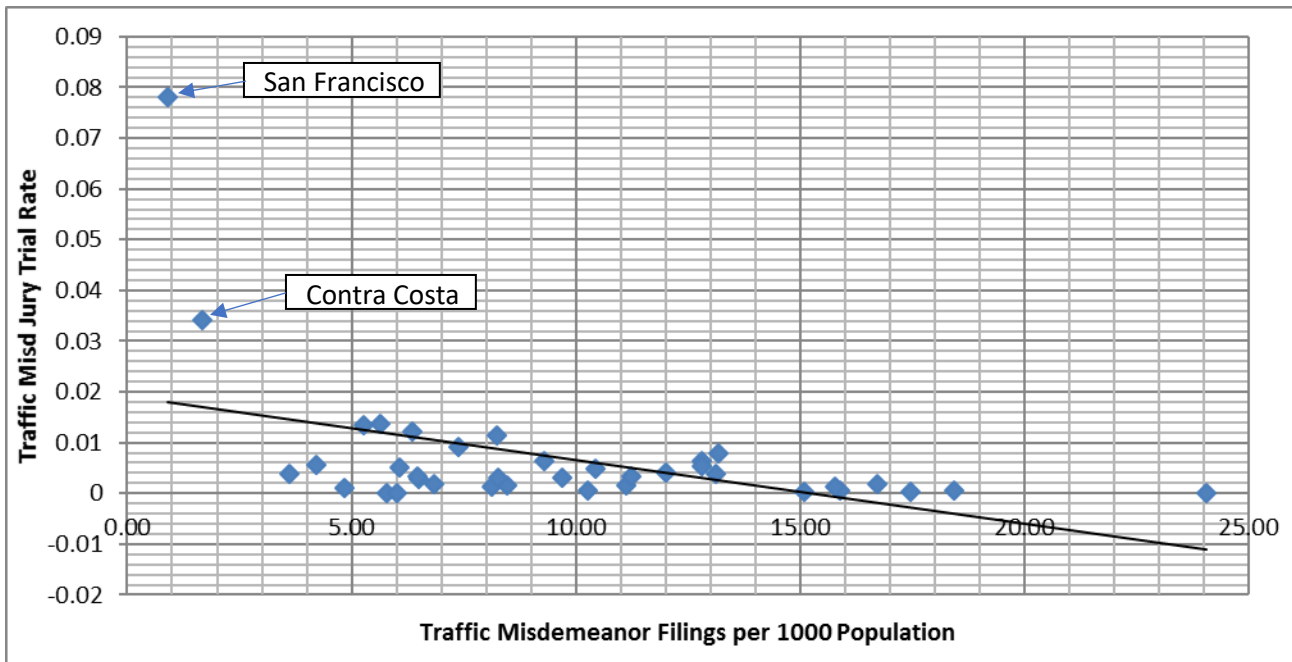


Notes: Jury trial rate calculated as ratio of non-traffic misdemeanor jury trial dispositions to non-traffic misdemeanor filings. Cluster 1 courts excluded from chart due to small sample sizes. Additionally, five courts (Napa, Orange, Placer, Sacramento, and San Bernardino) reported incomplete jury trial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

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

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

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



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

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

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

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

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

3. Analysis of Adjustment Necessity

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

4. Unique or Broad Application

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

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

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

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

Method 1: Regression-Adjusted Filings

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

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

Non-Traffic Misdemeanor Equation:

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

Traffic Misdemeanor Equation:

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

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

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

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

Assuming that the regression adjustment is only applied where a county has a below-average misdemeanor filing rate and an above-average misdemeanor jury trial rate⁴ (so as not to penalize counties that have devised efficiencies enabling them to process more trials without impacting filings), the two most significant outliers on Charts 1 and 2 (Contra Costa and San Francisco), see their program 10 staffing needs increase by 45.94 FTEs and 35.42 FTEs, respectively. Other notable increases include Los Angeles (10.95), San Diego (7.24), Alameda (6.02), Stanislaus (5.33), Monterey (4.24), Ventura (4.09), and Solano (3.60).

Method 2: Jury Trial Weighting

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

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

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

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

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

6. Public Access Consequence

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

⁴ Eighteen counties meet these criteria.

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

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

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

7. Consequences of Not Receiving Funding

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

8. Additional Information

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

(Sent on behalf of Justice Marsha G. Slough, Chair, Executive and Planning Committee)

Dear Judicial Council Advisory Body Chairs:

In mid-March, the COVID-19 pandemic and related shelter in place (SIP) orders disrupted the Judicial Council's annual advisory body nominations process. Due to the circumstances, state of emergency, and as chair of the Executive and Planning Committee, I forwarded a memorandum to the Chief Justice with options to resolve nominations for the 2020 advisory body nominations cycle. After careful consideration, the Chief Justice elected to extend the terms of all advisory body chairs and members by one year (expiring and non-expiring membership terms). This option will allow the Judicial Council and its advisory bodies to maintain continuity and leadership for addressing critical judicial branch policy issues related to the COVID-19 pandemic and the administration of justice. It will also allow for the retention of experienced committee leadership and members, rather than requiring the orientation of new members during this time; and it will maintain staggered membership terms as they apply to future appointments.

The one-year extension is applicable to all positions, as follows:

- Terms expiring September 15, 2020—one-year extension through September 14, 2021;
- Term expiring September 15, 2021—one-year extension through September 14, 2022; and
- Term expiring September 15, 2022—one-year extension through September 14, 2023.

If a current member is unable to continue in their position for the additional year, the position may be left open until the next nominations cycle (2021).

To expedite the extended terms and reappointments, please assist us in implementation of the following process:

1. Share this email with your committee members.
2. Advise committee lead staff if you are willing to continue to serve as a member and chair for an additional year.
3. Work with your lead staff to survey all committee members to determine if they are willing to continue to serve for an additional year.
4. Forward the results of your committee survey to Judicial Council Support, along with your recommendation to address any residual vacancies. Please note vacancies may not be filled

until the regular spring cycle of 2021.

5. Based on the information provided, Judicial Council Support will prepare appointment documents for the Chief Justice's signature, on which you will be copied.
6. At the conclusion of the process, the chair of the Executive and Planning Committee will advise all 2020 nomination candidates that their forms will be carried over for consideration during the regular 2021 nomination cycle.

We appreciate your continued leadership and support in these uncertain times, and we welcome your input and feedback for the implementation of this process.

