



JUDICIAL COUNCIL  
OF CALIFORNIA

WORKLOAD ASSESSMENT  
ADVISORY COMMITTEE

[www.courts.ca.gov/waac.htm](http://www.courts.ca.gov/waac.htm)  
[waac@jud.ca.gov](mailto:waac@jud.ca.gov)

**WORKLOAD ASSESSMENT ADVISORY COMMITTEE**

**MATERIALS FOR FEBRUARY 24, 2021**

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Request for ADA accommodations  
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## WORKLOAD ASSESSMENT ADVISORY COMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

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**Date:** February 24, 2021  
**Time:** 12:00 p.m. – 1:00 p.m.  
**Public Call-in Number:** <https://jcc.granicus.com/player/event/1195>

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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](mailto:waac@jud.ca.gov).

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

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

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##### Call to Order and Roll Call

##### Approval of Minutes

Approve minutes of the September 9, 2020 meeting, and the December 9, 2020 Action by Email Between Meetings of the Workload Assessment Advisory Committee.

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

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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](mailto: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., February 23, 2021, will be provided to advisory body members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-2)**

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**Item 1**

**Annual Agenda (Action Required)**

Provide an overview and open discussion on the following:

- 1) Resource Assessment Study update
- 2) Legislative Report: Judicial Needs Assessment
- 3) Legislative Report: Measures to Promote the Fair & Efficient Administration of Justice (Gov. Code § 77001.5)

Presenters: Hon. Lorna A. Alksne, Chair  
Ms. Kristin Greenaway, Supervising Analyst, Judicial Council, Business Management Services, Office of Court Research

**Item 2**

**Workplan (Action Required)**

Review and discuss developing a Workplan for the committee to track projects.

Presenters: Hon. Lorna A. Alksne, Chair

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**IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

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**Info 1**

**Adjustment Request Proposals**

Provide an update on the Adjustment Request Proposals (ARPs), new and ongoing.

- 1) 2021-22 ARPs
  - No new ARPs have been referred to WAAC from the Trial Court Budget Advisory Committee (TCBAC)
  - Funding Methodology Subcommittee (FMS) of the TCBAC referred ARPs
- 2) Superior Court of California, County of Monterey ARP

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

**Info 2**

**Extrapolated Filings Data - Presentation**

Using preliminary data to understand current trends and predict future workload.

Presenters: Ms. Leah Rose-Goodwin, Manager, Judicial Council, Business Management Services, Office of Court Research

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**V. ADJOURNMENT**

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**Adjourn**



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## WORKLOAD ASSESSMENT ADVISORY COMMITTEE

### MINUTES OF OPEN MEETING

September 9, 2020  
12:10 PM – 1:10 PM  
Electronic

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

**Advisory Body Members Absent:** Hon. Lawrence P. Riff; Ms. Bonnie Sloan

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

#### OPEN MEETING

##### Call to Order and Roll Call

The chair called the meeting to order at 12:09 p.m., and took roll call.

##### Approval of Minutes

The advisory body reviewed and approved the 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.

#### DISCUSSION AND ACTION ITEMS (ITEMS 1-3)

##### Item 1

##### Annual Agenda Reassessment

**Action:** *Due to Pandemic, all advisory committees' annual agenda should focus on items that prioritize projects that will: 1) assist courts, justice partners, and parties with access to justice during and following the COVID-19 pandemic; 2) address otherwise urgent needs; or are mandated by legislation. The lead staff will work with the committee chair to make adjustments to the annual agenda as necessary.*

**Item 2**

**RAS Study Timeline Update/RAS Policy**

**Action:** *The committee lead staff followed-up on the discussion made at the previous meeting regarding the policies and principles of the Resource Assessment Study (RAS). One of the items that came up were shortening the timeline for the updates to the RAS model to three years and the different dates for when staff might collect data. Given the new priorities following COVID-19, the updated timeline shows that staff will do the background work in 2021 and the recruitment and study design in early 2022, with data collection projected to happen in the fall. The updated caseweights should be ready for use for allocations in the fiscal year 2023-24. With the timeline stretched further out, members also addressed the courts' burdens due to the pandemic.*

