JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: Ronald G. Overholt, Chief Deputy Director
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DATE: July 18, 2005

SUBJECT: Fiscal Year 2005–2006 Trial Court Budget Allocations (Action Required)

Issue Statement

The Judicial Council has authority to approve the allocation of funding to the trial courts. This report presents recommendations for trial court allocations, including allocation of the State Appropriations Limit (SAL) adjustment funding, to occur in fiscal year 2005–2006. Attachment 1 (Calculation of SAL Allocation for FY 2005-2005) and Attachment 2 (Trial Court SAL Growth Factor Allocation Template) to this report display the SAL adjustment allocation calculations and recommended allocations in total for fiscal year 2005–2006. Attachment 3 to this report displays the recommended allocations per court and provides the beginning and adjusted fiscal year 2005–2006 base budget for each court.

Summary of Recommendations

Administrative Office of the Courts staff and the Trial Court Budget Working Group recommend that the Judicial Council:

1. Approve the policy that retirement funding be provided to courts based upon confirmed rate changes. For courts which do not have confirmed rate changes but provided expected retirement rate change information, funding is to be set aside and provided once rate changes have been finalized and confirmed.
2. Approve the policy that if a court projects an actual reduction in retirement costs due to rate and/or plan changes, the projected savings should be adjusted from the court's retirement baseline to be made available as an offset for courts that are experiencing cost increases.

3. Approve the allocation to the courts in fiscal year 2005–2006 of up to $15.983 million for ratified retirement rate and plan changes, and set aside up to $4.725 million for non-ratified retirement rate and plan changes from the SAL funding as indicated in columns B and C of Attachment 3.
4. Approve a maximum allocation of $3.036 million in one-time funds from existing Trial Court Trust Fund reserves in fiscal year 2005–2006 to address one-time non-security costs associated with the opening of new facilities in fiscal year 2005–2006, as indicated in column D of Attachment 3.
5. Approve a maximum allocation of $784,977 in ongoing funds from the SAL adjustment, to be used to address non-security operational costs for new facilities opened or planned to open in fiscal years 2004–2005 and 2005–2006, as indicated in column E of Attachment 3.
6. Direct staff to establish a process for allocation of funding for non-security operational cost increases resulting from opening of new facilities, upon notification by the courts that the costs have been incurred.
7. Approve $56.421 million in Inflation and Workforce funding for allocation to the courts to be used to meet staff compensation, operating expenses, and other costs at their discretion, as indicated in column F of Attachment 3.
8. Approve the Resource Allocation Study model methodology for purposes of allocating resources on the basis of workload with the understanding that ongoing technical adjustments will continue to be made by AOC staff as the data become available.
9. Approve the allocation of $13.86 million in Workload Growth and Equity funding based upon application of the Resource Allocation Study (RAS) model, utilizing a graduated adjustment factor for those courts that have a shortfall of at least 10 percent.
10. Approve $24.214 million in security funding based on application of the adjusted 6.44 percent SAL growth factor to the security budget.
11. Approve allocation of $1.363 million of the $24.214 million from the SAL adjustment to courts to address costs for confirmed changes in security NSIs, retirement, and other benefits, and set aside up to $9.443 million for those courts that have anticipated increases, to be allocated in the amount needed, once their cost needs are confirmed.
12. Approve allocation of $449,418 in unallocated fiscal year 2004–2005 funding to address confirmed increases in security-related costs and set aside up to $2.418 million for those courts that have anticipated increases, to be allocated in the amount needed, once their cost needs are confirmed.
13. Direct staff to return to the Judicial Council in August 2005 with any additional allocations of the SAL security funding for courts that have identified increases after the July council action.
14. Direct staff to return to the Judicial Council with any recommendations from the Court Security Working Group for adjustments to the standards

and fiscal year 2005–2006 security reduction, as a result of changes in costs.

15. Direct staff to return to the Judicial Council with recommendations from the Court Security Working Group for allocation of remaining funds after all cost increases resulting from security NSIs, retirement and other benefits, and new facilities have been addressed.
16. Approve the policy that allocation of any funding for security for new facilities opened in fiscal year 2004–2005 and 2005–2006 be provided from the same pool of security funding to be utilized for mandatory security cost increases.
17. Approve $13.655 million ($5.5 million ongoing from SAL funding based on the SAL factor and $8.155 million one-time from reserves in the Trial Court Trust Fund) to be used to reimburse the costs of dependency counsel in fiscal year 2005–2006.
18. Encourage courts to recover costs of dependency and FC 3150 cases whenever possible and appropriate and include the cost recovery as an abatement on Quarterly Financial Statements.
19. Approve a permanent reduction of $52,537 in jury funding beginning in fiscal year 2005–2006.
20. Approve a permanent redirection of $875,000 of the $1.175 million base funding for Processing Elder and Dependent Adult Abuse Protective Orders to be used for other program areas.
21. Approve, on a one-time basis for fiscal year 2005–2006, the allocation to the Civil Case Coordination Program of an additional $385,000 from reserves in the Trial Court Trust Fund.
22. Approve a $14.996 million increase to the Court Interpreter budget to be used to reimburse the cost of the Court Interpreter program in fiscal year 2005–2006.
23. Approve the application of the SAL growth factor (6.64%) to each of the following program areas: Extraordinary Homicide Trials, Prisoner Hearings, Services of Process for Protective Orders, and the application of the adjusted SAL growth factor (6.44%) to Drug Courts, Court Appointed Special Advocate (CASA), Model Self-Help Program, and Family Law Information Centers.

Rationale for Recommendation

Please see each section of the report for the rationale.

Alternative Actions Considered

Please see each section of the report for the alternatives considered.

Comments from Interested Parties

The Trial Court Budget Working Group met on several occasions during the development of the SAL allocation process to provide subject matter expertise and to assist in the development of recommendations. In addition, AOC staff discussed the SAL allocation process with representatives of employee unions to explain to them how the process would work and to seek their comments.

Implementation Requirements and Costs

There are no additional funds needed to implement these recommendations.

Attachments

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Dag MacLeod, Manager, Office of Court Research, 415-865-7660

DATE: July 18, 2005

SUBJECT: Fiscal Year 2005–2006 Trial Court Budget Allocations (Action Required)

Issue Statement

The Judicial Council has authority to approve the allocation of funding to the trial courts. At its June 24, 2005 meeting, the Judicial Council took action to approve the allocation of funding for fiscal year 2004–2005 and fiscal year 2005–2006 for various issues including Workers' Compensation, Subordinate Judicial Officer Retirement, and the permanent allocation of the $2.5 million consolidated administrative reduction as initially allocated in fiscal year 2004–2005, as well as authorizing the restoration of base funding reduced in fiscal year 2004–2005 as part of an unallocated one-time reduction.

The council has not yet taken action on allocation of the funding provided for fiscal year 2005–2006 based upon application of the State Appropriations Limit (SAL) growth factor. The Calculation Process for Allocation of the SAL Funding Adjustment was approved by the Executive and Planning Committee of the Judicial Council on June 10, 2005, and the Judicial Council ratified that approval on June 15, 2005. This report presents recommendations for allocation of the SAL adjustment based on the approved funding process and policies for specific program areas.

Attachment 1 (Calculation of SAL Allocation for FY 2005-2005) and Attachment 2 (Trial Court SAL Growth Factor Allocation Template) to this report display the SAL funding allocation calculations and recommended allocations in total for

fiscal year 2005–2006. Attachment 3 displays the allocations, by court, that are being recommended to the Judicial Council for consideration.

Background and Previous Council Actions

At the April 15, 2005 Judicial Council meeting, staff presented a methodology and template to be used for allocating the new funding to be provided based on the SAL adjustment. The council also delegated authority to the Administrative Director of the Courts to make amendments to the SAL allocation process and template to the extent that technical corrections are necessary. The purpose of the methodology and template were to ensure distribution to courts of new monies to address mandated costs in a uniform and equitable manner, provide for increases and adjustments in funding for reimbursable cost areas, provide for Judicial Council priorities, allocate discretionary funds for the courts to use to address operational needs, and provide a means of addressing funding needs for under-resourced courts and courts with growing workloads due to population increases.

Subsequent to the approval of the SAL allocation process and template in April, AOC staff and three members of the Trial Court Budget Working Group met with legislative staff and representatives of court employee organizations to discuss and respond to questions about the SAL allocation process and template. Representatives of court employee organizations expressed concern that the process and template were too complicated and would be difficult to communicate to their constituents. They also expressed the desire that only one sum of money be allocated to each court (preferably based upon the entire SAL factor), that the percentage increase in each court's budget be the same, that there would be no funding for statewide priorities from the SAL adjustment monies, that no restrictions be attached to any of the allocations, and that workers' compensation funding for the Judicial Branch Workers' Compensation Program not be addressed as a separate allocation.

After several meetings, AOC staff and representatives of court employee organizations reached conceptual agreement on changes to the Allocation Methodology and Template, for fiscal year 2005-2006. The changes met several shared objectives, while preserving the overall objectives of the methodology approved by the Judicial Council. These changes were also consistent with the process discussed with the Trial Court Budget Working Group at their last meeting on June 2, 2005.

On Friday, June 10, a conference call of the Executive and Planning Committee of the Judicial Council was held to discuss the process and review the revised summary template. The committee approved the process on behalf of the Judicial Council, and on June 15, 2005, the Judicial Council ratified the approval.

Staff originally planned to present recommendations, with the input of the Trial Court Budget Working Group, on a large number of funding items to the Judicial Council at its June 24, 2005 meeting. However, because the state budget had not yet been approved and because it was still possible that the judicial branch budget might be further adjusted before final approval by the legislature and enactment by the Governor, there was too much uncertainty to be able to present reliable recommendations for allocations at that point. In addition, various fiscal year 2005–2006 funding needs including staff retirement, security, and operating costs for new facilities, were still under development, and the Office of Court Research was still working on reviewing fiscal year 2003–2004 filings data to determine if they could be used in the Resource Allocation Study (RAS) model and security standards. For these reasons, at the June council meeting, staff recommended that allocation of the remaining SAL allocation items be made at the first Judicial Council meeting after the budget was enacted.

On July 12, 2005, after the Budget Act of 2005 was enacted, a meeting of the Trial Court Budget Working Group was held to discuss recommendations regarding allocation of the SAL growth funding. The recommendations of staff and the working group are presented in this report.

State Appropriations Limit Methodology

Although the SAL funding growth factor provided by the Department of Finance (DOF) was 6.64 percent, a $4.1 million reduction implemented by the Legislature from the SAL adjustment funding effectively reduced the SAL growth factor for the trial courts to 6.44 percent. (This action was referred to in the June 15, 2005 Judicial Council trial court budget allocation report.) With this adjustment, the final SAL funding provided in the Budget Act was $130.703 million. Combined with $5.5 million provided from fiscal year 2004–2005 Provision 8 funding, the resulting funding available to be allocated is $136.203 million.