Regards,

Marsha G. Slough
Chair, Executive and Planning Committee

 Please consider the environment before printing this e-mail

Position	County	Member Name	1st Term Start	1st Term End	Current Term Start	Current Term End	Extend Date	Extend Yes/No
Terms Expiring in 2020 - extend to 2021								
<i>Chair</i>	San Diego	Hon. Lorna A. Alksne	8/13	7/17	9/17	9/20	9/21	YES
Superior Court Judicial Officer	San Diego	Hon. Lorna A. Alksne	8/13	7/17	9/17	9/20	9/21	YES
Superior Court Judicial Officer	Kern	Hon. Charles R. Brehmer	9/17	9/20			9/21	YES
Court Executive Officer	Los Angeles	Ms. Sherri Carter	8/13	7/17	9/17	9/20	9/21	YES
Court Executive Officer	Marin	Mr. James Kim	9/17	9/20			9/21	YES
Court Executive Officer	Yuba	Ms. Bonnie Sloan	9/17	9/20			9/21	YES

Terms expiring in 2021 - extend to 2022								
Superior Court Judicial Officer	Humboldt	Hon. Joyce D. Hinrichs	2/14	9/15	9/18	9/21	9/22	YES
Superior Court Judicial Officer	Orange	Hon. Kirk H. Nakamura	9/18	9/21			9/22	YES
Superior Court Judicial Officer	Los Angeles	Hon. Lawrence P. Riff	9/18	9/21			9/22	YES
Court Executive Officer	Tulare	Ms. Stephanie Cameron	9/18	9/21			9/22	YES
Court Executive Officer	Sonoma	Ms. Arlene D. Junior	9/18	9/21			9/22	YES
Court Executive Officer	Ventura	Mr. Michael D. Planet	9/15	9/18	9/18	9/21	9/22	YES
Court Executive Officer	Mendocino	Ms. Kim Turner	9/18	9/21			9/22	YES

Terms expiring in 2022 - extend to 2023								
Superior Court Judicial Officer	Sacramento	Hon. Jennifer K. Rockwell	9/16	9/19	9/19	9/22	9/23	YES
Superior Court Judicial Officer	Monterey	Hon. Pamela L. Butler	9/19	9/22			9/23	YES



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-129

For business meeting on July 24, 2020

Title

Trial Courts: Interim Caseweight for Mental Health Certification Hearings for Use in Resource Assessment Study Model

Agenda Item Type

Action Required

Effective Date

July 24, 2020

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 30, 2020

Recommended by

Workload Assessment Advisory Committee
Hon. Lorna A. Alksne, Chair
Judicial Council staff
Kristin Greenaway, Supervising Research Analyst
Office of Court Research

Contact

Kristin Greenaway, (415) 865-7832
kristin.greenaway@jud.ca.gov

Executive Summary

The Workload Assessment Advisory Committee recommends the adoption of a new, interim caseweight to measure the workload of mental health certification hearings under Welfare and Institutions Code section 5250 that are performed by court staff. As of July 1, 2018, this type of matter is now counted as a filing in the Judicial Branch Statistical Information System but has a very different workload profile than that of other mental health filings. Establishing an interim, separate weight for this workload until a more permanent weight can be developed (during the next Resource Assessment Study update) will help ensure that the workload for this case type is captured as part of the Resource Assessment Study and the Workload Formula for fiscal year 2020–21.

Recommendation

The Workload Assessment Advisory Committee recommends that the Judicial Council, effective July 24, 2020, adopt a new, interim caseweight to be applied to mental health certification

hearings under Welfare and Institutions Code section 5250. If approved, this interim caseweight will be applied for use in the fiscal year 2020–21 Resource Assessment Study estimate of full-time equivalent staff in the trial courts, which is the basis for the Workload Formula. This interim caseweight would remain effective until the workload can be more fully studied during the Resource Assessment Study model update to be conducted in approximately fiscal year 2021–22.

Relevant Previous Council Action

In 2000, the Judicial Council’s Office of Court Research was directed to develop workload measures for case processing trial court staff (Programs 10 and 90) with the goal of developing a method for allocating resources to the trial courts that takes into account workload. The Judicial Council approved the Resource Assessment Study (RAS) model at its July 20, 2005, meeting (see Link A).¹

In February 2013, the council approved an updated version of RAS caseweights and other model parameters derived from a 2010 time study (see Link B). In that same year, the council approved a recommendation to adopt a new funding model, the Workload-based Allocation and Funding Methodology (WAFM), that would use the RAS model as the basis for its workload-based funding model (see Link C). This funding model is now referred to as the Workload Formula.

In July 2017, the council approved an updated version of RAS with caseweights and other model parameters derived from a 2016 time study (see Link D) and directed the Workload Assessment Advisory Committee (WAAC) to conduct any necessary interim analyses or make any technical adjustments needed prior to the next workload study update.

All previous Judicial Council approvals of the RAS model (2005, 2013, and 2017) were made with the understanding that ongoing technical adjustments would be made to the model as the need arose and as more data became available. To that end, two technical adjustments were proposed for the model following its 2013 approval: one was a recommendation from the Trial Court Budget Advisory Committee that the committee² study special circumstance workload (see Link E); the other was a request to develop an interim caseweight (pending the RAS model update) to measure the workload in complex civil cases following the dissolution of the complex civil pilot program and corresponding Trial Court Improvement and Modernization Fund funding. An interim caseweight to measure complex civil workload was approved by the council at its June 26, 2015, meeting and implemented starting with the FY 2015–16 budget allocations (see Link F).

¹ At the time, “RAS” was an acronym for “Resource Allocation Study,” which was later revised to “Resource Assessment Study” to better reflect the model’s use in assessing, not allocating, workload.

² The request was made of the Judicial Branch Resource Needs Assessment Advisory Committee, which later became the Workload Assessment Advisory Committee. Before becoming an advisory committee, the group was known as the SB 56 Working Group.

Finally, in May 2018, the Judicial Council adopted an interim adjustment to the methodology used to measure workload for infractions cases (see Link G).

Analysis/Rationale

Since the initial approval of the RAS model in FY 2004–05, the number of categories in which filings are reported has expanded and data reporting by trial courts has become more complete. As data gathering and data reporting improve and as more detailed filings data become available, the ability to further refine the RAS model and expand the number of caseweights is increased. Additionally, as noted, interim adjustments to the model may be necessary if important changes impacting workload happen outside the periodic RAS model updates.

In January 2018, the Judicial Council approved a recommendation by the Court Executives Advisory Committee to make a series of updates and modifications to the Judicial Branch Statistical Information System (JBSIS) to clarify and improve filings data reporting. These updates became effective on July 1, 2018 or beginning with FY 2018–19 data reporting. Among the changes made, certification hearings performed under Welfare and Institutions Code section 5250 and that are conducted by court staff are now reported as a separate filing category in JBSIS under Report 10A: Mental Health.

