



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MATERIALS FOR APRIL 23, 2021

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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

Date: April 23, 2021
Time: 12:00 – 1:00 p.m.
Public Call-in Number: <http://jcc.granicus.com/player/event/1258>

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 February 24, 2021 open meeting and the March 23, 2021 closed meeting 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., April 22, 2021, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEM (ITEM 1)

Item 1

FY 2021-22 Resource Assessment Study (RAS) Update (Action Required)

Provide the filings data for use in developing the FY 2021-22 RAS need update.

Presenters: Ms. Sherri R. Carter, Member, Workload Assessment Advisory Committee
and Court Executive Officer, Superior Court of California, County of
Los Angeles

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

IV. ADJOURNMENT

Adjourn



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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

February 24, 2021
12:00 PM – 1:00 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. Lawrence P. Riff; Ms. Stephanie Cameron; Ms. Sherri Carter; Ms. Arlene D. Junior; Mr. James Kim; Mr. Michael Planet; Ms. Bonnie Sloan; Ms. Kim Turner

Advisory Body Members Absent: Hon. Jennifer K. Rockwell

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

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:01 p.m., and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the September 9, 2020 meeting and the December 9, 2020 Action by Email Between Meetings of the Workload Assessment Advisory Committee.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

Annual Agenda

Action:

The first discussion focused on the Resource Assessment Study (RAS) and Legislative Report on Judicial Needs Assessment. Members were requested to generate ideas to reassess the model for adjustments, given that filings do not represent true numbers due to COVID-19. Two different workload challenges around COVID were brought up: 1) cases that got stuck between the lockdown and opening of courts, and 2) new filings impacted by the delay. Members proposed to use the Trial Court Budget Advisory Committee's concept regarding applying a COVID delay factor as a temporary and immediate fix for the RAS and judicial needs reporting. The Superior

Court of Los Angeles will share their study using the COVID delay factor. The committee decided to do a pilot study using large, medium, and small courts to test the approach and develop recommendations that should also consider the CARES ACT (how it has impacted the workforce) and work-year-value issue. To this end, a small working group was created to work on the study and figure the elements in RAS that are impacted. Staff was directed to reach out to the National Center for State Courts to find out how other state courts are managing the process and share those findings with the committee.

Staff provided an update on the work being done concerning the Legislative Report on Measures to Promote the Fair & Efficient Administration of Justice (Gov. Code § 77001.5). Staff reported that they are looking to revamp the report to design it like an annual report and, more importantly, expand it to include more data points across the branch and beyond the time to disposition as captured in JBSIS. Staff will share the work later in the year.

Finally, JC staff provided an update on the work being done on the Judicial Needs Assessment, which is a biennial report due every even-numbered year. While it is not due this year, JC staff will use this year to review the model's prioritization and ranking methodology. The model was developed in the early 2000s, and a review is probably due. JC staff will also bring up the findings and any proposed changes to the committee for review, discussion, and approval.

Item 2

Workplan

Action:

The committee was provided a first look at the updated agenda form to keep track of items as issues or ideas come up. The committee will try out the form and see how it goes.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 12:35 p.m..

Approved by the advisory body on enter date.



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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF CLOSED MEETING

March 23, 2021
12:00 PM – 1:30 PM
Electronic

Advisory Body Members Present: Hon. Lorna A. Alksne, Chair; Hon. Pamela Butler; Hon. Joyce Hinrichs; Hon. Kirk Nakamura; Hon. Lawrence P. Riff; Ms. Stephanie Cameron; Ms. Sherri Carter; Ms. Arlene D. Junior; Mr. Michael Planet; Ms. Kim Turner

Advisory Body Members Absent: Hon. Charles Brehmer; Hon. Jennifer K. Rockwell; Mr. James Kim; Ms. Bonnie Sloan

Others Present: Hon. Tara Desautels; Mr. David Yamasaki; Ms. Leah Rose-Goodwin; Ms. Kristin Greenaway; Mr. Nicholas Armstrong; Ms. Khulan Erdenebaatar; Ms. Rose Butler

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:00 p.m.