PROGRAM AREAS AND RECOMMENDED FUNDING

Retirement Funding for Rate and Plan Changes

AOC staff surveyed the courts to determine the cost of court staff retirement rate and plan changes for fiscal year 2005–2006. Based upon this information, projected increased court costs for rate and plan changes will be $20,707,815 in fiscal year 2005–2006. This amount includes both ratified and non-ratified changes. The exact amounts may change as pending rates are finalized.

Recommendation

AOC staff and the Trial Court Budget Working Group make the following policy and allocation recommendations to the council:

1. Approve the policy that retirement funding be provided to courts based upon confirmed rate changes. For courts which do not have confirmed rate changes but provided expected retirement rate change information, funding is to be set aside and provided once rate changes have been finalized and confirmed;
2. Approve the policy that if a court projects an actual reduction in retirement costs due to rate and/or plan changes, the projected savings should be adjusted from the court's retirement baseline to be made available as an offset for courts that are experiencing cost increases; and
3. Approve the allocation to the courts in fiscal year 2005–2006 of up to $15.983 million for ratified retirement rate and plan changes, and set aside up to $4.725 million for non-ratified retirement rate and plan changes from the SAL funding as indicated in columns B and C of Attachment 3.

Rationale for Recommendation

Changes in retirement rates occur each year, reflective of the financial performance of pension funds, modified benefit structures, and actuarial assumptions regarding future costs. When rates increase, it can result in a substantial cost to the employer. In order to be sure that sufficient funds are available to fund these changes, AOC staff and the Trial Court Budget Working Group believe that the actual costs should be funded, that this should be done separately from the funding made available to the courts for discretionary purposes (the Inflation and Workforce allocation discussed later in this report), and that funding should be provided to courts only when rate changes are confirmed. Also, to the extent that retirement costs decrease in specific courts, the excess retirement funding previously provided to them should be made available to other courts experiencing retirement cost increases or retained to address increased retirement costs in a future year.

Alternative Actions Considered

An alternative considered was to fund trial court staff retirement changes through the Inflation factor of SAL. All courts would receive the same percentage of their base operating budget to use for discretionary purposes and this would be one of the items that would need to be funded with these monies. This would simplify the process, because it would mean that the courts would not be required to provide retirement cost information to AOC staff. However, if a court is experiencing large retirement rate increases, this cost could entirely deplete their new funds, leaving them no funding available for other employee compensation and operating cost increases, while leaving courts with cost increases facing a potential windfall.

Trial Court Staffing and Operating Expenses (non security) for New Facilities

One of the Judicial Council priorities for fiscal year 2005–2006 was to address operating costs for new facilities opening in fiscal year 2004–2005 and 2005–2006. AOC staff sent out a survey to all trial courts. Only those courts that were anticipating the opening of a new facility in fiscal year 2004–2005 or 2005–2006 were required to complete the forms and provide information on these costs. The survey was divided into non-security and security costs. Courts were directed that only ongoing costs for facilities opening in fiscal year 2004–2005 could be requested, but for those facilities opening in fiscal year 2005–2006 one-time and ongoing costs could be requested. (It was assumed that courts opening facilities in fiscal year 2004–2005 would have already absorbed the one-time costs by the time any funding was approved and received in fiscal year 2005–2006.)

Thirteen courts requested funding for non-security operating costs. The survey instructions advised the courts that only Rule 810 allowable costs were permitted and should be for unfunded costs associated with opening and operating a new court facility. If funding for positions was requested, courts were instructed to complete a workload analysis form to show justification for the need for the positions. Courts were also instructed to identify the value of offsetting resources such as staff and existing furniture or equipment that could be transferred from an existing facility to the new facility.

Ongoing funding was requested by courts for items such as new staff positions, janitorial costs, various information services and communications-related costs in addition to other items such as armored car services. One-time items included IT and communications equipment, furniture, file storage, carpet, and moving services. AOC staff contacted the courts where additional information was needed in order to determine if sufficient justification to include the costs was provided.

Staff applied the following specific criteria in reviewing the operational funding requests associated with new court facilities:

- California Rules of Court rule 810 unallowable charges were not to be considered, with the exception of cases where historically the county has never paid for these costs.
- All costs that were either unrelated to the new court facility or costs that were already paid by the court are not being recommended.
- All costs submitted should be above and beyond the courts' ability to pay within their existing resources.
- Undesignated reserves for Trial Court Trust Fund and Non Trial Court Trust Fund as of the third quarter Quarterly Financial Report (QFS) (2nd quarter QFS for those courts on the Court Accounting and Reporting System) were evaluated to determine if one-time costs could be absorbed. A 10 percent amount for contingencies based on the ongoing fiscal year

2004–2005 allocations was calculated to ensure that each court had sufficient operating funding. Any undesignated reserves in excess of 10 percent were identified as a possible offset to court one-time funding needs.

As a result of the review of the requests, staff have recommended additional funding for some courts. Because some of the funding need is speculative, though, it is recommended that funding for approved facilities costs be provided only upon notification to the AOC that the costs have actually been incurred. Specifically, it is recommended that funding for ongoing staffing costs that were identified in the requests be allocated, up to the amount approved, once the courts have notified the AOC that the staff have been hired. It is further recommended that funding for other one-time operating expense and equipment costs, up to the amount provided, be allocated after each court has confirmed that these costs have been incurred.

Recommendation

Based upon staff review of the information submitted by the courts, AOC staff and the Trial Court Budget Working Group recommend that the Judicial Council:

4. Approve a maximum allocation of $3.036 million in one-time funds from existing Trial Court Trust Fund reserves in fiscal year 2005–2006 to address one-time non-security costs associated with the opening of new facilities in fiscal year 2005–2006, as indicated in column D of Attachment 3;
5. Approve a maximum allocation of $784,977 in ongoing funds from the SAL adjustment, to be used to address non-security operational costs for new facilities opened or planned to open in fiscal years 2004–2005 and 2005–2006, as indicated in column E of Attachment 3; and
6. Direct staff to establish a process for allocation of funding for non-security operational cost increases resulting from opening of new facilities, upon notification by the courts that the costs have been incurred.

Rationale for Recommendation

As mentioned above, staff extensively reviewed the new facilities funding requests to determine an individual court's ability to absorb one-time costs within their existing budgets. This analysis reduced the amount of funding being recommended. The opening of a new court facility is a multi-year project. Some of the opening dates for facilities included in the recommendation are estimated to occur toward the end of fiscal year 2005–2006. It is possible that for currently unforeseen reasons, the opening date may slip into the following fiscal year. If this delay does not extend for too long, staff and the Trial Court Budget Working Group believe that this should not disqualify a court from this process. It is also conceivable that the actual costs of the one-time and ongoing items may be different than what is currently anticipated. Staff and the working group believe

that an upper end amount should be established setting a limit for the overall amount of funding that can be used for this funding priority. Providing funding based upon notification from the courts that the costs have been incurred, will mean that courts will only receive funding if they actually contract for the services, hire the staff, or make the purchases that they indicated to AOC staff were necessary for their new facility and are included in the recommended funding.

The recommendation to use reserves to fund the one-time costs is made due to the limited funding available for this purpose, to ensure that costs are funded only to the extent that they cannot be absorbed.

Alternatives Considered

Staff considered providing the funding without a process including notification that the costs had been incurred; however, because some courts were unable to secure reliable estimates for future equipment and furniture costs, staff and the Trial Court Budget Working Group believe that it is necessary that allocations be based on submittal of actual costs.

SAL Funding Adjustment

As mentioned earlier, the DOF determined the SAL growth factor for fiscal year 2005–2006 to be 6.64 percent. However, due to subsequent legislative action, the effective SAL growth factor was reduced to 6.44 percent.

The SAL funding methodology, approved by the Judicial Council at its April 15, 2005 business meeting, was slightly modified after discussions with representatives of court employee organizations. These discussions yielded a new document for displaying the Calculation of SAL Allocation for FY 2005–2006 (Attachment 1), and made minor modifications to the methodology approved in April. The new display document and the minor SAL funding adjustment amendments were presented for approval to the Executive and Planning Committee on June 10, 2005, and the Judicial Council ratified that approval at its June 24, 2005 business meeting.

Staff applied the new SAL growth factor of 6.44 percent to the Calculation of SAL Allocation for FY 2005–2006 document and to specific costs on the Trial Court SAL Growth Factor Allocation Template (Attachment 2) to determine the fiscal year 2005–2006 funding allocations. Below is a description of the SAL funding components and recommendations for each.

Inflation and Workforce

Before the advent of the SAL funding process, the Judicial Council would determine the budget priorities for the trial courts each year. This might include

staff compensation, expansion of existing court programs, or implementation of new programs. AOC staff would then survey the courts for their costs in these areas and request funds from the DOF and the Legislature each fall. Courts would either receive funding or not based on whether a budget change proposal was included in the Budget Act and, if so, whether they had requested funding in that program.

With SAL, based on the level of the growth factor, all courts will receive a certain amount of funding each year that will be available to address various operational funding needs of the court, based upon the priorities of the local court. Based on the proposed methodology, $56.421 million will be available, statewide, in fiscal year 2005–2006, for allocation. This funding would be allocated to courts by multiplying each court's base budget (excluding security) by the adjusted Inflation and Workforce factor – 3.88 percent.

Recommendation

AOC staff and the Trial Court Budget Working Group recommend that the Judicial Council:

7. Approve $56.421 million in Inflation and Workforce funding for allocation to the courts to be used to meet staff compensation, operating expenses, and other costs at their discretion, as indicated in column F of Attachment 3.

Rationale for Recommendation

The two SAL growth factors that are combined in the calculation of the amount for this allocation – Inflation and Workforce – are factors that affect all courts and employees, while the Workload Growth and Equity factor affects primarily those courts in counties with growing populations and increasing filings and workload, or that have historically been funded at a lower level than other courts. Courts can use the Inflation and Workforce funding to address their discretionary funding needs as they determine is necessary. They will be able to decide if they have sufficient ongoing funds available to begin a new program or add staff to an existing program without having to submit requests for funding, and justification for the same, to the AOC. By utilizing this process, courts will be aware of the level of funding they will be provided for these purposes, rather than having to submit budget requests or waiting to find out what compensation adjustments state employees will receive.

Alternative Actions Considered

The recommendation has undergone much scrutiny and adjustment. The entire SAL allocation process was discussed at length with representatives from employee unions, legislative staff, and the Trial Court Budget Working Group. Various modifications have been made as a result of these discussions, resulting in the current recommendation.

Workload Growth and Equity

As part of the fiscal year 2005–2006 trial court budget priorities process in February 2004, the Judicial Council directed AOC staff to analyze the erosion of court base budgets and equalization of funding issues and to develop a funding proposal if it was determined to be appropriate. Some courts have experienced an increase in total filings as well as specific types of filings that have become more complex and may involve more proceedings. This workload requires additional time on the part of the judge and the staff in the courtroom and the clerk's office to process. This workload growth is a primary reason that some courts appear to be underresourced compared to other courts of similar size.