Adjustment request process (ARP) proposal

The Trial Court Budget Advisory Committee (TCBAC) adopted a policy to institute an annual adjustment request process through which trial courts can make recommendations for changes to the Workload Formula (see Link H). ARPs that concern workload measurement in the underlying Resource Assessment Study model are referred to the Workload Assessment Advisory Committee for its consideration.

In December 2018, the Superior Courts of Los Angeles County and San Diego County submitted an adjustment request seeking to adopt a new RAS caseweight for certification hearings and to include them in the Workload Formula (see Attachment 1). TCBAC received the ARP and referred it to the Workload Assessment Advisory Committee as the committee with the subject matter expertise on the issue.³ On March 3, 2020, the committee discussed the ARP and directed staff to:

1. Measure the referenced workload as part of the RAS model;
2. Develop an interim solution to capture this workload until the next RAS update scheduled in approximately FY 2021–22;

³ Per ARP policy, “The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director, in consultation with the Chair of the Trial Court Budget Advisory Committee (TCBAC) shall review each request and refer the request to the Funding Methodology Subcommittee (FMS) no later than April. If the request is more appropriately referred to another advisory committee, the Chair may do so immediately. The Chair will notify TCBAC no later than April of requests that have been referred to other advisory bodies.” *Workload Formula Adjustment Request Procedures* (updated Mar. 21, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7188751&GUID=A90AB7DB-FA13-43B5-8817-947ABF3AB919>.

3. Study the workload associated with this filing type and develop a new and separate caseweight in the next RAS update scheduled in approximately FY 2021–22 for the committee’s consideration; and
4. Work with the Audit Services team to ensure these filings are being reported correctly by the courts.

The recommendation in this report specifically addresses the second item, that Judicial Council staff develop an interim caseweight to capture the workload until the next RAS update, scheduled in approximately FY 2021–22.

JBSIS reporting

The Welfare and Institutions Code requires hearing officers for the purpose of conducting hospital-based hearings under section 5256.1 and other sections. In certain counties, the superior court funds the costs of these hearing officers per rule 10.810(d) of the California Rules of Court, which includes as allowable costs “mental health hearing officer” under Program 10 (see Link I). As stated in the request, the workload involved in these hearings is not currently captured by RAS or the Workload Formula and therefore is not currently accounted for in the funding model because, prior to 2018, certification hearings under this code were not reported in JBSIS as a filing.

As of July 1, 2018, these certification hearings will be reported as new filings. Because there are differences across the state in how certification hearings are held, the JBSIS Manual (v3.0) includes a definition to specify which courts should report this workload:

A certification filing should only be counted if the certification hearing is handled by a judge, subordinate judicial officer (SJO), mental health hearing officer of the court, or other court-employed personnel. A certification filing should not be counted if the certification hearing is handled by county personnel not employed by the court.⁴

Thirteen courts reported approximately 52,000 certification hearings in FY 2018–19 (see Attachment 2). The number of certification hearings reported is significantly higher than the number of mental health filings reported. To give an idea of scale, the Superior Court of Los Angeles County reported approximately 10,000 mental health filings in FY 2018–19 but is reporting about 40,000 certification hearings for FY 2018–19, for a total of 50,000 mental health filings—a 400 percent increase.

Interim caseweight

The short amount of time available to develop a caseweight that could be implemented starting with the FY 2020–21 trial court budget allocations prevented staff from conducting a time study

⁴ Judicial Council of Cal., *Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS)*, (Dec. 18, 2017), Attachment A, p. 52, <https://jcc.legistar.com/View.ashx?M=F&ID=5709414&GUID=E0760C1C-3C6C-4E45-8DE6-ED9998E7BB6A>.

or doing onsite data collection. However, the courts that proposed the adjustment provided enough data about the costs to hold the hearings that could be utilized to create an interim weight.

To develop an interim caseweight, Judicial Council staff utilized data including FY 2017–18 cost information provided by the two courts that submitted the ARP (Los Angeles and San Diego), FY 2018–19 filings data, each court’s FY 2019–20 full-time equivalent (FTE) Workload Formula (WF) cost (using 2015–2018 data),⁵ and the RAS work year value (see table 1). Using these data points, the caseweight was then weighted to the volume of filings reported for each court, resulting in a proposed interim caseweight of 48.5 minutes per filing for certification hearings. The current mental health caseweight is 324.

Table 1. Data Points

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

Interim caseweight calculation

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

Step 1. Calculate estimated FTE per court

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

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

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

Step 2. Calculate each court’s caseweight

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

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

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

Step 3. Calculate weighted caseweight

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

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

⁵ The per FTE Workload Formula (WF) cost is each court’s total WF need divided by its total RAS FTE need.

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

Weighted Caseweight: $38.5 + 10.0 = 48.5$

Because the caseweight of 48.5 is based only on two courts, it may be different when the workload associated with this filing is studied more extensively during the next RAS model update in approximately FY 2021–22.

The proposed caseweight was circulated to the members of the Workload Assessment Advisory Committee for a vote via an action by email on March 26, 2020. It was approved by the committee (8 Yes, 3 Abstain, 0 No). The three abstaining members were from the two courts that had proposed the ARP.

For FY 2020–21, the interim caseweight will be applied to all courts that submitted data in this new filing category (data submitted for FY 2018–19). However, further work will be done, in consultation with the branch’s Audit Services team, to ensure that, moving forward, the weight is only applied to courts whose workload meets the JBSIS definition.

Policy implications

This interim caseweight is intended to improve the measurement of court workload in mental health cases by applying a more appropriate weight for this newly reported subset of mental health filings. If approved, this adjustment will be implemented for the FY 2020–21 RAS to estimate FTEs in the trial courts, which is the basis for trial court budget allocation purposes for use in the Workload Formula. It will remain effective until a permanent weight is established the next time the RAS workload study is conducted.

Comments

This item was discussed at two public meetings of WAAC, on March 3, 2020, and March 26, 2020 and one public meeting of TCBAC, on June 11, 2020. No public comment was received.

Alternatives considered

In addition to developing an interim caseweight, WAAC considered whether to apply the current mental health caseweight to this subset of mental filings or to remove this subset of filings and not include this workload as part of RAS FTE estimate until a more permanent caseweight could be developed when the RAS model update is conducted in FY 2021–22. WAAC decided it was best to develop a separate weight because the current mental health caseweight would overestimate the workload of the certification hearing workload. Additionally, the committee thought the workload should be captured with an interim weight for FY 2020–21 because the workload is appropriate to be included in the RAS model and because courts are currently undertaking this workload.

Fiscal and Operational Impacts

There is no fiscal impact to the judicial branch to implement the recommendation, other than the staff and committee time invested to analyze and develop the recommendation and to update the calculations in the workload model to implement it

Adopting this recommendation will have a fiscal impact on the branch's workload formula calculation. If adopted, the interim weight will be applied to approximately 52,000 filings in the 13 courts that reported this workload. Since some courts reported very few of these filings and the case weight itself is relatively low, only four courts (Alameda, Los Angeles, San Diego, and San Francisco) will actually show an increase in their RAS FTE and corresponding increase in their Workload Formula. The overall impact to the branch's Workload Formula is an increase of about \$5 million, or about 0.2%.