**Item 3**

**Work Items 2020-21**

**Action:**

- 1) *Judicial Council staff provided a quick update on the Adjustment Request Process (ARP) from the Superior Court of California, Monterey County, outlining the extra workload need for cases involving language access services. From the March 2020 meeting, the committee has approved two recommendations: 1) continue to include a representative sample of courts with various levels of language service workload for the next RAS model update; and 2) continue to identify and explore ways to address the varying degrees to which language service workload differs by court. On the second recommendation, Judicial Council staff reached out to other courts for CMS data to see if any original findings are replicated with other data. As additional data sets are received from other courts, staff will be analyzing these and reporting back any findings at the next committee meeting.***
- 2) *The ARP jointly submitted by the Superior Courts of San Francisco and Contra Costa is seeking an adjustment to the workload model to account for the variance in misdemeanor jury trial rates by court. The reason behind the request is that courts with a higher percentage of misdemeanor cases going to a jury trial require more resources than courts with a lower percent disposed of by jury. The proposal goes further with an analysis of jury trial rates compared to population-adjusted filings, which shows that the more jury trials in a court, the fewer the filings in that court. The committee discussed the reasons as to why they oppose creating differences on measurements already included in the workload formula. No members provided a positive to the request. The next step will be for staff to draft a recommendation for the committee to not approve.***

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 12:38 p.m..

Approved by the advisory body on enter date.



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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

December 9, 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 Junior; Mr. James Kim; Mr. Michael Planet; Ms. Bonnie Sloan; Ms. Kim Turner

**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.

**ACTION ITEM (ITEM 1)**

**Item 1**

The proposed joint Adjustment Request Proposal (ARP) submitted by the Superior Court of Contra Costa County and the Superior Court of San Francisco County seeks an adjustment to the workload models to account for misdemeanor jury trial workload that the ARP claims is currently unaccounted for in the Resource Assessment Study (RAS) and the Workload Formula (WF). The recommendation is to not approve the request made by the courts.

**Action:** *The committee approved the recommendation to deny the request. It will be presented to the Trial Court Budget Advisory Committee in January 2021 as an Information Only item.*

**ADJOURNMENT**

The vote closed at 5:00 p.m.

Approved by the advisory body on enter date.

**Workload Assessment Advisory Committee**  
**Annual Agenda<sup>1</sup>—2021**  
**Approved by Executive and Planning Committee: [Date]**

**I. COMMITTEE INFORMATION**

<b>Chair:</b>	Hon. Lorna Alksne, Presiding Judge, Superior Court of San Diego County
<b>Lead Staff:</b>	Ms. Kristin Greenaway, Supervising Research Analyst, Business Management Services
<p><b>Committee's Charge/Membership:</b></p> <p>Per <a href="#">Rule 10.66</a> adopted effective January 1, 2015, the committee makes recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice. The committee must recommend:</p> <ol style="list-style-type: none"> <li>(1) Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model;</li> <li>(2) Processes, study design, and methodologies that should be used to measure and report on court administration; and</li> <li>(3) Studies and analyses to update and amend case weights through time studies, focus groups, or other methods.</li> </ol> <p><a href="#">Rule 10.66(c)</a> sets forth the membership position categories of the committee. The Workload Assessment Advisory Committee currently has 14 members. The current committee <a href="#">roster</a> is available on the committee's web page.</p>	
<p><b>Subcommittees/Working Groups<sup>2</sup>:</b></p> <p>None</p>	

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

<sup>2</sup> 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.



**Meetings Planned for [YEAR(S)]<sup>3</sup> (Advisory body and all subcommittees and working groups)**

Date/Time/Location or Teleconference:

February 2021—Date TBD, Teleconference

May 2021—Date TBD, Teleconference

August 2021—Date TBD, Format TBD

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

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

## II. COMMITTEE PROJECTS

#	New or One-Time Projects <sup>4</sup>	
1.	<b>Project Title</b> Adjustment Request Process (APR) Submissions	<b>Priority<sup>5</sup></b> 1
<p data-bbox="178 451 1999 558"><b>Project Summary<sup>7</sup>:</b> The Workload Formula Adjustment Request Process (ARP) is a process that provides courts the opportunity to request an adjustment to the Workload Formula. These requests are directed to the Trial Court Budget Advisory Committee (TCBAC) and then directed to the appropriate committee with the subject matter expertise related to the request, including WAAC.</p> <p data-bbox="178 597 1902 667"><b>Status/Timeline:</b> ARPs for 2021 was submitted to TCBAC in January 2021 and then directed to appropriate committee soon thereafter (response due by January 2022).</p> <p data-bbox="178 706 1955 813"><b>Fiscal Impact/Resources:</b> Changes made will be accomplished within existing resources. The trial courts may need to be consulted to help define the changes needed. Completion of this project will be accomplished with 1.0 FTE Senior Analyst, .10 FTE Analyst, and .25 of Supervising Analyst for a period of 5 months (existing resources).</p> <p data-bbox="178 824 1902 894"><input checked="" type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p data-bbox="178 933 764 967"><b>Internal/External Stakeholders:</b> Trial Courts</p> <p data-bbox="178 1006 1031 1040"><b>AC Collaboration:</b> TCBAC/Funding Methodology Subcommittee.</p>		

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

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

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

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

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
1.	<b>Project Title</b> Resource Assessment Study (RAS) Update	<b>Priority<sup>5</sup> 1</b>
<p><b>Project Summary<sup>7</sup>:</b> In October 2013, the Workload Assessment Advisory Committee approved a motion stating that the workload studies (both staff and judicial) should be updated every five years, though not concurrently. The resource assessment study (RAS) is used to update the caseweights (i.e., time per filing) and other model parameters that are needed to estimate workload-based need for trial court staff.</p> <p>The committee’s work in the coming year will be to review RAS processes and policies and make any recommended changes as necessary. This review and assessment will begin the preparation for implementation of the next RAS update in the trial courts. When necessary, the chair will make presentations to the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee so that committee members can be apprised of the work of the committee.</p> <p><b>Status/Timeline:</b> Ongoing; expected completion date of process/policy review is end of calendar year 2021; expected completion of next RAS model update is FY 2023–24. Given how much things are in flux, the committee will reevaluate this timeline periodically to see if further adjustments are needed and discuss if any additional changes are needed.</p> <p><b>Fiscal Impact/Resources:</b> Completion of this project will be accomplished with 1.5 FTE Senior Analyst and .50 of Supervising Analyst for a period of 1 year (existing resources).</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> Trial courts, Department of Finance, and Legislature</p> <p><b>AC Collaboration:</b> TBD/As needed.</p>		<b>Strategic Plan Goal<sup>6</sup> III</b>
2.	<b>Project Title</b> Judicial Needs Assessment	<b>Priority<sup>5</sup> 1</b>
<p><b>Project Summary<sup>7</sup>:</b> Government Code section 61614(c)(1) requires the Judicial Council to prepare biennial updates of the Judicial Needs Assessment in even-numbered years. The needs assessment is used as the basis for Budget Change Proposals for new judgeships, Subordinate Judicial Officers conversion requests, and to seek authorization for additional judgeships. The most recent report was issued in November 2020 to reflect the most current workload measures based on most recent Judicial Workload Study.</p>		<b>Strategic Plan Goal<sup>6</sup> III</b>

#	<b>Ongoing Projects and Activities<sup>4</sup></b>	
	<p>The next report will not be due until 2022 (next even-numbered year), but a review and analysis will be conducted beginning in 2021 on the ranking and prioritization methodology, one component of the judicial needs assessment. This methodology was developed in the early 2000s and is due for review.</p> <p><b>Status/Timeline:</b> Review will be completed before next report due by November 1, 2022 (next even numbered year)</p> <p><b>Fiscal Impact/Resources:</b> Completion of this review requires 0.25 FTE of an analyst (existing position) for a four-month period of time.</p> <p><input type="checkbox"/> <i>This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</i></p> <p><b>Internal/External Stakeholders:</b> None.</p> <p><b>AC Collaboration:</b> None.</p>	
3.	<b>Project Title Report on Standards and Measures (Gov. Code § 77001.5)</b>	<b>Priority<sup>5</sup> 1</b>
	<p><b>Strategic Plan Goal<sup>6</sup> II</b></p> <p><b>Project Summary<sup>7</sup>:</b> Government Code section 77001.5 requires the Judicial Council to report to the Legislature annually on judicial administration standards and measures. In 2021, staff will work to re-engineer the report and develop into an Annual Report. The annual report will seek to encompass a broader range of data points and include greater data visualization to make the information more easily accessible to the public.</p> <p><b>Status/Timeline:</b> Will be completed November 1, 2021.</p> <p><b>Fiscal Impact/Resources:</b> Completion of this project will be accomplished with .25 FTE Senior Analyst/Analyst for a period of three months.</p> <p><input type="checkbox"/> <i>The project includes allocations or distributions of funds to the courts, which have been reviewed and approved by Budget Service.</i></p> <p><b>Internal/External Stakeholders:</b> None.</p> <p><b>AC Collaboration:</b> None.</p>	