With the implementation of SAL, securing additional funding through a separate BCP for additional staff to handle this additional workload was no longer possible. AOC staff and the Trial Court Budget Working Group believe that part of the SAL growth factor – the Workload Growth and Equity component – should be used to provide additional funding to those courts that are demonstrated to be under-resourced. Multiplying the total trial court base budget (excluding security) by the adjusted Workload Growth and Equity percentage – 0.95 – would provide $13.86 million that can be used to begin to bring these courts up to a more equitable level of funding compared to other, better funded courts.

The AOC's Office of Court Research, in consultation with the National Center for State Courts and a working group comprised of court executives from 15 superior courts, has developed the Resource Allocation Study (RAS) model to evaluate resource need in the California trial courts. (Please see Attachment 4 to this report, the Resource Allocation Study Overview of the Interim Final Report which describes RAS in more detail.) The RAS model, which includes case weights for 15 categories of case filings and staff-to-judicial officer ratios for four distinct job categories, is being used to make comparisons of workload across the trial courts. It utilizes three years of court filing data, including fiscal year 2003–2004, the latest full year for which information is available. It allows for the comparison of resource need across courts, based upon each court's weighted filings, and standards derived from average court resources required to process the filings. At the same time, additional measures of trial court performance will need to be used along with the model, in order for the model's full value to be realized.

As described in Attachment 4, the RAS model computes a projected level of staffing required to process each court's annual level of weighted filings. This information has then been used as a metric to identify courts that are relatively underresourced, compared to other courts, based upon the following methodology:

The actual salary and benefit cost for each court has been discounted by a cost of labor factor for each county, as well as by an adjustment based upon a comparison

of the average cost of salaries and benefits for similarly sized courts. The adjusted average salary and benefit amount for each court is then multiplied by the RAS FTEs projected for each court, deriving a projected cost of services.

The projected cost of services for each court is then increased for the cost of contracts (General Consulting and Professional Services) as well as Operating Expenses and Equipment (OE&E). These amounts are estimated by determining a ratio of contract costs and OE&E for all similarly sized courts to personal services costs. This ratio is then multiplied by the court's projected cost of services, to derive a total projected cost based upon the RAS standards.

The total projected cost is then compared to each court's base budget, which includes each court's base 2005-2006 Trial Court Trust Fund (TCTF) allocation, not including security funding and other minor adjustments, as well as base allocations for court operations from the Trial Court Improvement Fund. Also included in the base budget is the value of each court's non-TCTF funded positions that appear to provide program or operational services within the scope of the RAS model study.

The difference between each court's base budget and base funding represents the projected excess or deficit, based upon the model. This analysis identifies more than half of all courts as being relatively underresourced, with 26 courts appearing to have resource deficits in excess of 10 percent based upon the analytical methodology described above.

Given the finite funding available from the SAL adjustment that could be allocated as an equity and workload adjustment to courts that are identified as underresourced, staff recommends that the funding be provided to courts that exceed the 10 percent underfunded threshold. Also, in order to ensure that the courts that appear to be the most underresourced receive a greater share of funding, a scale has been developed to provide larger percentage adjustments to courts with higher computed shortfalls.

Finally, in order to make sure that courts are not provided funding adjustments that are beyond the capacity of the court to effectively absorb in the near and intermediate terms, a constraint has been added so that in no case will the equity and workload growth allocation exceed 25 percent of the court's base funding.

Also, in order to address the possibility that courts that receive the workload and equity funding actually need the funding increase and that it will be deployed in a manner that improves court operations, staff had initially recommended that each court would be required to submit a plan for use of the funds prior to actually receiving the increase. The Trial Court Budget Working Group discussed this

approach but, instead recommended a different option, that each court would be provided the funding increase, but that the courts would confer with the AOC Regional Directors regarding the manner that the funding would be utilized.

Recommendation

AOC staff, Office of Court Research, and the Trial Court Budget Working Group recommend that the Judicial Council:

8. Approve the Resource Allocation Study model methodology for purposes of allocating resources on the basis of workload with the understanding that ongoing technical adjustments will continue to be made by AOC staff as the data become available; and
9. Approve the allocation of $13.86 million in Workload Growth and Equity funding based upon application of the Resource Allocation Study (RAS) model, utilizing a graduated adjustment factor for those courts that have a shortfall of at least 10 percent.

Rationale for Recommendation

The ultimate goal of the process described above is to determine which courts are under-resourced based upon each court's filings information, relative to other courts in the state. Since the beginning of state trial court funding, there has been concern that many courts had historically been less well funded than others. This results in a perception, if not the actual existence, of unequal access to justice on the part of the public. In other cases, steady increases in population growth have resulted in more and more people using the courts. An increasing number of the people bringing actions to court are not represented by counsel requiring an increased amount of time from court staff to deal with their concerns. At the same time, funding to increase staffing for courts has not been readily available through the budget process, particularly during the last several years in which the state's fiscal situation has been difficult and only mandatory increases in costs have been funded. The recommended process will provide funding for those courts determined to be underresourced, and courts determined to be of the greatest need will receive the highest amount of funding.

Alternative Actions Considered

One alternative would be to provide no funding to address the resource needs of underresourced courts, but considering workload growth in various courts and the varying level of resources available to courts statewide to address this workload, and the goal of trial court funding to provide equal access to justice to all Californians, it seemed that some adjustment should be made.

Another alternative considered by staff was to require that each court submit a plan regarding how the growth and equity funding adjustment would be utilized by courts prior to actual distribution to ensure that the court 1) believes that the

funding is needed, and 2) will be able to deploy the monies in a manner that enhances the court's services or operations. The Trial Court Budget Working Group, however, did not concur with this approach as being too restrictive and instead recommended that courts confer with the AOC Regional Administrative Directors regarding the utilization of these resources.

Security

There are two security funding areas discussed in this report – Security NSIs, Retirement, and Other Benefits and the Security Costs associated with New Facilities to be opened in fiscal year 2004–2005 and 2005–2006. Staff and the Trial Court Budget Working Group recommend that all allocations for these costs be made out of the $24.214 million in funding generated through the application of the adjusted SAL factor of 6.44 percent.

Negotiated Salary Increases, Retirement, and Other Benefits

As in the past few years, AOC staff surveyed the trial courts and sheriffs in an attempt to identify increased mandatory costs for security services. These costs include negotiated salary increases (NSIs), retirement, and other benefits. Courts were instructed to include only existing levels of security – no new positions. The form, which was based on the Contract Law Enforcement Template allowed for the inclusion of costs for all areas of security for which the court was paying as of the time Senate Bill 1396 (SB 1396) was enacted. This included professional support staff, mileage for vehicle use, supervisors above the level of sergeant, and equipment and supplies. This information was to be provided for fiscal years 2004–2005 and 2005–2006. In some cases, the completed forms included costs for services that are permitted per SB 1396, and perhaps which the sheriff was providing, but for which the court has never paid. After contacting the court, these costs were deleted. Courts were also contacted to determine if any of the costs indicated were one-time in nature. Any such costs were also deleted from the forms.

A second important purpose of the survey was to obtain information on salary and benefit ranges for sheriff deputies and sergeants to be used to update the standards. Based on the information received, it may be necessary to adjust the existing security standards and rerun the funding model, resulting in changes to the proposed reductions. Once this is done, the security reductions to be allocated to the courts for fiscal year 2005–2006, which the Judicial Council approved at its April 15, 2005 meeting, will likely need to be adjusted.

While under the SAL process we are requesting information on security increases only three months before the beginning of the new fiscal year, it is apparent that many agreements are not in place until well into the fiscal year in which they

occur. This results in the need for courts and sheriff staff, to estimate potential changes based on ongoing negotiations or previous year changes.

Having accurate numbers for this program area is very important. At its April 2005 meeting, the Judicial Council approved a policy that trial court security budgets that are above the level produced under the funding model would be reduced to the standard. The council also established a policy that a court security budget line item would be created that requires that court security budget allocations may only be spent on security and that unused funds would roll over on an annual basis to be reallocated to fund one-time security costs.

In order to meet these two policies, a fiscal year 2005–2006 base budget for security for each court needs to be established. Staff took the costs for fiscal year 2005–2006 reported by the courts and updated the standards based on the new mid-step salary, retirement, and benefit costs the courts reported for deputies and sergeants. This created a cost based upon standards for each court. Their fiscal year 2005–2006 request was then compared to the level of funding the courts have received over the years since fiscal year 1996–1997 and the costs based on standards, and the lesser of the three numbers was established as their new base. Using this methodology, if a court's new base budget was set at the fiscal year 1996–1997 to fiscal year 2004–2005 funding level number, it would receive additional funding from SAL and, possibly funding from the fiscal year 2004–2005 unallocated funding. This results in the proposed allocation of $10.806 million of the $24.214 million in SAL funding and $2.867 million in fiscal year 2004–2005 unallocated funding. This means that $13.409 million in SAL funding remains to be allocated. Staff and the Trial Court Budget Working Group recommend that the courts that have final fiscal year 2005–2006 security increases should receive allocations at this time. Allocations to the remaining courts would be made as notification of final costs are received by staff.

As of the date of this report, many courts do not have final mandatory cost information for fiscal year 2005–2006. At its April 15, 2005 meeting, the Judicial Council approved allocation of approximately $13.3 million to the courts as the court portion of the $22 million security reduction. When more final numbers are received by the courts, adjustments to the security standards can be made. As part of the SAL process for security, the courts were required to submit fiscal year 2005–2006 salary, retirement, and other benefit ranges for mid-step deputies and sergeants. In many courts, these personnel costs have increased over fiscal year 2004–2005. The security standards utilize these costs to determine whether courts are under or over funded in specific security categories (supervision, entrance screening, internal transportation/holding cells/control rooms, and courtroom and internal security). The changes in costs which courts will be experiencing may result in adjustments to the standards. When the new standards are run against the

courts' funding levels, adjustments to the fiscal year 2005–2006 security reduction may need to be made. This may result in a further adjustment to the security base. Recommendations from the Court Security Working Group will be brought to the council for allocation of the remaining funds.

Recommendation

AOC staff and the Trial Court Budget Working Group recommend that the Judicial Council:

10. Approve $24.214 million in security funding based on application of the adjusted 6.44 percent SAL growth factor to the security budget;
11. Approve allocation of $1.363 million of the $24.214 million from the SAL adjustment to courts to address costs for confirmed changes in security NSIs, retirement, and other benefits, and set aside up to $9.443 million for those courts that have anticipated increases, to be allocated in the amount needed, once their cost needs are confirmed;
12. Approve allocation of $449,418 in unallocated fiscal year 2004–2005 funding to address confirmed increases in security-related costs and set aside up to $2.418 million for those courts that have anticipated increases, to be allocated in the amount needed, once their cost needs are confirmed;
13. Direct staff to return to the Judicial Council in August 2005 with any additional allocations of the SAL security funding for courts that have identified increases after the July council action; and
14. Direct staff to return to the Judicial Council with any recommendations from the Court Security Working Group for adjustments to the standards and fiscal year 2005–2006 security reduction, as a result of changes in costs.