This policy recommendation changes each court's share of the Workload Formula, with four courts' share increasing and all other courts decreasing slightly. The impact of this policy change on Workload Formula allocations in each court depends on a number of factors, including the amount of available funding for trial courts and Judicial Council policy regarding workload-based allocations. Other factors include the relative funding levels of the courts whose Workload Formula increases as a result of this policy change as compared to the statewide average funding level.

Attachments and Links

1. Attachment 1: 12-14-2018 WAFM Adjustment Request LA SD
2. Attachment 2: FY 2018–19 5250 Filings
3. Link A: Judicial Council of Cal., *Fiscal Year 2005–2006 Trial Court Budget Allocations* (July 20, 2005), www.courts.ca.gov/documents/0705item1.pdf
4. Link B: Judicial Council of Cal., *Trial Courts: Update of the Resource Assessment Study Model* (Feb. 8, 2016), www.courts.ca.gov/documents/jc-20130226-itemM.pdf
5. Link C: Judicial Council of Cal., *Trial Court Budget Working Group: Recommendation of New Budget Development and Allocation Methodology* (Apr. 24, 2013), www.courts.ca.gov/documents/jc-20130426-itemP.pdf
6. Link D: Judicial Council of Cal., *Trial Court Allocations: Revisions to the Workload-Based Allocation and Funding Methodology* (Feb. 10, 2014), www.courts.ca.gov/documents/jc-20140220-itemK.pdf
7. Link E: Judicial Council of Cal., *Trial Courts: Resource Assessment Study Model Interim Complex Civil Caseweight* (June 3, 2015), www.courts.ca.gov/documents/jc-20150626-item4.pdf
8. Link F: Judicial Council of Cal., *Trial Courts: Update of Resource Assessment Study Model* (June 13, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5338582&GUID=FA2962D0-141A-40D4-B9CA-CB5C2467A49C>

9. Link G: Judicial Council of Cal., *Trial Courts: Revise Workload Measurement of Infractions Cases in Resource Assessment Study Model* (May 9, 2018),
<https://jcc.legistar.com/View.ashx?M=F&ID=6241169&GUID=2601E0BE-8575-44C6-8ACE-A1A0AD48FBC8>
10. Link H: Judicial Council of Cal., *Judicial Branch Budget: Workload Formula Adjustment Request Process Policy Update* (Apr. 26, 2019),
<https://jcc.legistar.com/View.ashx?M=F&ID=7188751&GUID=A90AB7DB-FA13-43B5-8817-947ABF3AB919>
11. Link I: Cal. Rules of Court, rule 10.810 (Court operations)
www.courts.ca.gov/cms/rules/index.cfm?title=ten&linkid=rule10_810



December 14, 2018

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

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

Dear Mr. Hoshino,

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

Sincerely,

Handwritten signature of Sherri R. Carter in blue ink.

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

Handwritten signature of Michael M. Roddy in blue ink.

Michael M. Roddy
Executive Officer
San Diego Superior Court

c: Hon. Jonathan B. Conklin, Trial Court Budget Advisory Committee Chair
tcbac@jud.ca.gov

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment 2

FY 2018-19
Mental Health
Certification

Court	Filings
Alameda	4513
Amador	0
Butte	0
Calaveras	0
Colusa	0
Contra Costa	0
Del Norte	1
El Dorado	0
Fresno	0
Glenn	0
Humboldt	11
Imperial	0
Inyo	0
Kern	0
Kings	0
Lake	0
Lassen	0
Los Angeles	40789
Madera	0
Marin	1
Mariposa	0
Mendocino	0
Merced	0
Modoc	0
Mono	0
Monterey	0
Napa	0
Nevada	0
Orange	0
Placer	0
Riverside	8
Sacramento	0
San Benito	0
San Bernardino	0
San Diego	3696
San Francisco	2273
San Joaquin	0
San Luis Obispo	64
San Mateo	0
Santa Barbara	199
Santa Cruz	0
Shasta	0
Sierra	0
Siskiyou	0
Solano	0
Sonoma	0
Stanislaus	0
Sutter	9
Tehama	1
Trinity	0
Tulare	0
Tuolumne	0
Ventura	488
Yolo	39
Yuba	0
Total	52,092



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-127

For business meeting on: July 24, 2020

Title

Trial Court Budget: Workload Formula
Adjustment Request Process (ARP), Cluster
Assignment Evaluation for the Superior
Court of San Francisco County

Agenda Item Type

Action Required

Effective Date

July 24, 2020

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 30, 2020

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

Contact

Khulan Erdenebaatar, 415-865-7693
khulan.erdenebaatar@jud.ca.gov

Khulan Erdenebaatar, Senior Analyst, Office
of Court Research, Business
Management Services

Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a revision of the Superior Court of San Francisco County's cluster assignment from cluster 4 to cluster 3 based on the court's current number of authorized judicial positions. The current four-cluster model was developed in the early 2000s for use in the Resource Assessment Study model and is based on each court's authorized judicial positions. While the number of authorized judicial positions at most courts has not changed significantly over the years, the Superior Court of San Francisco County has experienced the most significant change, having eliminated 10 subordinate judicial officer positions in 2014, 15% of its total authorized judicial positions.

Recommendation

In response to an Adjustment Request Proposal submitted by the Superior Court of San Francisco County, the Trial Court Budget Advisory Committee recommends that the Judicial

Council approve changing the cluster assignment of the Superior Court of San Francisco County from cluster 4 to cluster 3, effective July 1, 2020, for use in the fiscal year 2020–21 Resource Assessment Study model and Workload Formula allocations.

Relevant Previous Council Action

In 2000, the Judicial Council’s Office of Court Research was directed to develop workload measures for case processing trial court staff (Programs 10 and 90) with the goal of developing a method for allocating resources to the trial courts that takes into account workload. It was during the development of the Resource Assessment Study (RAS) model that the clusters were created. The Judicial Council approved the RAS model at its July 20, 2005 meeting (see Link A).¹

In February 2013, the council approved an updated version of RAS caseweights and other model parameters derived from a 2010 time study (see Link B). In that same year, the council approved a recommendation to adopt a new funding model, the Workload-based Allocation and Funding Methodology (WAFM), that would use the RAS model as the basis for its workload-based funding model (see Link C). This funding model is now referred to as the Workload Formula.