#	Ongoing Projects and Activities <sup>4</sup>	
4.	<b>Project Title</b> Workload Modeling (various, TBD)	<b>Priority<sup>5</sup></b> 2
		<b>Strategic Plan Goal<sup>6</sup></b> III
<p><b>Project Summary<sup>7</sup>:</b> The judicial branch seeks to become a more data-driven organization; as part of that effort, the branch may need to implement new workload models or make updates to existing workload models to allocate resources more effectively. Previously, WAAC partnered with TCBAC and the Family and Juvenile Law Advisory Committee to develop a new allocation methodology for AB 1058 funding. Similarly, WAAC may be called upon to provide its expertise in developing funding models for other funding streams. If projects arise related to this item, the committee will evaluate and determine if they meet the prioritization criteria</p> <p><b>Status/Timeline:</b> Ongoing/TBD.</p> <p><b>Fiscal Impact/Resources:</b> Unknown/TBD</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p> <p><b>Internal/External Stakeholders</b> Trial courts, Department of Finance, and Legislature.</p> <p><b>AC Collaboration:</b> TBD/As needed.</p>		
5.	<b>Project Title</b> Interim Updates to Workload Models	<b>Priority<sup>5</sup></b> 2 <sup>5</sup>
		<b>Strategic Plan Goal<sup>6</sup></b> III
<p><b>Project Summary<sup>7</sup>:</b> As new laws are passed or changes in court data collected are made, updates may need to be made to the workload models (both staff (RAS) and judicial) to reflect those changes. As needed, WAAC will review and propose changes to the models. If projects arise related to this item, the committee will evaluate and determine if they meet the prioritization criteria.</p> <p><b>Status/Timeline:</b> Ongoing/TBD</p> <p><b>Fiscal Impact/Resources:</b> Changes made will be accomplished within existing resources. Depending on scope of work could be up to .25 FTE Senior Analyst/Analyst. The trial courts may need to be consulted to help define the changes needed.</p> <p><input type="checkbox"/> This project may result in an allocation or distribution of funds to the courts. We will coordinate with Budget Services to ensure their review of relevant materials.</p>		

#	Ongoing Projects and Activities <sup>4</sup>
	<p><i>Internal/External Stakeholders:</i> Trial Courts, Department of Finance, and Legislature.</p> <p><i>AC Collaboration:</i> TBD/As needed</p>

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### III. LIST OF 2020 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Adjustment to the Resource Assessment Study (RAS) model to apply an interim caseweight to a subset of mental health filings, approved by Judicial Council at their July 24, 2020 meeting, and applied for FY 2020-21 trial court allocations. This was one of four ARPs WAAC responded to in 2020.
2.	Judicial Needs Assessment, submitted to Legislature November 2020.
3.	Report on Standards and Measures (Gov. Code § 77001.5), submitted to Legislature November 2020.

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## **Summary: Workload Studies Policies and Methodology**

### **Driver: Filings-based model**

- Filings are best available data
- 3-year average filings
- Most recent filings data available
- Case types now similar for each study, staff and judge
- 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**

- Time Diary (Judge)
- Random Moment (Staff)
- Electronic reporting

### **Data Collection Period**

- 4 weeks, consecutive
- Spring or Fall

### **Court Participation**

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



## **Update Cycles**

- Annually – Filings
- Periodically – study update every five years (time study)
- Biennial: Government Code 61614(c)(1) requires updates every two years to Judicial Needs Assessment
- Interim adjustments as needed
- Periodically (every 3 years)
  - Program 90 Ratios
  - Manager/Supervisor Ratios