Rationale for Recommendation

Fiscal year 2005–2006 mandatory security costs have not been finalized in all courts. Staff believe that only those courts with confirmed changes should be funded at this time. The only new funding available for security this year is that provided in SAL. Rather than provide funding for speculative increases that may in the end be overestimated, only known increases are recommended to be funded. The current recommendation will not utilize all of the funds available. As more increases become confirmed, staff and the Court Security Working Group will provide additional recommendations for funding to the council.

Updating the security standards when additional court security cost data has been provided, should more accurately reflect the changes in security costs for the courts. For example, some courts whose base security budgets are proposed to be set at the standard (based on the methodology discussed earlier) and therefore would receive no additional funding, may require additional funding once new standards are applied.

Alternative Actions Considered

Staff considered funding fiscal year 2005–2006 salary and benefit increases provided by the court and sheriff, regardless of whether they are ratified or not. However, because the only new funding available for security is that provided through SAL, it seems inappropriate to fund increases that may be overestimated. This would result in less funding available for all courts.

Security Costs for New Facilities

Twelve courts submitted 13 requests for security costs pursuant to the Staffing and Operating Expenditures for New Facilities process. The requests ranged from one court seeking only funding for perimeter screening equipment to another court seeking funding for 10 new security positions and equipment costs. Courts were informed in the survey materials that the security standards would be applied to their security requests for new facilities. It became apparent upon reviewing the requests that policy issues would have to be addressed before recommendations could be made to the Judicial Council regarding these requests. As an example, the current approved standards for all security staff except entrance screening and supervision take into consideration the judicial position equivalent (JPE) or adjusted judicial need (AJN) of the court. Neither of these measures of judicial workload change just because a new facility opens. What would be the justification for funding additional positions in certain functional security areas (courtroom, internal security, internal transportation, holding cells) when no change occurs in the JPE or AJN?

Another policy area that must be addressed before recommendations can be made concerns whether courts that had no entrance screening in their existing facility, should receive funding for entrance screening through this new facilities process, or if they should be required to wait for a process when all courts requests for establishment of new entrance screening will be considered. Should new or renovated facilities be treated differently than existing facilities with regard to entrance screening? The Trial Court Budget Working Group agreed with AOC staff that the Court Security Working Group is the more appropriate body to review and make policy recommendations to the Judicial Council in this priority area. The Trial Court Budget Working Group also believe that the funding for these security costs should be accommodated within the total amount of SAL funding for the Security program, rather than outside of the Security area, as the staff operating expenses are being handled.

Recommendation

AOC staff and the Trial Court Budget Working Group recommend that the Judicial Council:

15. Direct staff to return to the Judicial Council with recommendations from the Court Security Working Group for allocation of remaining funds after

all cost increases resulting from security NSIs, retirement and other benefits, and new facilities have been addressed; and

16. Approve the policy that allocation of any funding for security for new facilities opened in fiscal year 2004–2005 and 2005–2006 be provided from the same pool of security funding to be utilized for mandatory security cost increases.

Rationale for Recommendation

Staff and the Trial Court Budget Working Group believe that costs for new security for new facilities are still security costs and that they should all be paid for from the portion of money set aside out of SAL for security. If it is not, this will decrease the amount of funding available from SAL funding for Inflation and Workforce and Workload Growth and Equity distributions. These are both areas that have received uneven levels of funding, if any at all, in previous years.

As discussed above, there are several policy issues that need to be discussed with regard to review of the actual requests themselves. Both staff and the Trial Court Budget Working Group believe that the assistance of the Court Security Working Group is needed to determine what criteria should be used in reviewing the requests.

Alternative Actions Considered

Funding for this item could be provided separately from the regular security funding. However, as discussed above, this would reduce the level of funding available for other very important items to the court. For this reason, this alternative is not recommended.

Court Appointed Counsel

The fiscal year 2004–2005 baseline for court appointed council, including Family Code section 3150 (FC 3150) costs, was $85.392 million. For fiscal year 2005–2006, the statewide need for dependency alone is estimated at $99.056 million, resulting in a shortfall of $13.655 million.

In an attempt to determine the funding need, all trial courts were surveyed for an estimate of their fiscal year 2005–2006 dependency expenditures. Forty-nine courts returned the surveys, which were then aggregated together. For the nine courts that did not respond to the survey, staff used the estimated final fiscal year 2004–2005 expenditures as the projected need for fiscal year 2005–2006. Staff reviewed all estimates for reasonableness and contacted courts to verify numbers that appeared questionable.

Because dependency counsel costs are mandatory, while Family Code section 3150 costs are not, only those costs are included in the recommendation.

Recommendation

AOC staff and the Trial Court Budget Working Group recommend the following:

17. Approve $13.655 million ($5.5 million ongoing from SAL funding based on the SAL factor and $8.155 million one-time from reserves in the Trial Court Trust Fund) to be used to reimburse the costs of dependency counsel in fiscal year 2005–2006; and
18. Encourage courts to recover costs of dependency and FC 3150 cases whenever possible and appropriate and include the cost recovery as an abatement on Quarterly Financial Statements.

Rationale for Recommendation

If these mandated costs are not fully reimbursed to courts, courts will have to redirect resources that would otherwise be available to support other important programs or operations. Staff and the Trial Court Budget Working Group assert that, to the extent that funds are available, dependency costs should be reimbursed. However, only part of the shortfall is recommended to be addressed with ongoing funds because funds proposed to be used are excess reimbursable Jury funds. The council has previously expressed its intention to increase the juror per diem rate at some point in the future. Permanently redirecting the entire $13.655 million to Court Appointed Counsel, would limit the ability to fulfill this goal. Recovering costs and reporting them appropriately are fiscally sound practices that should be encouraged by all courts so that funds can be more efficiency used and the court's financial reports will accurately reflect their financial situation.

Alternative Actions Considered

The only alternative to redirecting other funding to address these costs was to not fund these increases and require courts to absorb their own increases within their existing budgets. The courts have inadequate resources to be able to fund these costs within their own budgets.

Jury

The amount of funding available to address reimbursable juror costs (per diem, mileage, and food and lodging for sequestered jurors for criminal jury trials and for civil jury trials where a waiver of payment of jury fees has been granted) is $33.9 million. This consists of the fiscal year 1996–1997 baseline funding of $17.0 million, plus $19.2 million that was received in the Budget Act of 2000 (Stats. 2000, ch. 52) to address the additional anticipated costs in changing the per diem from $5.00 per day starting with the first day, to $15.00 per day, starting with the second day of service. The available funding was reduced by $2.3 million due to a recent amendment to Civil Code section 215(b) that prohibits payment of jury fees to employees of public entities that receive regular compensation and benefits while performing jury service.

The implementation of the one-day/one-trial program and recent changes in the jury reimbursement process, including limiting reimbursement strictly to per diem, mileage, and meals and lodging for sequestered jurors in criminal cases and civil cases where waivers of jury fees have been approved and no longer reimbursing the courts where the county retains civil jury fees, have resulted in a reduction in the total amount of reimbursement to jurors. Because there is available jury funding, there is no need to apply the SAL factor to this program. The program can afford some reduction to be redirected to other areas where additional funding is needed. At its June 24, 2005 meeting, the Judicial Council approved the redirection of $675,000 in jury program funding on a one-time basis to address fiscal year 2005–2006 subordinate judicial officer retirement increase.

Recommendation

AOC staff and the Trial Court Working Group recommend that the Judicial Council:

19. Approve a permanent reduction of $52,537 in Jury funding beginning in fiscal year 2005–2006.

Rationale for Recommendation

As described above, sufficient jury funding is available to address current reimbursable jury needs. Reducing the jury funding to provide funding to address statewide needs in other areas appears reasonable. These funds have been used on a one-time basis over the last few years to address other needs, including one-time budget reductions.

Alternative Actions Considered

No specific alternatives were considered.

Processing of Elder Abuse Protective Orders

Assembly Bill 59 (Stats. 1999, ch. 561) authorized elders and dependent adults to seek emergency protective orders to protect them from non-relative cohabitants under the Domestic Violence Protection Act (DVPA) for non-financially related abuses. It also created a new protective order for elder and dependent adult abuse which includes financial abuse. The Budget Act of 2000 (Stats. 2000, ch. 52) provided $1.175 million to address court workload associated with the processing of these orders. It also required that any funding not used for the specified purpose was to revert to the State General Fund.

As specified by Assembly Bill 59, the Judicial Council approved form EA-100 – Petition for Protective Orders (Elder or Dependent Adult Abuse) – effective April 2000. Beginning with fiscal year 2001–2002, courts have been required, on a quarterly basis, to provide AOC staff with the number of EA-100 forms filed with

them. Courts have been reimbursed in the amount of $185 for each filing. The total funding allocated to the trial courts for this purpose over the past four years is displayed below.

Fiscal Year	No. of Filings	Amount Allocated	Balance
2001–2002	1,073	198,505	976,495
2002–2003	1,110	205,350	969,650
2003–2004	1,198	221,630	953,370
2004–2005 (3 qtrs.)	1,017	275,000 (est full year cost)	900,000

Provisional budget control language requiring reversion of unused funds to the State General Fund is not included in the 2005 Budget Act. AOC staff and the Trial Court Working Group recommend that a major portion of these unused funds should be directed, on a permanent basis, to address shortfalls in other program areas.

Recommendation

AOC Staff and the Trial Court Working Group recommend that the Judicial Council:

20. Approve a permanent redirection of $875,000 of the $1.175 million base funding for Processing Elder and Dependent Adult Abuse Protective Orders to be used for other program areas.

Rationale for Recommendation

As with Jury, sufficient funds exist in the program to address the level of current need. Making the excess funds available on a permanent basis to address statewide needs seems reasonable.

Alternative Actions Considered

No specific alternatives were considered.

Civil Case Coordination

Civil case coordination allows two or more civil cases that share common questions of fact or law and that are pending in different counties to be joined in one court. The actions that are coordinated can be noncomplex or complex. Noncomplex actions are coordinated by means of a motion made directly to the destination court, where one of the actions is already pending. To coordinate complex actions, a petition to coordinate is submitted to the Chair of the Judicial Council, who assigns a judge to decide the merits of the petition. If coordination is granted by the assigned motion judge, the Chief Justice assigns a trial judge.

The AOC handles administrative activities related to petitions for coordination. This includes processing an assigned court's claim for reimbursement of costs associated with managing coordinated cases. The state reimburses for the expenses of the assigned judges and other necessary judicial officers and employees, as well as the cost of facilities. The state pays these costs from funds appropriated to the Judicial Council. The costs for the program over the past several years are indicated in the table below.