In July 2017, the council approved an updated version of RAS with caseweights and other model parameters derived from a 2016 time study (see Link D) and directed the Workload Assessment Advisory Committee (WAAC) to conduct any necessary interim analyses or make any technical adjustments needed prior to the next workload study update.

All previous Judicial Council approvals of the RAS model (2005, 2013, and 2017) were made with the understanding that ongoing technical adjustments would be made to the model as the need arose and as more data became available. To that end, two technical adjustments were proposed for the model following its 2013 approval: one was a recommendation from the Trial Court Budget Advisory Committee that the committee² study special circumstance workload (see Link E); the other was a request to develop an interim caseweight (pending the RAS model update) to measure the workload in complex civil cases following the dissolution of the complex civil pilot program and corresponding Trial Court Improvement and Modernization Fund funding. An interim caseweight to measure complex civil workload was approved by the council at its June 26, 2015, meeting and implemented starting with the FY 2015–16 budget allocations (see Link F).

Analysis/Rationale

The current four-cluster model was developed in the early 2000s. It was based on the number of Authorized Judicial Positions (AJP). Courts were ranked by their number of AJPs first and then

¹ At the time, “RAS” was an acronym for “Resource Allocation Study,” which was later revised to “Resource Assessment Study” to better reflect the model’s use in assessing, not allocating, workload.

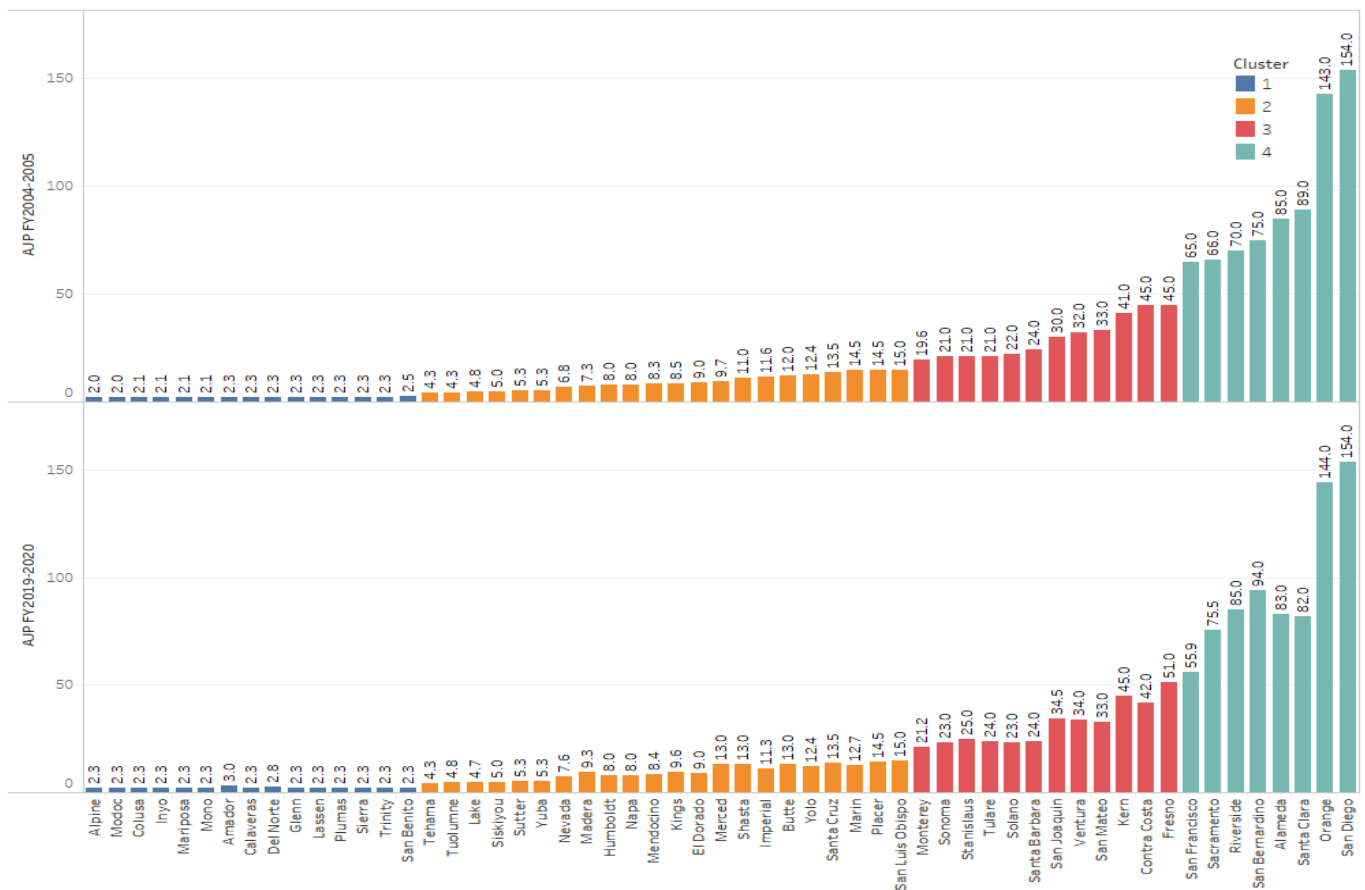
² The request was made of the Judicial Branch Resource Needs Assessment Advisory Committee, which later became the Workload Assessment Advisory Committee. Before becoming an advisory committee, the group was known as the SB 56 Working Group.

grouped into four clusters. Cluster boundaries were created based on clear “breaks” or differentiation in the number of AJPs. The smallest of the 58 trial courts, those with two AJPs, comprised cluster 1 courts. The remaining three clusters were identified based on natural breaks—or jumps—in total number of AJPs.