## **Methodology**

- Case Processing Staff Need– conduct Time Study to develop caseweights
- FTE Need: Filings x Caseweights / Workyear (minutes)
- Complex Filings (based on Complex Fee Data)
- Asbestos filings – manually request
- EDD filings – manually request
- Ratios used to compute Non-RAS FTE Need (Staff only)-update every 3 years
  - Manager/Supervisor Need Cluster Based Ratios – use Schedule 7A - update every 3 years
  - Program 90 Administrative Staff Need Cluster Based Ratios – use Schedule 7A
  - Court Reporters
- Court Interpreters not in model
  - Interpreter supervisors are included as part of manger/supervisor ratio
- Adjustments
  - Small Courts, round up to nearest whole number

## **Oversight Committee**

- Workload Assessment Advisory Committee
- In collaboration with JCC Finance and Trial Court Budget Working Group
- Updates to Court Executives Advisory Committee (CEAC) and Trial Court Presiding Judges Advisory Committee (TCPJAC)

## **Resource Assessment Study (RAS)**

In 2000, the Judicial Council's Office of Court Research was directed to develop workload measures for nonjudicial trial court staff with the goal of developing a method for allocating resources to the trial courts that takes into account workload.

- contracted with National Center for State Courts (NCSC) in early Workload Models
- filings-based workload model used to determine the need for court staff for case processing work
- used as the basis Workload Formula, formerly the Workload-based Allocation and Funding Methodology (WAFM)
- weighted caseload methodology developed by NCSC
- 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 (and judicial workload)
- 2004 - RAS first implemented
- 2005 - the Judicial Council approved the RAS model
- 2013 – Begin using model as basis for funding allocations
- 2013 - SB 56 Working Group approved update of RAS and Judicial Workload Models every five years
- 2016 – Delphi conducted, but not incorporated
- 2016 – RAS time study updated (most recent)
- 2017 - caseweights based on 2016 time study approved by Judicial Council

## **Judicial Workload Study (JWS)**

- Filings-based workload model to determine the need for judicial officers in the trial courts
- use caseweights to represent the average case processing time for different case types
- case-related and non-case-related activities
- used to advocate to the Legislature for new judgeships
- Study conducted by the National Center for State Courts in 2001 and 2011
- 2018: Study conducted by the Judicial Council Office of Court Research
- Previous studies have used Delphi process
- August 2001 - the Judicial Council approved the JWS model
- 2010, 2018 - model updated
- 2019 – judicial caseweights based on 2018 time study approved by Judicial Council

## Items to Consider

- **Review process of workload studies**
  - a. **What timeline for updates is appropriate?**  
Study update every 5 years whether to consider work on shorter turnaround time
  - b. **What timeline for data collection is appropriate?**  
Time study period between two to four weeks in the Spring or Fall
  - c. **What are NCSC/Other States doing?**  
Used in at least 25 different states for measuring court staff workload
  - d. **Can automations be incorporated to reduce the data collection effort?**
  
- **Review current methodologies and explore if there are new or different approaches to measure judicial and staff workload**
  - Model Refinements/Adjustments Review
  
- **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
  
- **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
  
- **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
  
- **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?
- **Evaluate existing court cluster model and determine if the clusters should be changed**
- **Refine ways to study the small courts on measuring their workload need**
  - Longer time study period and simpler data collection tools.
- **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

## 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

<b>Work Year Value</b>	<b>77,400</b>
<b>3-Year Average Filings</b>	<b>FY2015, FY2016, FY2017</b>

<b>Case Type</b>	<b>2018 Caseweights</b>
	<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. <sup>1</sup>
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

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

## California Judicial Prioritization Model Parameters

May 2019

The intent of the prioritization method is to consider courts with greatest need relative to current complement and to improve access to courts for the greatest number of users.<sup>1</sup> Also, feedback from courts received at the time that the method was developed suggested that the availability of facilities should be a consideration when determining an allocation schedule for judgeships.<sup>2</sup>

The model was first approved by the Judicial Council in 2001 and is codified in Government Code section 69614(b).