Final Costs FY 00–01	**Final Costs FY 01–02**	**Final Costs FY 02–03**	**Final Costs FY 03–04**	**Projected Costs FY 04–05**	**Projected Costs FY 05–06**
708,925	613,285	583,122	800,203	727,083	782,680

The base budget for civil case coordination is $400,000. From fiscal year 2000–2001 to 2004–2005, AOC program staff have either requested deficiency funding from the DOF, or utilized one-time year end savings to meet the cost of the claims. With the implementation of SAL, deficiency funding is no longer available. In order to determine the appropriateness of the claims being filed, during the current year, AOC staff plan to examine the civil case coordination funding that is being allocated to the courts to make sure that they are not also being reimbursed for some of the same costs through other program areas, such as Jury. For this reason, a recommendation to redirect funding to this program is made on a one-time basis for fiscal year 2005–2006 only.

Recommendation

AOC staff and the Trial Court Budget Working Group recommend that the Judicial Council:

21. Approve, on a one-time basis for fiscal year 2005–2006, the allocation to the Civil Case Coordination Program of an additional $385,000 from reserves in the Trial Court Trust Fund.

Rationale for Recommendation

While staff will be examining the actual costs that are being reimbursed to make sure that it is being done appropriately, it is evident that some level of additional funding is needed for this program area. The previous recommendations, if approved, will free up additional funding which could be redirected to this program area. Until staff has a better idea of the future level of funding needed in this area, this recommendation is made on a one-time basis for fiscal year 2005–2006.

Alternative Actions Considered

Because the use of deficiency requests is no longer available, there are no other alternative sources of funds available to use for this purpose. If no additional

funds are provided, courts would be required to absorb these costs within their existing operating budgets.

Scheduled Reimbursement and Local Assistance Programs

Interpreters

In accordance with the provisions of Senate Bill 371 (Stats. 2001, ch. 1047), a large number of court interpreters, which had previously been predominately contract or per diem staff, became court employees or Court Interpreter Pro Tems (CIPTs). In fiscal year 2004–2005, funding was included in the 2004 Budget Act to address salary-driven benefits for these positions, including Social Security, Medicare, and unemployment insurance. Non-salary driven benefits, such as health care, were not mandatory and have not been funded. Bargaining negotiations on behalf of the interpreters are currently underway in the four interpreter regions. Benefits are an issue in the bargaining. The Trial Court Budget Working Group discussed this issue at length and approved a recommendation from the Court Executives Advisory Committee that (1) court interpreter wages be based on the current $265 per day, (2) court interpreter benefits be based on the employer cost of local benefit packages, and (3) due to the funding shortage, no SAL funding be allocated statewide to fund discretionary costs associated with the Court Interpreter Program.

In an effort to identify the funding that could be necessary to address these new benefit costs, AOC staff contacted the courts to have them identify (1) the number of CIPTs that will be subject to negotiated increases that they estimate will be hired in fiscal year 2005–2006, (2) the total number of interpreter employees that will qualify for benefits, and (3) the estimated cost of those benefits. Using these figures, information regarding the level of benefits already being provided to court employees, and an estimated annual salary for interpreters of $68,900, staff determined that approximately $14.996 million will be needed to fund these increased costs. The total base budget for the Court Interpreter Program is $67.735 million. Applying the adjusted SAL growth factor results in additional funding for this program in the amount of $4.362 million. The remaining funding need of $10.634 million in fiscal year 2005–2006 is required to be provided through Provision 8 funding and additional allocation of SAL funding.

Recommendation

AOC staff and the Trial Court Budget Working Group recommend that the Judicial Council take the following actions with regard to the Court Interpreter Program:

22. Approve a $14.996 million increase to the Court Interpreter budget to be used to reimburse the cost of the Court Interpreter program in fiscal year 2005–2006.

Rationale for Recommendation
As mentioned previously, the interpreter regions are currently in the midst of bargaining. It is inevitable that their negotiations will include the provision of benefits. These are costs that the courts will be required to pay. Providing adequate funds for this purpose is very important. Staff believe that it is reasonable to apply the adjusted SAL growth factor, the same that is recommended for Security, to the total Court Interpreter budget and utilize other ongoing funds that are available through Provision 8 and additional SAL funding, and that these funds be directed to be used for this purpose.

Alternative Actions Considered
No alternatives were considered.

Other Scheduled Reimbursement and Local Assistance Programs
This category includes the following program areas: Extraordinary Homicide Trials, Prisoner Hearings, Service of Process for Protective Orders, and Other Local Assistance, including Drug Courts, CASA, Model Self-Help Programs, and Family Law Information Centers. Funding has been made available over the past years, either through budget act funding or other sources, to assist the courts with costs in these program areas. These are scheduled items in the state budget that will automatically be increased by the SAL adjustment.

AOC staff and the Trial Court Budget Working Group recommend that the Judicial Council:

23. Approve the application of the SAL growth factor (6.64%) to each of the following program areas: Extraordinary Homicide Trials, Prisoner Hearings, Services of Process for Protective Orders, and application of the adjusted SAL growth factor (6.44%) to Drug Courts, Court Appointed Special Advocate (CASA), Model Self-Help Program, and Family Law Information Centers.

Rationale for Recommendation
The language in the Budget Act of 2005 requires the application of the full SAL growth factor to the Extraordinary Homicide Trials, Prisoner Hearings, and Services of Process for Protective Orders programs. However, no such restriction applies to the other reimbursement and local assistance programs. Just as with Security, it appears reasonable to staff and the Trial Court Budget Working Group to apply the lower effective SAL growth factor to these other programs, rather than the full amount. This will allow for regular program expansion in these areas, which they have not had in the past.

Alternative Actions Considered
No alternatives were considered as the level of increase for some of the program areas is mandated in the budget language.

Comments from Interested Parties
As mentioned throughout the report, the Trial Court Budget Working Group was brought together on several occasions (the most recent of which was July 12), during the development of the SAL allocation process to provide subject matter expertise and to assist in the development of recommendations. In addition, AOC staff discussed the SAL allocation process with representatives of employee unions to explain to them how the process would work and to seek their comments. Several revisions to the template and methodology were made based on these discussions. The Court Executives Advisory Committee also provided input to the working group regarding court interpreter issues.

Implementation Requirements and Costs
There are no additional funds needed to implement these recommendations.

Attachments

Calculation of SAL Allocation For
FY 2005-2006

Attachment 1

	A	B		C		D		E
	Base Budget & SAL Factors							
		Base Budget						
1	**Court Allocations (Excluding Security)**	$ 1,455,711,585						
2	**Security**	376,000,440						
3	**Reimbursement & Local Assistance Funding**	198,448,442						
4	**Totals**	$ 2,030,160,467						
5	**SAL Factor:**							
6	**Inflation & Workforce**	5.17%						
7	**Workload Growth & Equity**	1.27%						
8	**Total SAL Factor**	6.44%						

	SAL Funding Allocation Calculations							
9	**Total SAL Adjustment Funding**	$ 130,703,000						
10	**Plus Funding from Trial Court Trust Fund**	5,500,000						
12	**Less Security Funding**	(24,214,428)						
13	**Total Funds Available for Allocation**	$ 111,988,572						
14	**Less:**							
15	**Retirement Funding for Rate & Plan Changes**	(20,707,815)						
16	**Interpeter Benefits Above SAL**	(10,633,428)						
17	**Trial Court Staffing & Operating Expenses for New Facilities**	(784,977)						
18	**Net SAL Adjustment Funding**	$ 79,862,352						
19	**Net SAL Funding Adjustment**	$ 79,862,352	=	4.8280%		% of Funding Increase on Base Budget (Excluding Security)		
20	**Total Base Budget (excluding Security)**	$ 1,654,160,027						
21	**Workforce and Inflation Factors**	5.17%	=	80.2795%		Workforce & Inflation as % of Total SAL		
22	**Total SAL Factor**	6.44%						
23	**Workload Growth & Equity Factor**	1.27%	=	19.7205%		Workload as % of Total SAL		
24	**Total SAL Factor**	6.44%						
25	**Adjusted Inflation & Workforce Factor**	4.8280%	X	80.2795%	=	3.8759%		
26	**Adjusted Workload Growth & Equity Factor**	4.8280%	X	19.7205%	=	0.9521%		

	SAL Funding Allocations	**Base Budget**		**Inflation & Workforce (3.88%)**		**Workload Growth & Equity (0.095%)**		**Total SAL Adjustment Funding**
27	**Court Allocations (Excluding Security)**	$ 1,455,711,585		$ 56,421,495		$ 13,859,826		$ 70,281,320
28	**Reimbursement & Local Assistance Funding**	198,448,442		7,691,604		1,889,427		9,581,032
29	**Totals**	$ 1,654,160,027		$ 64,113,099		$ 15,749,253		$ 79,862,352

TRIAL COURT
SAL GROWTH FACTOR
ALLOCATION TEMPLATE

ADJUSTED SAL GROWTH FACTOR		SAL GROWTH FACTOR
		Inflation
Inflation & Workforce	3.8759%	Workload, Equity & Pay Parity
Workload Growth & Equity	0.9521%	Workforce
Total Adjusted SAL Growth Factor	4.8280%	Total SAL Growth Rate

	A	B
	Base Budget Amount	SAL/Other Factor
2005-2006 SAL FUNDING ADJUSTMENT	**$2,030,160,467**	6.44%
Plus Excess Funds from Trial Court Trust Fund		
Transfer From Trial Court Trust Fund to Trial Courts		
Transfer To/From Trial Court Employee Retirement Account		
TOTAL FUNDS AVAILABLE FOR ALLOCATION		
I. FUNDING BASED ON ACTUAL COSTS:		
A. Retirement Funding For Rate & Plan Changes		
B. Interpreter Benefits Above SAL		
C. Trial Court Staffing & Operating Expenses for New Facilities		
TOTAL FUNDING BASED ON ACTUAL COSTS		
FUNDS AVAILABLE FOR ALLOCATION TO COURTS:		
II. Court Allocations (Excluding Security)		
A. Inflation & Workforce	1,455,711,585	3.88%
B. Workload Growth & Equity	1,455,711,585	0.95%
TOTAL COURT ALLOCATIONS (EXCLUDING SECURITY)		
III. Security	376,000,440	6.44%
IV. Trial Court Reimbursement & Local Assistance Funding		
A. Unscheduled Reimbursement Programs		
1. Court Appointed Counsel	85,391,724	6.44%
2. Jury	33,880,718	
3. Processing of Elder Abuse Protective Orders	1,175,000	
4. Civil Case Coordination	400,000	
B. Scheduled Reimbursement & Local Assistance Programs		
1. Interpreters		
a. SAL Growth Factor	67,735,000	6.44%
2. Extraordinary Homicide Trials	254,000	6.64%
3. Prisoner Hearings	2,556,000	6.64%
4. Services of Process for Protective Orders	3,000,000	6.64%
5. Other Local Assistance		
a. Drug Courts	1,000,000	6.44%
b. CASA	1,924,000	6.44%
c. Model Self-Help Program	832,000	6.44%
d. Family Law Information Centers	300,000	6.44%
TOTAL TRIAL COURT REIMBURSEMENT & LOCAL ASSISTANCE PROGRAMS	$ 198,448,442	
TOTAL FUNDING ALLOCATED TO COURTS		