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

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

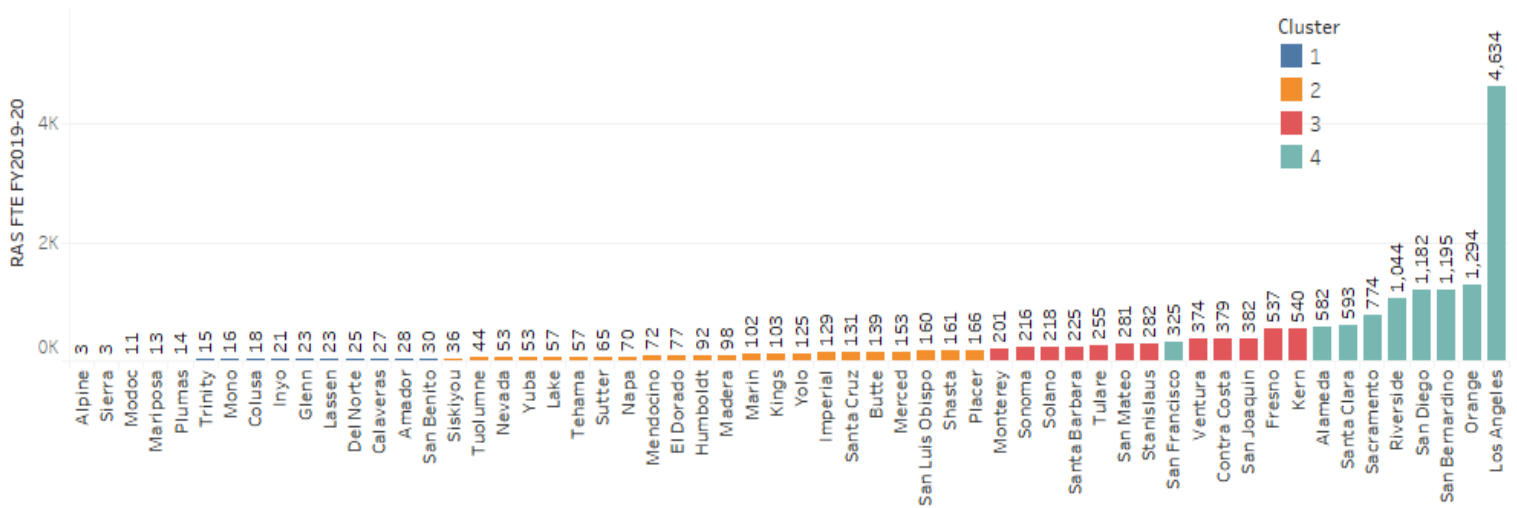
Graph 1: Authorized Judicial Positions, 2004–05 and 2019–20



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

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

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



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

Adjustment request process proposal

The Trial Court Budget Advisory Committee (TCBAC) adopted a policy to institute an annual adjustment request process through which trial courts can make recommendations for changes to the Workload Formula (see Link G).

On January 13, 2020, the Superior Court of San Francisco County submitted an Adjustment Request Proposal (ARP) seeking both a revision to its existing cluster assignment and to make cluster reevaluation a regular part of workload formula revision. Specifically, the court requested the following:

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

TCBAC received the ARP and referred it to the Funding Methodology Subcommittee (FMS).³ After committee review and discussion, the following recommendations were approved at both the February 20, 2020 Funding Methodology Subcommittee meeting and the June 11, 2020 Trial Court Budget Advisory Committee meeting (TCBAC):

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

Policy implications

Changing the cluster assignment of the Superior Court of San Francisco, from cluster 4 to cluster 3, is based on a significant decrease to the courts’ authorized judicial positions which is the data used to determine cluster assignment. The change would improve the measurement of workload for the court by grouping them with more similarly sized courts. If approved, this adjustment will

³ Per ARP policy, “The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director, in consultation with the Chair of the Trial Court Budget Advisory Committee (TCBAC) shall review each request and refer the request to the Funding Methodology Subcommittee (FMS) no later than April. If the request is more appropriately referred to another advisory committee, the Chair may do so immediately. The Chair will notify TCBAC no later than April of requests that have been referred to other advisory bodies.” *Workload Formula Adjustment Request Procedures* (updated Mar. 21, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7188751&GUID=A90AB7DB-FA13-43B5-8817-947ABF3AB919>.

be implemented for the FY 2020–21 RAS to estimate FTEs in the trial courts, which is the basis for trial court budget allocation purposes for use in the Workload Formula.

Comments

This item was discussed at two public meetings: the February 20, 2020 Funding Methodology Subcommittee meeting and the June 11, 2020 Trial Court Budget Advisory Committee meeting. There were no public comments received for this item at either meeting.

Alternatives considered

The committee did not consider alternative cluster assignments as the Superior Court of San Francisco County’s current AJP and RAS workload estimates did not warrant weighing other cluster options.

Fiscal and Operational Impacts

There is no fiscal impact to the judicial branch to implement the recommendation, other than the staff and committee time invested to analyze and develop the recommendation, and to update the calculations in the workload model to implement it.

Adopting this recommendation will result in an approximate 3 percent increase in the San Francisco court’s RAS full-time equivalents (FTEs) and Workload Formula (WF) estimate. This means that the statewide WF estimate will increase by less than 0.1 percent. The impact of this policy change on WF allocations depends on a number of factors, including the amount of available funding for trial courts and the different policy considerations for courts funded above the statewide average and/or above 100 percent of the Workload Formula and those whose funding level is below the statewide average. If approved, this recommendation would take effect for FY 2020–21 trial court budget allocations.

Attachments and Links

1. Attachment A: Superior Court of San Francisco County ARP Submission
2. Link A: Judicial Council of Cal., *Fiscal Year 2005–2006 Trial Court Budget Allocations* (July 20, 2005), www.courts.ca.gov/documents/0705item1.pdf
3. Link B: Judicial Council of Cal., *Trial Courts: Update of the Resource Assessment Study Model* (Feb. 8, 2013), www.courts.ca.gov/documents/jc-20130226-itemM.pdf
4. Link C: Judicial Council of Cal., *Trial Court Budget Working Group: Recommendation of New Budget Development and Allocation Methodology* (Apr. 24, 2013), www.courts.ca.gov/documents/jc-20130426-itemP.pdf
5. Link D: Judicial Council of Cal., *Trial Courts: Update of Resource Assessment Study Model* (June 13, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5338582&GUID=FA2962D0-141A-40D4-B9CA-CB5C2467A49C>

6. Link E: Judicial Council of Cal., *Trial Court Allocations: Revisions to the Workload-Based Allocation and Funding Methodology* (Feb. 10, 2014), www.courts.ca.gov/documents/jc-20140220-itemK.pdf
7. Link F: Judicial Council of Cal., *Trial Courts: Resource Assessment Study Model Interim Complex Civil Caseweight* (June 3, 2015), www.courts.ca.gov/documents/jc-20150626-item4.pdf
8. Link G: Judicial Council of Cal., *Judicial Branch Budget: Workload Formula Adjustment Request Process Policy Update* (Apr. 26, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7188751&GUID=A90AB7DB-FA13-43B5-8817-947ABF3AB919>
9. Link H: Judicial Council of Cal., *Trial Court Budget: Workload-Based Allocation and Funding Methodology* (January 12, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=5722980&GUID=EB419556-68BE-4685-A012-6A8D8502A126>

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

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



T. MICHAEL YUEN
COURT EXECUTIVE OFFICER

January 13, 2020

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

Re: Workload Formula Adjustment Request

Dear Mr. Hoshino:

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

Sincerely,

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

T. Michael Yuen
Court Executive Officer

cc: Trial Court Budget Advisory Committee

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

Proposed by the San Francisco Superior Court

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

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

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

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

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

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

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

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

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

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

3. Analysis of Adjustment Necessity

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

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

4. Unique or Broad Application

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

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

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

Chart 1 in the appendix graphically illustrates this.