Some of the major policy considerations embedded in the methodology are as follows:

- 1) **Estimate judicial need using the most recent Judicial Needs Assessment:** the judicial need in each court is calculated by subtracting the number of authorized judicial positions (AJP) from the number of positions needed in each court, as measured by the biennial judicial needs assessment. The resulting product is then rounded down to the nearest whole number. In December 2013, the Judicial Council adopted a recommendation that the most current judicial needs data be used in making allocation decisions.<sup>3</sup>
- 2) **Courts with a judicial need of at least 0.8 FTE should be qualified to obtain a new judgeship:** In December 2014, the Judicial Council approved a policy change that lowered the qualifying threshold to obtain a new judgeship to 0.8 FTE (it had been 1.0 FTE previously).<sup>4</sup> The change was made in response to requests from smaller courts whose judicial need fell just below the threshold level needed to qualify for a new judgeship even though their workload need, expressed as a percent of total available judicial resources, may exceed that of larger courts. To illustrate, a court with 2.3 FTE authorized judicial positions and a judicial workload need equivalent to 3.1 FTE has a need for 0.8 FTE judicial officers. The difference represents a 35% shortfall over the number of authorized positions (0.8 divided by 2.3). Even though the number of judicial positions in this example court is small, the court is operating with 35% fewer judicial resources than the workload model shows that they need.

The qualifying threshold only applies to those courts with a judicial need between 0.8 FTE and .99 FTE. To illustrate, a court with a judicial need of 0.85 would get one judgeship eligible for prioritization. But a court with a judicial need of 2.85 FTE would have two judgeships eligible for prioritization—not three.

## Generating the Prioritization List

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<sup>1</sup> October 2001 report to Judicial Council, <http://www.courts.ca.gov/documents/stateassess.pdf>.

<sup>2</sup> Ibid., at page 9

<sup>3</sup> <http://www.courts.ca.gov/documents/jc-20131213-itemV.pdf>

<sup>4</sup> <http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf>



California's methodology uses a mathematical formula to be able to assess judicial need and prioritize needed judgeships in rank order for courts of vastly different sizes. The approach taken is based on the methodology that is used to apportion seats in Congress where similar scale issues exist.

- 1) The first step is to establish a ranking based on the minutes of judicial need multiplied by the ranking scores used in the Huntington-Hill Method.<sup>5</sup> Each court's judicial need minutes is divided by the rank scores and an allocation number (from 1-to N) is assigned to each needed judgeship in each court.

If allocations were made at this point, only a court's absolute need would be factored into the calculation and courts with the highest numerical need would be prioritized to receive judgeships.

- 2) A second ranking score is calculated based on the percentage need for each judgeship needed in each court. In cases where courts need more than one judgeship, the percentage need for the second judgeship is calculated by assuming that the court has been given the previous judgeship, and so on. At this point, if a ranking were done on the basis of these results, the courts with the highest numbers of judges need and the greatest percentage need would be prioritized for new judgeships.
- 3) The final adjustment takes the second ranking score and divides it by "1" for the first new judgeship needed in a county, and "2" for the second needed judgeship, etc. This adjustment applies more weight to the first judgeship needed in each court; the end result is that judgeships are distributed more widely across the state, which is in keeping with the principles adopted by the council.

The priority list is generated on the basis of this last adjustment by sorting the rank scores across all courts on the list highest to lowest.

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<sup>5</sup> <http://www.census.gov/population/apportionment/about/computing.html> or fairly clear explanation here: [https://en.wikipedia.org/wiki/Huntington%E2%80%93Hill\\_method](https://en.wikipedia.org/wiki/Huntington%E2%80%93Hill_method)

## WORKLOAD ASSESSMENT ADVISORY COMMITTEE WORK PLAN

As proposed to the committee for its February 24, 2021 meeting

### ***Charge of the Workload Assessment Advisory Committee***

*To make recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice. The committee must recommend: (1) Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model; (2) Processes, study design, and methodologies that should be used to measure and report on court administration; and (3) Studies and analyses to update and amend case weights through time studies, focus groups, or other methods*

#### **Ongoing Through 2021-22**

1. Workload Studies: Process Review and Benchmarking
2. Court Interpreter Workload Analysis
3. Judicial Ranking and Prioritization Methodology Review
4. Standards and Measures legislative report (77001.5) Update

#### **Annual Updates**

1. Standards and Measures Legislative Report (77001.5)
2. Resource Assessment Study (RAS) Model – Annual Update

#### **Biennial Updates**

1. Legislative Report: Judicial Needs Assessment

#### **Periodic Updates**

1. Resource Assessment Study Model Caseweights
2. Judicial Workload Study Model Caseweights
3. Non-RAS FTE Ratios