*** SAL adjustment amount rounded to nearest thousand by Department of Finance**

Attachment 3

PROPOSED ALLOCATION OF SAL FUNDING TO TRIAL COURTS

Court System	FY 2005-2006 Base Budget	Retirement Rate and Plan Changes		Staffing and Operating Expenses for New Facilities (To Be Allocated on a Reimbursement Basis)		Inflation and Workforce	Workload Growth and Equity	Security				Potential FY 2005-2006 Base Budget* (A:K)
								SAL		Unallocated FY 2004-05 Funding		
		Ratified FY 2005-06	Non-Ratified FY 2005-06	FY 2005-06 One-Time	FY 2005-06 Ongoing			Final	Pending	Final	Pending	
	A	B	C	D	E	F	G	H	I	J	K	L
Alameda	94,699,585	-	859,573			2,944,015		-	-	-	-	98,503,172
Alpine	433,703	5,922	-			19,193		-	-	-	-	458,818
Amador	2,346,034	57,149	-			77,938		-	-	-	-	2,481,121
Butte	8,574,383	99,139	-	300,864	50,176	288,338			123,035		76,767	9,512,702
Calaveras	1,749,154	50,601	-			59,170	122,059	15,309		-	-	1,996,292
Colusa	1,242,250	-	-			44,324	78,530	-	-	-	-	1,365,104
Contra Costa	46,329,426	717,049	-			1,323,002			1,039,160		201,079	49,609,716
Del Norte	2,233,295	54,645	-			80,608	46,034	-	-	-	-	2,414,581
El Dorado	8,483,431	131,680	-			241,252		-	-	-	-	8,856,363
Fresno	39,905,518	-	342,172		190,513	1,191,101	464,959	-	-	-	-	42,094,263
Glenn	1,669,553	24,726	-			58,035	109,996	-	-		31,623	1,893,933
Humboldt	5,920,324	124,367	-			194,910		-	-	-	-	6,239,601
Imperial	6,194,799	42,410	-			216,702	384,783		216,786		67	7,055,547
Inyo	1,855,118	-	-			65,786	76,404		4,599		736	2,002,643
Kern	35,140,644	1,639,902	-			1,054,924		-	-	-	-	37,835,470
Kings	5,699,562	76,431	-			195,693	90,673		269,637		2,651	6,334,646
Lake	2,426,011	37,240	-			87,287	334,031		113,706		503	2,998,778
Lassen	1,420,268	31,934	-			48,585	290,074	-	-	-	-	1,790,862
Los Angeles	548,386,077	-	3,137,160		36,672	15,710,536			2,038,054		1,405,259	570,713,758
Madera	4,525,481	-	121,391			170,610	398,325	-	-	-	-	5,215,807
Marin	16,531,360	181,360	-			550,675		-	-	-	-	17,263,395
Mariposa	757,386	10,365	-			27,941	99,388	-	-	-	-	895,080
Mendocino	5,484,237	-	57,966			174,295			217,779		11,499	5,945,777
Merced	7,629,451	-	80,213			220,011	1,373,565	67,008		31,248		9,401,496
Modoc	663,624	-	-			25,240	30,570		22,885	-	-	742,319
Mono	1,199,113	-	9,521			46,360			43,567		762	1,299,322
Monterey	16,167,249	296,096	-	-	-	517,105	236,673		339,802		21,964	17,578,889
Napa	8,517,819	80,897	-	82,571	10,648	259,159		-	-		-	8,951,094
Nevada	4,634,479	42,974	-			151,325		-	-		-	4,828,779
Orange	156,073,441	4,476,085	-			4,633,700			3,592,181		151,712	168,927,119
Placer	10,884,992	114,244	-	1,516,250	-	325,233	1,315,239	177,296		33,339		14,366,593
Plumas	1,518,185	-	-			55,060			-		-	1,573,245
Riverside	72,800,583	473,876	-	908,360	2,000	2,287,976	1,170,370		-		-	77,643,165
Sacramento	79,972,069	-	-		182,650	2,404,624			-		-	82,559,343
San Benito	1,687,051	40,684	-			59,691	302,943		38,855		2,632	2,131,856
San Bernardino	77,688,275	1,393,261	-			2,258,625	3,292,402		115,750		53,210	84,801,523
San Diego	167,694,789	79,657	-			5,311,602			-		-	173,086,048
San Francisco	65,110,385	750,584	-			2,139,481			351,114		17,930	68,369,493
San Joaquin	23,849,689	272,494	-			714,190	1,496,181	459,623		222,460		27,014,637
San Luis Obispo	13,694,650	19,529	-			433,344			-	68,137		14,215,659
San Mateo	39,488,875	(120,280)	-	-	-	1,224,501			309,248		149,632	41,051,976

PROPOSED ALLOCATION OF SAL FUNDING TO TRIAL COURTS

Santa Barbara	22,669,535	259,913	-			697,722			58,554		117,764	23,803,488
Santa Clara	99,379,414	2,889,617	-			2,897,997			-		-	105,167,028
Santa Cruz	13,547,732	36,780	-			423,131			-		-	14,007,642
Shasta	8,019,694	195,085	-			256,824	456,486		-		-	8,928,089
Sierra	384,852	4,403	-			17,449		1,547		31		408,282
Siskiyou	4,164,050	67,407	-			135,680			52,271		-	4,419,408
Solano	21,374,726	-	-	133,086	32,292	649,116			40,513		52,700	22,282,433
Sonoma	23,399,984	-	158,575	95,165	72,927	703,344		554,351		92,878		25,077,225
Stanislaus	16,113,027	-	(41,680)			507,117	677,245		455,230		24,566	17,735,506
Sutter	3,809,604	137,726	-			129,684	63,959		-		-	4,140,973
Tehama	3,218,733	80,558	-			113,963	1,596	31,059		1,325		3,447,234
Trinity	1,002,375	7,713	-			34,416	15,354	56,985			-	1,116,844
Tulare	14,671,707	667,031	-			443,550	765,396		-		-	16,547,684
Tuolumne	3,074,993	27,983	-			107,336			-		-	3,210,312
Ventura	35,836,579	262,632	-	-	207,100	1,043,725			-		-	37,350,036
Yolo	8,765,312	141,055	-			248,441	118,477		-		93,110	9,366,395
Yuba	3,412,858	-	-			119,854	48,114		-		1,338	3,582,164
Total:	**1,874,127,493**	**15,982,925**	**4,724,889**	**3,036,296**	**784,978**	**56,421,494**	**13,859,826**	**1,363,178**	**9,442,726**	**449,418**	**2,417,504**	**1,982,610,728**

* All courts will receive allocation of any new funding contained in columns B, F, G, H, and J. Courts will receive funding, in a later allocation, of up to the level in column C when the AOC is notified of ratified increases; up to the levels in columns D and E when AOC is notified of ratified increases; and up to the levels in columns I and K if the costs reported on the security costs forms are confirmed by the courts and sheriffs.

ATTACHMENT 4

Resource Allocation Study
Overview of the Interim Final Report

Executive Office Programs Division
Office of Court Research
Administrative Office of the Courts

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Resource Allocation Study
Overview of the Interim Final Report

Executive Summary

In 2000 the Administrative Office of the Court's (AOC's) Office of Court Research was directed to develop workload measures for non-judicial staff in the trial courts. The goal of this project is to develop a method for allocating resources to the trial courts that takes into account workload.

This report documents the methodology underlying the workload measures that have been developed. It discusses the purposes for which these are currently being used and future research that will be conducted on this project. The Office of Court Research directed this project in collaboration with consultants from the National Center for State Courts. Court Executive Officers and staff from 16 trial courts contributed generously to the project through their participation in a time study and as members of the Resource Allocation Study Working Group.

The workload measures developed through this study include the following:

- Case weights for 15 case types to provide filings-based workload estimates of central clerk staff;
- Ratios of staff per judicial officer for court reporters, legal researchers, judicial secretaries and courtroom clerks to provide workload estimates for these judicial-officer support staff;
- Estimates of supervisory, managerial, and administrative staff to allow for the evaluation of the full complement of staff necessary to trial court operations.

With these measures it is possible to create a model of how many staff all of the Superior Courts would have if they were staffed according to their workload. Using these numbers, the actual resources available to the courts may then be compared to the Resource Allocation Study model numbers allowing for the ranking of courts according to their relative need for resources.

The next step in the process will be to develop performance standards that can begin to incorporate measures of quality of case processing into the Resource Allocation Study model so that resources may be directed toward encouraging both efficient and effective case processing.

Background

In 2000 the Office of Court Research (OCR) was directed to develop workload measures for non-judicial staff in the trial courts. Preliminary work with the National Center for State Courts (NCSC) resulted in two reports in 2002: one on the need for central clerk staff, the other on the need for judicial officer support staff. These reports provided estimates of the number of staff per judicial officer for both direct support of judicial officers and for central clerk staff and recommendations for increasing these numbers.

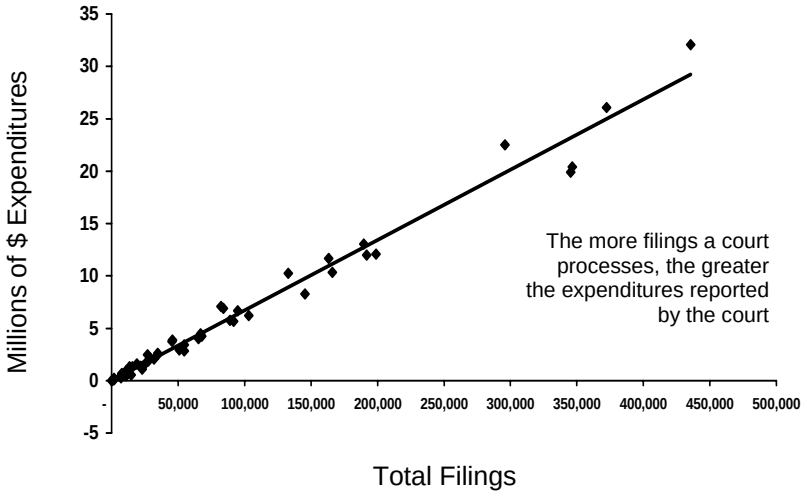
Because these two categories of staff are not mutually exclusive, however, it was not possible to combine the two studies into a single number that would represent the entire court's workload. It was necessary, therefore, to conduct a more comprehensive study of the workload of non-judicial staff.

The Resource Allocation Study

An underlying premise of this study is that workload measures would rely on available data that is collected across all trial courts so that the measures can be easily maintained and adapted over time. After evaluating various sources of data available across all trial courts, project staff determined that there is a strong, positive relationship between the number of filings courts process and the resources they use. Figure 1 shows the relationship between the total filings in the trial courts and total expenditures.

Additional research was conducted using the financial data submitted by the trial courts. An evaluation of the average cost per case reported by trial courts across the seven case types used in the program budget structure found that preliminary weights could be developed for the following case types: traffic and other infractions, other criminal, civil, mental health probate & guardianship, family, dependency, delinquency.