INFORMATION ITEMS (ITEMS 1-2)

Info 1

Data Analytics Workstream Update

The committee members were provided an education session on the workstream's work.

Info 2

Preliminary Data Trends

The committee members were provided an education session on data submissions and preliminary trends.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:30 p.m..

Approved by the advisory body on enter date.

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(Action Item)

Title: Adjustment for Pandemic-Impacted Filings for FY2021-22 RAS Need
Date: 4/23/2020
Contact: Kristin Greenaway, Supervising Research Analyst
415-865-7832 | kristin.greenaway@jud.ca.gov

Issue

Since March 2020, the California trial courts have been significantly impacted by the global pandemic brought on by the spread of COVID-19. Shelter in place orders and behavioral changes, such as fewer drivers, led to a sharp decline in filings in the immediate months following the onset of the pandemic.

For FY 2021-22, the Resource Assessment Study (RAS) model, which is the foundation of the branch's trial court funding formula (Workload Formula) will include a three-year average of filings that includes the first 4 months of pandemic-impacted data (March-June 2020). Recognizing this data is not reflective of typical court workload, the WAAC recognized the need for a different approach for the RAS model update for the years impacted by the pandemic and created an ad hoc working group to discuss how best to address this issue. This memo summarizes a recommended approach for FY 2021-22.

Background

The Workload Formula (WF) is based on the Resource Assessment Study (RAS) model that is driven by the most recent available three-year average total filings. For FY 2021-22, filings for FY2017-18, FY 2018-19, and FY 2019-20 will be used for the RAS model update. Filings are multiplied by caseweights for 22 different casetypes and then divided by the average work year to determine the number of full-time equivalents (FTE) needed for each court's workload. This provides an estimated need for case processing staff which is later converted into dollars in the Workload Formula.

Relevant Branch Policies

In 2000, the Judicial Council's Office of Court Research was directed to develop workload measures for case processing trial court staff with the goal of developing a method for allocating

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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.^{1,2}

In February 2013, the council approved an updated version of RAS caseweights and other model parameters derived from a 2010 time study.³ 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.⁴ This funding model is now referred to as the Workload Formula.

The RAS model is a weighted caseload model used to estimate resource need in the trial courts. It measures case complexity through the development of caseweights - the amount of time, in minutes, needed to process a case from filing through disposition, including any post-disposition activity. These weights are applied to filings (workload driver) to estimate each court unique workload. Currently the RAS Model includes caseweights for 22 separate case types using the average of the three most recent years of data and includes any updates to model parameters, such as updated ratios and the like.

Per policy, the RAS model also recognizes the need for interim adjustments to the model that fall outside of the scope of the periodic RAS model updates.

The RAS model is updated periodically (every 5 years) to capture changes in workload or improved data availability. Updates over the years have included expanded case type categories. The RAS model update was last approved in 2017 by the Judicial Council. The next update will be conducted in approximately FY2023-24.

Analysis

Absent the pandemic, there were no significant changes, such as new legislation, that would otherwise result in a significant change to the number of court filings. For the last couple of years, overall court filings have remained largely stable, though there has been some changes in filings of certain casetypes (i.e. growth in civil limited and in mental health).

The subcommittee also discussed that while court filings dropped in the months following the initial shelter in place orders issued in March 2020, court workload remained robust. Courts continued to process cases while shifting to remote and virtual modes of service delivery and

¹ See <http://www.courts.ca.gov/documents/0705item1.pdf>.

² At the time, the RAS model was an acronym for Resource Allocation Study model—later revised to Resource Assessment Study model—to better reflect the model’s use in assessing, not allocating, workload.

³ See <http://www.courts.ca.gov/documents/jc-20130226-itemM.pdf>.

⁴ See <http://www.courts.ca.gov/documents/jc-20130426-itemP.pdf>.

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maintaining strict physical distancing protocols for in-person service in order to keep the public safe.