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

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

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

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

This is graphically illustrated by Chart 2 in the appendix.

6. Public Access Consequence

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

7. Consequences of Not Receiving Funding

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

8. Additional Information

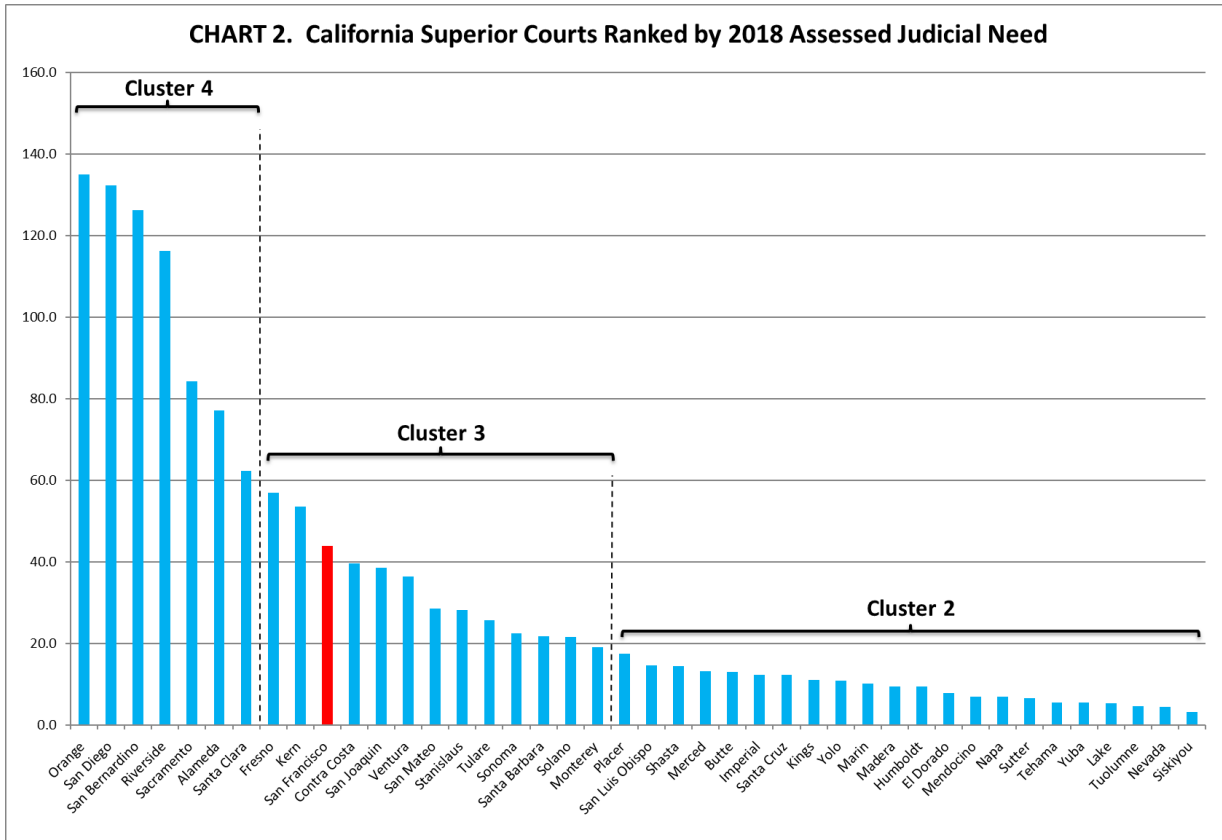
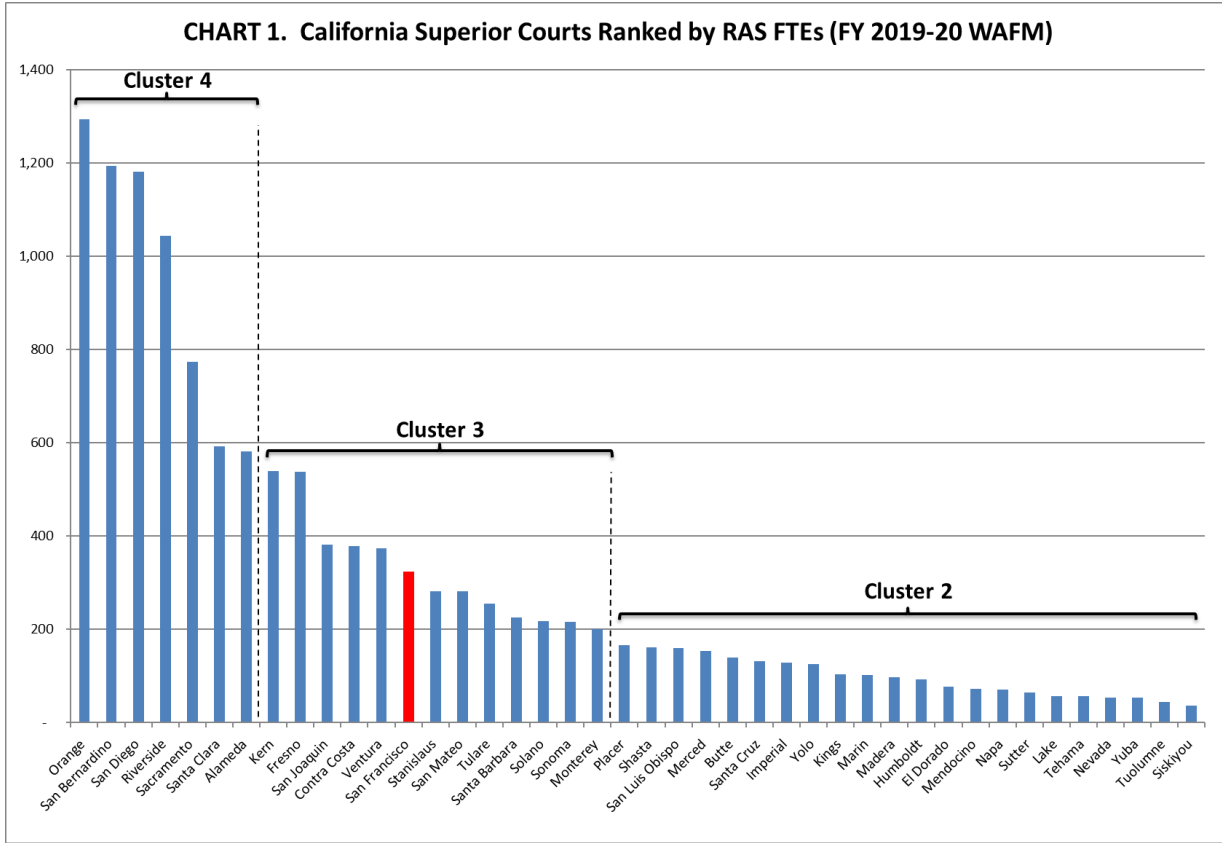
The San Francisco Superior Court respectfully requests that the following actions be taken to correct this situation:

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

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

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

Appendix



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



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-174

For business meeting on September 24–25, 2020

Title

Judicial Workload Assessment: 2020 Update
of the Judicial Needs Assessment

Agenda Item Type

Information Only

Date of Report

September 25, 2020

Submitted by

Judicial Council staff
Leah Rose-Goodwin, Manager, Office of
Court Research
Business Management Services

Contact

Khulan Erdenebaatar, 415-865-7693
khulan.erdenebaatar@jud.ca.gov

Executive Summary

The *Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment*, a report to the Legislature required by Government Code section 69614(c)(1), shows that 139 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2019. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

Relevant Previous Council Action

The methodology for determining the number of judgeships needed in the trial courts was first approved by the Judicial Council in August 2001.¹ At that meeting, the Judicial Council also directed staff to assess statewide judicial need using workload standards developed by the National Center for State Courts. That initial needs assessment and priority ranking was approved by the Judicial Council at its October 2001 meeting.²

¹ Judicial Council of Cal., Research and Planning Unit, *A New Process for Assessing Judicial Needs in California* (Aug. 24, 2001), www.courts.ca.gov/documents/judneedsreview.pdf.

² Judicial Council of Cal., Research and Planning Unit, *Results of Statewide Assessment of Judicial Needs Including List of Recommended New Judgeships* (Oct. 26, 2001), www.courts.ca.gov/documents/stateassess.pdf.

At its August 2004 meeting, the council approved technical modifications to the judicial workload methodology and modified the priority ranking of the new judgeships.³ At its February 2007 meeting, after the state Legislature created 50 new judgeships,⁴ the council approved a subsequent reranking of the remaining 100 top-priority judgeships to reflect changes in workload since the 2004 report. The council also approved the methodology for identifying the number and location of subordinate judicial officer (SJO) positions that should be converted to judgeships.

In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted, authorizing 50 additional new judgeships; all but two had remained unfunded and unfilled until 2019. In 2018, two judgeships were funded and allocated to the Superior Court of Riverside County. The 2019 Budget Act authorized and funded 25 new trial court judgeships. AB 159 also authorized the conversion of 162 vacant SJO positions—identified according to the council-approved methodology—at a rate of no more than 16 per year. Assembly Bill 2763 (Stats. 2010, ch. 690) authorized 10 additional conversions per year, if the conversions were to result in judges being assigned to family or juvenile law calendars previously presided over by SJOs.

In more recent years the council has made further refinements to the methodology used to calculate judicial need. Updated caseweights to measure the amount of time that judicial officers need for case processing work were approved by the council in December 2011⁵ and again in September 2019.⁶ At its December 2013 meeting, the council adopted a recommendation that any judgeships approved and funded be based on the most recent judicial needs assessment approved by the council.⁷ And in December 2014 the council adopted a revision to the prioritization method used to allocate any new judgeships. The revision lowers the initial qualifying threshold from 1.0 full-time equivalent (FTE) position to 0.8 FTE so that courts with fewer judicial officers have a greater opportunity to become eligible for new judgeships.⁸

Updates of assessed judicial needs were approved by the Judicial Council, as directed by statute, in 2008, 2010, 2012, 2014, 2016, and 2018.⁹ An interim update to the 2018 assessed judicial

³ Judicial Council of Cal., Office of Court Research, *Update of Judicial Needs Study* (Aug. 9, 2004), www.courts.ca.gov/documents/0804item6.pdf.

⁴ In September 2006, Senate Bill 56 was enacted (Stats. 2006, ch. 390), authorizing 50 new judgeships; funding in fiscal year (FY) 2006–07 was provided for one month and ongoing thereafter.

⁵ Judicial Council of Cal., Senate Bill 56 Working Group, *Judicial Workload Assessment: Updated Caseweights* (Nov. 7, 2011), www.courts.ca.gov/documents/jc-121211-item3.pdf.

⁶ Judicial Council of Cal., Workload Assessment Adv. Com., *Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights* (Sep. 10, 2019), www.courts.ca.gov/documents/20190924-19-083.pdf.

⁷ Assem. Bill 2745 (Stats. 2014, ch. 311) amends Government Code section 69614.2 to reflect this change.

⁸ Judicial Council of Cal., Workload Assessment Adv. Com., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships* (Nov. 7, 2014), www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

⁹ Assessed judicial need updates are available at www.courts.ca.gov/documents/100808item1.pdf (2008), www.courts.ca.gov/documents/20101029infojudge.pdf (2010), www.courts.ca.gov/documents/jc-20121026-

needs report was issued in 2019, after the Judicial Council approved a new set of caseweights in September 2019.

Analysis/Rationale

Government Code section 69614(c)(1) requires that the judicial needs assessment be updated biennially in even-numbered years. The 2020 Judicial Needs Assessment, which reports on the filings-based need for judicial officers in the trial courts, shows that 139 FTE judicial officers are needed in 18 courts (see table 2 in Attachment A).¹⁰

The determination of which courts are to receive judgeships is based on the Judicial Council's prioritization and ranking methodology. The methodology first identifies the number of judgeships needed in each court by comparing the number of authorized judicial positions to the most recent judicial needs assessment. Any court needing at least 0.8 FTE of a judgeship becomes eligible per the council policy adopted in December 2014. Next, a prioritization method that accounts for both the absolute and the relative need of a court is applied to determine the order in which each judgeship needed in each court should be allocated. Courts that need more than one new judgeship to meet workload-based need will appear multiple times on the list until all positions have been allocated.

Fiscal Impact and Policy Implications

No costs to the branch are associated with production of this report, other than the staff time needed to prepare the report and analyses. The funding associated with any new judgeships that may be authorized for the judicial branch as a result of this analysis is incorporated into the budget change proposals and/or the legislation that is sponsored to request new judgeships.

Attachments and Links

1. Attachment A: *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment*

item2.pdf (2012), www.courts.ca.gov/documents/jc-20141212-itemT.pdf (2014), www.courts.ca.gov/documents/jc-20161028-16-161.pdf (2016), www.courts.ca.gov/documents/lr-2018-JC-judicial-needs-assessment-GC69614_c_1-and-3.pdf (2018), and www.courts.ca.gov/documents/2019_Update_of_the_Judicial_Needs_Assessment.pdf (2019).

¹⁰ The 2020 Judicial Needs Assessment is based on a three-year average of filings from FY 2016–17 through FY 2018–19.