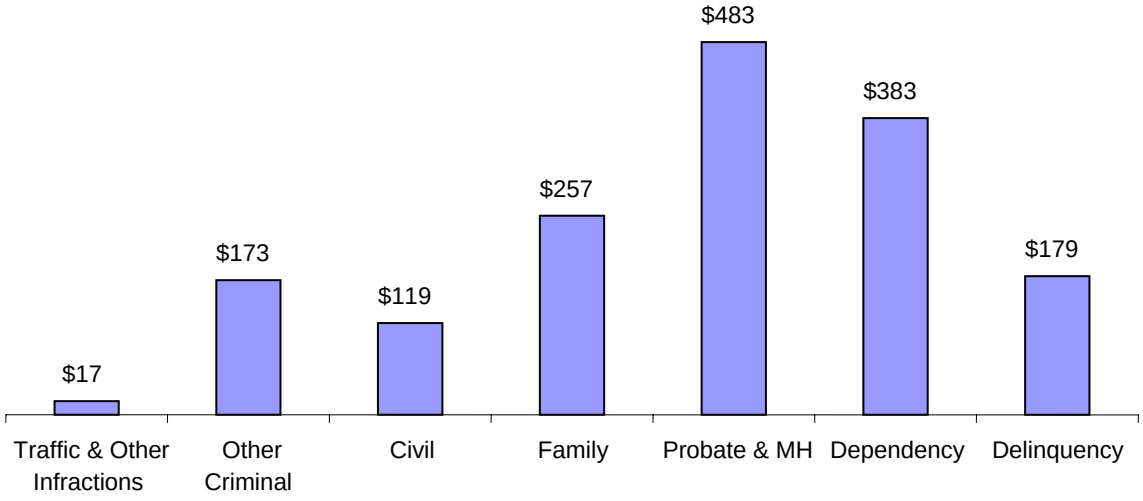
Figure 1 *



** Excludes Los Angeles, Orange & San Diego to show detail on other courts.*

Work on the Resource Allocation Study (RAS) began using these numbers. As shown in Figure 2, the average budgeted dollar per traffic & other infraction filing was the lowest among the seven case types and the average budgeted dollar per probate and dependency filings were among the highest. Both of these findings were consistent with the experience of court staff and administrators.

Figure 2: Average Cost Per Case Reported by Trial Courts



By themselves, however, these figures did not provide any detail regarding the type of staff or the functions being performed in case processing. It was determined that a time study would be useful to validate the cost-per-filings averages and to provide additional detail on the functions that staff perform while processing different case types.

Nine courts participated in a time study that was conducted in September of 2003. These courts represented small, medium and large courts. These nine courts also included a mix of courts that appeared to spend on average more than and less than the statewide averages found in the evaluation of the program budget structure. The nine courts were:

Table 1: Time Study Courts

- Amador
- Calaveras
- Los Angeles
- Sacramento
- San Bernardino
- San Joaquin
- San Mateo
- Shasta
- Stanislaus

Over 3,000 staff recorded the time that they spent on all phases of case processing from initial filing through final disposition over the course of a two week time study. Estimates of the time spent by another 2,000 staff in Los Angeles were developed through an evaluation of staffing patterns and job functions. Following the case types used in the program budget structure, staff recorded the amount of time they spent on case processing into one of the seven case types shown in Figure 2. In order to capture additional detail, trial court staff also recorded the type of work they performed. such as "records management," "courtroom support," "legal research," and "dispute resolution, mediation & evaluation services."

Based on the time study, staff created new case weights for the seven categories of filings used in the program budget and determined that the time study validated the accuracy of the average cost per filing estimates. Table 2 compares the two sets of number by setting the value of the traffic & other infractions category equal to one. Every other category, then, becomes a multiplier of the cost or the amount of time required to process the traffic & other infraction category of filing. For example, the average cost of processing civil

cases is 7.02 times the average cost of processing a traffic case while the average amount of time spent processing a civil case is 7.8 times the average cost of processing a case in the traffic category.

The comparison of the two sets of data revealed the following:

- Traffic & other infractions filings were the least expensive and the least time consuming case type to process;
- Probate, mental health & guardianship filings were the most expensive and most time consuming case types to process;
- Civil filings, probate mental health & guardianship filings, dependency, and delinquency filings were all very similar measured as the amount of time or the amount of dollars budgeted for case processing;
- The categories of other criminal and family filings were not as similar across the two data sets.

Table 2: Comparison of Case Weights Based on Average Cost per Filing and Time Study

	Cost Ratios	Time Ratios
Traffic & Other Infractions	1.00	1.00
Other Criminal	10.21	16.24
Civil	7.02	7.80
Family	15.12	9.16
Probate, MH & Guardianship	28.43	26.18
Dependency	22.56	25.75
Delinquency	10.53	10.09

These preliminary findings were presented to the Judicial Council in an Issues Meeting in February of 2004. At that meeting it was determined that the study should include a more detailed set of case types, in particular to measure the differences in the workload within the civil and other criminal case types.

During the spring and summer of 2004, project staff conducted site visits to a number of the time-study courts to begin collecting data on local practices that would inform the creation of more detailed case weights.

In order to create finer distinctions among case types, staff determined that additional input beyond the nine time study courts would be necessary. In September, 2004, project staff convened the Resource Allocation Study Working Group made up of the nine time-study courts plus an additional seven courts to provide input and guidance on the development of additional case weights. Court executives from the following courts make up the RAS Working Group:

Table 3: Resource Allocation Study Working Group Courts

- Alameda
- Amador
- Butte
- Calaveras
- El Dorado
- Fresno
- Kern
- Los Angeles
- Sacramento
- San Bernardino
- San Joaquin
- San Mateo
- Shasta
- Stanislaus
- Ventura
- Yolo

Meeting with members of the RAS Working Group in September, 2004, staff evaluated the availability of filings data and discussed the types of cases that should be logically distinguished from one another. The group settled on a list of 15 case types for which case weights would be constructed. The 15 case types are shown in Table 4, the weights for these case types are shown in Table 5.[1]

Members of the RAS Working Group agreed to send supervisory-level line staff to three days of meetings in October to construct the case weights for these case types. A Delphi / focus-group methodology was used to construct these weights because a time study is not appropriate when the distinctions between case types are so fine that staff have difficulty

[1] An evaluation of time-study data on infractions revealed a clear difference between the amount of time spent on this case type in large and small courts. Using this data, project staff created two separate infraction weights, one for courts with fewer than 75,000 infractions filings, and one for courts with more than 75,000 infractions filings. See Table 5 on page 9.

recording the actual amount of time used. The key to this process is identifying where it is possible actually to measure the differences in the amount of time required for case processing. For example, while civil unlimited cases require more staff time to process than civil limited cases, at different phases of the work it is not always possible to measure exactly how much time is spent of the different types of cases. Staff working in records management may not make any distinction between civil and criminal – let alone between unlimited and limited civil cases – when they are archiving and retrieving case files. This makes it necessary to estimate the differences on the basis of the experience of experts.

Table 4: Fifteen Case Types Weighted from Delphi Focus Groups

Infraction	Mental Health
Misdemeanor	Dissolution
Felony	Child Support
Small Claims	Domestic Violence
Unlawful Detainer	Other Family
Limited Civil	Juvenile Delinquency
Unlimited Civil	Juvenile Dependency
Probate & Guardianship	

Prior to meeting with these staff, participating courts were sent spread sheets specifying an entire range of case processing activities associated with the 15 case types and asked to estimate the amount of time required for each activity and the frequency of these activities. Supervisory level staff from the trial courts then met at the AOC for three full-days to evaluate, revise, and come to consensus on the correct amount of time required for each task. These estimates were then combined to create the full case weights shown in Table 5.

The RAS Working Group met in December 2004 to review and finalize the case weights created from the Delphi focus groups. At that meeting it was determined that the RAS model estimates would be more accurate if they could include a number of modifications including:

- Distinguishing between judicial officer support staff and central clerk staff so that the workload of central clerk staff is determined by filings while the work of certain judicial officer support staff is determined as a ratio of staff per judicial officer;
- Creating an adjustment factor for the smallest courts in the state to take into account diseconomies of scale;
- Creating a factor in the model that takes into account the number of court locations.

Project staff worked with the time-study and Delphi focus group data to isolate the amount of time spent on case processing by court reporters, judicial secretaries, legal research and courtroom clerks. The result of this analysis was the removal of these four job classifications from the filings-based weights and the creation of ratios estimating the number of these staff per judicial officer.

Project staff also conducted an evaluation of differences in filings by size of court and an evaluation of the impact of the number of locations on staff estimates. The analysis of filings data by court size revealed that the variation in the number of cases filed each month in the smallest courts – courts with fewer than 30 Full Time Equivalent (FTE) staff – is much larger than the variation in filings the larger courts. Monthly filings fluctuate from between 20 and 50 percent in the smallest courts whereas in the larger courts the fluctuations rarely reach 20 percent. On the basis of this, staff built in a 20 percent "buffer" to provide a cushion for the smallest courts. Staff determined that it is not currently possible to build a factor into the model that takes into account the impact of the number of locations on court size due primarily to data limitations.

The RAS Working Group met again in early April 2005 to discuss the modifications to the model. Although the Working Group approved the creation of ratios of staff to judicial officers and the small-court adjustment, members of the group expressed concerns about the ratios of supervisory, managerial, and administrative staff. These

ratios were based on data reported to the Finance division through the Schedule 7-A Salary & Positions worksheets.

An examination of the data identified a number of courts whose ratios of supervisors to line staff were outside of the norm. Staff contacted these courts to confirm the numbers. In addition, the Finance division conducted trainings on position management and received new Schedule 7-A data that allowed for the revision of these numbers.

Table 5 displays the current RAS model presented to and approved by both the RAS Working Group and the Trial Court Budget Working Group. The number of staff that each court would have if they were staffed according to these measures is shown in Appendix 2.

Table 5: Resource Allocation Study Model

Standards		
Staff Work Year Standard (Minutes)	96,300	minutes/FTE/year
Central Clerk Services Workload Standards		
Infractions		
Small Court (Infractions < 75,000)	51.75	minutes/filing
Large Court (Infractions > 75,000)	34.00	minutes/filing
Felony	310.61	minutes/filing
Misdemeanor	221.71	minutes/filing
Unlimited Civil	532.07	minutes/filing
Limited Civil	281.76	minutes/filing
Unlawful Detainer	110.51	minutes/filing
Small Claims	96.81	minutes/filing
Probate & Guardianship	722.43	minutes/filing
Mental Health	722.43	minutes/filing
Dissolution	308.71	minutes/filing
Child Support	354.53	minutes/filing
Domestic Violence	161.32	minutes/filing
Other Family	161.32	minutes/filing
Dependency	604.98	minutes/filing
Delinquency	217.32	minutes/filing
Judicial Officer Support Staffing Ratios		
Courtroom Support (JPE/AJN % Gap < 25%)	1.39	smaller of JPE or AJN
Courtroom Support (JPE/AJN % Gap > 25%)	1.65	smaller of JPE or AJN
Court Reporter	0.89	smaller of JPE or AJN
Judicial Secretary	0.12	smaller of JPE or AJN
Legal Research	0.24	AJN

Utilization of the Resource Allocation Study Model

OCR staff have worked closely on this project with staff from the Statistical Information Unit of the Information Systems division and with Finance division staff to ensure that 1) the data used in this project are as accurate as possible and, 2) that the model provides a method to evaluate the relative need of the trial courts to inform the budget allocation process.

project will meet the needs of policy makers. The most immediate policy use of the model is to rank the trial courts for purposes of evaluating relative need and to use this information to inform budget allocations.