Along those lines, the working group considered adjustments to the RAS model caseweights such as applying “delay factors” to the weights, but determined that statewide delay factors may cause issues such as: 1) providing too much workload credit in some courts with little COVID impact while providing too little workload credit in others that experienced high levels of COVID impact, 2) did not recognize local court variances (i.e. remote hearings, closure levels, etc.), and 3) did not recognize local court filing trends. Also, the group determined there would be inadequate time to create and validate new measurements or delay factors in time for FY 2021-22 allocation decisions.

Given the impacts the pandemic has had on the workload of the trial court—beginning in March 2020—the working group’s proposal is to not use actual March to June 2020 filings data and replace those months with data that is more representative of the expected trend in filings, by court and by month.

Considerations

In making their recommendation, the subcommittee emphasized an approach that would retain all of the policies and principles of the RAS model, such as use of a three-year average of filings and periodic updates to model parameters such as the supervisor-manager ratio. Also, the subcommittee was clear that this proposal was not intended to be used to seek a change to any proposed state appropriation to trial courts or to request a state funding augmentation. This proposal, if accepted, would be used to update the branch’s internal funding allocation mechanisms, the RAS model, and Workload Formula.

The subcommittee considered a number of approaches and has narrowed them down to two possibilities:

Option 1. Use the July 2019-February 2020 filings (8 months), for each court, by casetype and extrapolate to a full year (see Table 1).

Option 2. Use the July 2019-February 2020 filings (8 months), for each court, by casetype, and extrapolate to a full year, adjusted for seasonality patterns observed based on the averages of FY 2017-18 and FY2018-19 data (see Table 2).

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Table 1. Simple Extrapolation, Option 1

Option 1 1. Simple Extrapolation:			
	Summary: Use 8 months of FY2019-20 data to determine last 4 months of FY 2019-20		
	Court A, Casetype A		Filings
Step 1	FY2019-20 Filings (8 months)	Actual 8 months filings	2,400
	Calculation:		
Step 2	$(2400/8) \times 12$	Extrapolated 12 months	3,600

Table 2. Seasonal Extrapolation, Option 2

Option 2 2. Seasonal Extrapolation			
	Summary: Use previous years' data (FY 2017-18, FY 2018-19) to determine seasonal differences and apply that percentage to 8 months of FY 2019-20 data to determine last 4 months of FY 2019-20.		
	Court A, Casetype A		Filings
Step 1	Determine % of first 8 months of 2017-18 and FY 2018-19 and then average		65%
Step 2	FY2019-20 Filings (8 months)	Actual 8 months filings	2,400
	Calculation (e.g., 65% of total filings in first 8 months):		
Step 3	$(2400 \times 100) / 65$	Extrapolated 12 months	3,692

Both options use each court's own data, by casetype to extrapolate to a full twelve months, using data from the first eight months of the fiscal year. The added benefit of option two is that it adjusts for seasonality of the data; in their discussions, the subcommittee noted that some filings types have seasonal patterns (i.e. traffic infractions are higher in the spring/summer) that might be missed with a simple extrapolation. With option two, the two previous fiscal years are used to determine the seasonality of the filings data by court and casetype.

Alternatives

In addition to discussing various options for the filings data, the working group discussed the feasibility of making adjustments to the caseweights, as described earlier in this report.

Next Steps

The working group discussed that the next two years of the RAS model would also have pandemic related impacts and may require additional adjustment. WAAC will continue to monitor filings and workload trends going forward to see if the same approach may be warranted next year or a different approach needed. The working group also discussed, but did not make a proposal on, how to adjust the Judicial Needs Assessment that is due in November 2022. The

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Judicial Needs Assessment methodology (see Gov. Code 69614) also calls for using the three most recent years of filings data.

Summary

The working group believes the recommended approach, either option, to treating the pandemic data is fair to all courts and is consistent with the approach being taken by other states that use weighted caseload methodologies.

Recommendation

1. The working group recommends that the three- year average filings for use in developing the RAS need for the FY 2021-22 trial court allocations (FY2017-18, FY2018-19, FY2019-20) should be adjusted to replace the last 4 months of 2019-20 filings data, using one of the proposed options described above.
2. The working group recommends that the workload captured during the pandemic continue to be studied to address implications in future years development of RAS model need.
3. The committee should direct staff to work with the working group to develop future year solutions.