In June and July of 2004, OCR staff worked with the Finance division of the AOC to use a preliminary version of the model based on the seven case weights from the time study. These weights were used to rank the courts by workload to determine which courts would be least able to withstand a reduction in their fiscal year 2004–2005 budget. As a result of this work, the budget reductions were not allocated on a pro-rated basis. Instead, the size of the reduction that each court received depended also on how much the court's budget was over or under the RAS model estimates. Courts whose budgets were the furthest below the RAS model estimates took a proportionally smaller cut than courts whose budgets were above the RAS model estimates.

Incorporating Performance Standards into Resource Allocation

The RAS model creates workload standards that make it possible to rank and prioritize resource need in the trial courts. The model does not, however, currently include measures of the quality of the case processing. Courts are assumed to be processing cases to the best of their ability with existing resources. But the data do not currently permit an evaluation of the quality of case processing associated with the workload measures

The next phase of work on this project will be to establish where the case weights are appropriate and where they may need to be adjusted to take into account the quality of case processing.

The AOC has contracted with consultants from the NCSC who are familiar with this project and with the development of performance measures to begin work on the next phase of this project. Project staff will evaluate the application of the CourTools to a group of pilot courts in California to determine the feasibility of incorporating these ten trial court performance standards into the RAS model.

The CourTools, developed by the NCSC, are a refinement of the Trial Court Performance Standards. The CourTools represent a limited, practical set of performance measures that may be used to determine how well courts are performing and they include:

Table 6: NCSC CourTools Performance Indicators[2]

1. Access and Fairness	6. Reliability and Integrity of Case Files
2. Clearance Rate	7. Collection of Monetary Penalties
3. Time to Disposition	8. Effective Use of Jurors
4. Age of Active Pending Caseload	9. Court Employee Satisfaction
5. Trial Date Certainty	10. Cost per Case

To supplement the research on the applicability of the CourTools to the RAS model, OCR staff have also contracted with four other consulting groups to conduct more exploratory projects to evaluate:

1. Data quality in two small courts
2. Case processing practices in a single case type in a large urban court
3. Criminal case processing data
4. Conservatorship case processing

[2] *See http://www.ncsconline.org/D_Research/CourTools/tcmp_courttools.htm*

Appendix 1: Resource Allocation Study Project Overview

- Spring, 2003: Contract with National Center for State Courts to develop measures of non-judicial staff workload;

- Summer, 2003: Development of time-study data collection tools, recruitment of pilot courts for time study, training of court staff to participate;

- September, 2003: Time study in nine pilot courts;

    - Case weights developed for seven case types and presented to time-study courts.

Nine Pilot Courts Participating in Time Study	Seven Case Types Weighted from Time Study
Amador	Traffic & Other Infractions
Calaveras	Other Criminal
Los Angeles	Civil
Sacramento	Probate, Mental Health & Guardianship
San Bernardino	Family Law
San Joaquin	Juvenile Delinquency
San Mateo	Juvenile Dependency
Shasta	
Stanislaus	

- January, 2004: Presentation to Judicial Council at issues meeting:

- July, 2004: Case weights used by AOC Finance Division to assist in the allocation of budget reductions to the trial courts;

- September, 2004: Resource Allocation Study Working Group formed to provide additional input, oversight and guidance to project;

- October, 2004: "Delphi" focus groups conducted with supervisory staff from Working Group courts to establish additional case weights;

- December, 2004: Meeting with Resource Allocation Study Working Group to review case weights for 16 case types;

- January, February, March, 2005: Additional refinement of model based on recommendations of Working group:

    - Separation of "central clerk" weights from judicial-officer support staff ratios;
    - Development of "small-court" adjustment;
    - Estimation of Program 90 and other non-case processing staff.

- March, 2005: Draft Report on Resource Allocation Study from NCSC;

- April, 2005: Resource Allocation Study Working Group recommends that the model be accepted in its current form with the understanding that staff will continue to make technical adjustments as needed and begin working to incorporate performance into the model;

- May, 2005: Presentation of study to Trial Court Budget Working Group: Working Group recommends that the model be accepted in its current form with the understanding that staff will continue to make technical adjustments as needed and begin working to incorporate performance into the model;

- June, 2005: Continued work with AOC Finance Division to convert staff estimates to dollars to evaluate trial court resource needs.

Resource Allocation Study Working Group

Court Executive Officers of:

- Alameda
- Amador
- Butte
- Calaveras
- El Dorado
- Fresno
- Kern
- Los Angeles
- Sacramento
- San Bernardino
- San Joaquin
- San Mateo
- Shasta
- Stanislaus
- Ventura
- Yolo

AOC Representatives:

- Pat Sweeten
- Mike Roddy
- Tina Hansen

Project Staff

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- Brian Ostrom, Project Director
- Charles Ostrom
- Matthew Kleiman
- Neil LaFountain

OCR

- Kristin Nichols, Project Lead
- Dag MacLeod, Manager
- Ron Pi, Supervising Analyst
- David Smith, Sr. Analyst

Appendix 2: Trial Court Staff Estimates Based on RAS Model

County	Central	Courtroom	Program 10 Total	Small Court 20% Staff Buffer Adjustment*	Program 10 Total (Rounded Up)	Program 90 (Rounded Up)	Total
Alameda	446.7	234.6	681.4	0.0	682.0	94.0	776.0
Alpine	2.3	0.8	3.0	0.6	4.0	1.0	5.0
Amador	13.9	7.5	21.4	4.3	26.0	5.0	31.0
Butte	81.2	41.3	122.4	0.0	123.0	20.0	143.0
Calaveras	16.1	8.7	24.8	5.0	30.0	6.0	36.0
Colusa	12.3	5.4	17.7	3.5	22.0	5.0	27.0
Contra Costa	263.9	141.8	405.7	0.0	406.0	52.0	458.0
Del Norte	18.5	9.7	28.2	5.6	34.0	7.0	41.0
El Dorado	55.4	27.0	82.3	0.0	83.0	14.0	97.0
Fresno	334.4	160.7	495.1	0.0	496.0	64.0	560.0
Glenn	15.6	7.2	22.8	4.6	28.0	6.0	34.0
Humboldt	50.7	26.0	76.7	0.0	77.0	13.0	90.0
Imperial	75.0	34.9	109.9	0.0	110.0	18.0	128.0
Inyo	16.5	5.7	22.2	4.4	27.0	6.0	33.0
Kern	298.1	138.5	436.6	0.0	437.0	56.0	493.0
Kings	53.3	27.2	80.5	0.0	81.0	14.0	95.0
Lake	29.0	16.5	45.5	0.0	46.0	8.0	54.0
Lassen	18.1	8.9	27.0	5.4	33.0	7.0	40.0
Los Angeles	3,343.3	1,763.7	5,107.0	0.0	5,108.0	703.0	5,811.0
Madera	63.8	27.8	91.6	0.0	92.0	15.0	107.0
Marin	77.9	36.5	114.3	0.0	115.0	19.0	134.0
Mariposa	6.1	4.1	10.2	2.0	13.0	3.0	16.0
Mendocino	39.7	22.0	61.7	0.0	62.0	10.0	72.0
Merced	107.7	38.0	145.7	0.0	146.0	24.0	170.0
Modoc	6.3	2.1	8.4	1.7	11.0	3.0	14.0
Mono	9.3	3.5	12.8	2.6	16.0	4.0	20.0
Monterey	137.7	65.7	203.5	0.0	204.0	27.0	231.0
Napa	46.3	23.7	70.0	0.0	70.0	12.0	82.0
Nevada	36.5	17.4	53.9	0.0	54.0	9.0	63.0
Orange	802.2	436.2	1,238.4	0.0	1,239.0	171.0	1,410.0
Placer	130.3	45.7	175.9	0.0	176.0	29.0	205.0
Plumas	10.2	5.7	15.9	3.2	20.0	4.0	24.0
Riverside	600.0	258.0	858.0	0.0	858.0	119.0	977.0
Sacramento	529.1	250.4	779.5	0.0	780.0	108.0	888.0
San Benito	19.6	9.3	28.9	5.8	35.0	7.0	42.0
San Bernardino	669.3	279.1	948.4	0.0	949.0	131.0	1,080.0
San Diego	805.7	460.4	1,266.1	0.0	1,267.0	175.0	1,442.0
San Francisco	255.9	183.3	439.2	0.0	440.0	61.0	501.0
San Joaquin	249.6	103.9	353.4	0.0	354.0	46.0	400.0
San Luis Obispo	102.4	46.6	149.0	0.0	150.0	25.0	175.0
San Mateo	179.4	97.1	276.5	0.0	277.0	36.0	313.0
Santa Barbara	146.7	71.3	218.0	0.0	218.0	28.0	246.0
Santa Clara	479.0	259.1	738.0	0.0	739.0	102.0	841.0
Santa Cruz	84.8	42.7	127.4	0.0	128.0	21.0	149.0
Shasta	91.2	42.0	133.2	0.0	134.0	22.0	156.0
Sierra	2.4	0.9	3.3	0.7	4.0	1.0	5.0
Siskiyou	29.2	12.6	41.8	0.0	42.0	7.0	49.0
Solano	157.0	69.4	226.4	0.0	227.0	29.0	256.0
Sonoma	156.5	73.4	229.8	0.0	230.0	30.0	260.0
Stanislaus	150.6	72.2	222.8	0.0	223.0	29.0	252.0
Sutter	36.6	18.9	55.5	0.0	56.0	10.0	66.0
Tehama	32.5	14.1	46.7	0.0	47.0	8.0	55.0
Trinity	6.7	3.6	10.3	2.1	13.0	3.0	16.0
Tulare	156.1	71.6	227.7	0.0	228.0	30.0	258.0
Tuolumne	23.7	13.5	37.3	0.0	38.0	7.0	45.0
Ventura	213.1	105.7	318.8	0.0	319.0	41.0	360.0
Yolo	68.5	34.4	102.9	0.0	103.0	17.0	120.0
Yuba	32.1	15.9	48.0	0.0	49.0	8.0	57.0
	11,895.7	**6,003.7**	**17,899.5**	**51.4**	**17,979.0**	**2,530.0**	**20,509.0**