



Judicial Council of California

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

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-202

For business meeting on November 17, 2023

Title

Allocations and Reimbursements to Trial Courts: Funding for Increased Transcript Rates

Agenda Item Type

Action Required

Effective Date

November 17, 2023

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

October 27, 2023

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice-Chair

Contact

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Executive Summary

Senate Bill 170 (Stats. 2021, ch. 240), which amended the Budget Act of 2021, included \$7 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to cover the costs associated with increased transcript rates. The Trial Court Budget Advisory Committee recommends approving a proportional allocation based on the current council-approved methodology of the ongoing \$7 million to all trial courts to cover the costs associated with increased transcript rates for fiscal year 2023–24.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective November 17, approve the \$7 million allocation to each trial court as outlined in Attachment A.

Relevant Previous Council Action

The Judicial Council approved the allocation methodology for the first year of this new funding in fiscal year (FY) 2021–22 at its January 21, 2022, business meeting and directed Judicial Council staff to update the allocation methodology used for this ongoing funding based on the most recent data available each year thereafter. The Judicial Council subsequently approved the

allocations for FY 2022–23 at its September 20, 2022, business meeting based on the same allocation methodology but with updated data.

This recommendation was presented to the Judicial Branch Budget Committee on October 5, 2023, and approved for consideration by the Judicial Council.

Analysis/Rationale

In the first year of funding in FY 2021–22, the Funding Methodology Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) established the Ad Hoc Court Reporter Funding Subcommittee consisting of members from the TCBAC to develop an allocation methodology recommendation for 2021–22. Through deliberations, the ad hoc subcommittee developed a recommendation for an allocation methodology for the \$7 million and presented it to the TCBAC at its meeting on November 30, 2021, and to the Judicial Branch Budget Committee on December 7, 2021. The Judicial Council approved the allocation methodology at its January 21, 2022, business meeting and directed Judicial Council staff to update the allocation methodology used for this ongoing funding based on the most recent data available.

The council-approved allocation methodology was developed for implementation that helps courts cover increased transcript costs. Focusing on an equitable approach for allocating funds to all trial courts, consistent with the budget language, the methodology includes:

- Averaging actual transcript expenditures by court for the last three fiscal years (i.e., 2020–21, 2021–22, and 2022–23);
- Applying a proportional allocation of the \$7 million to each court based on the three-year average of transcript expenditures; and
- Allocating funds in one lump sum upon approval by the council.

The three-year average is updated each year based on the most recent data available for actual expenditures for court reporter transcripts, which is consistent with other workload methodologies for other funding sources. Detail of the allocations by court is included as Attachment A.

Annual reconciliation process

Because this funding is intended solely to cover the costs associated with increased transcript rates, any unspent funds are required to revert to the General Fund each fiscal year. The actual expenditures for each court from FY 2020–21 will be used to establish a baseline from which cost increases eligible to be covered by these funds will be determined for each court. Based on the historical baseline amount and the actual expenditures for the current fiscal year, a true-up process will occur at the end of each fiscal year to pull back any remaining funds.

This process and adjustments for FY 2023–24 are outlined in Table 1 below.

Table 1. Annual Reversion Calculation for FY 2023–24

Court	Actual Expenditures			3-Year Average	2023–24 Allocation from \$7M	2023–24 Expenditures	GF Reversion
	2020–21 (Baseline)	2021–22	2022–23				
A	\$85,000	\$100,000	\$110,000	\$98,333	\$43,260	\$120,000	\$8,260

Based on the example in Table 1, Court A would receive an allocation of \$43,260 from the FY 2023–24 \$7 million court reporter transcript appropriation. In this example, the court’s actual expenditures for 2023–24 would be \$120,000, which is a \$35,000 increase from the 2020–21 baseline amount for 2023–24 (\$120,000 – \$85,000 = \$35,000). Comparing the \$35,000 increase to the \$43,260 allocation from the 2023–24 appropriation, the court would be required to revert the remaining \$8,260 ($\$43,260 - \$35,000 = \$8,260$) to the General Fund.

Policy implications

No policy implications are associated with this report.

Comments

No public comments were received on this item.

Alternatives considered

The recommended allocations are based on the methodology approved by the council in January 2022. The committee did not consider modifying the previously approved allocation methodology other than updating the data used in the methodology.

Fiscal and Operational Impacts

The recommended allocation methodology would provide courts with the funds needed to cover the costs associated with increased transcript rates, as intended by the budget language.

Attachments and Links

1. Attachment A: *Transcript Funding—Recommended 2023–24 Allocations*

Attachment A: Transcript Funding - Recommended 2023-24 Allocations

Cluster	Court	Actual Expenditures on Court Reporter Transcripts				Proportion of Average Expenditures	Proportional Allocation of \$7M
		FY 2020-21 *	FY 2021-22	FY 2022-23	Average		
	Statewide	\$12,739,717	\$17,974,624	\$22,616,137	\$17,776,826	100.00%	\$7,000,000
4	Alameda	\$316,575	\$527,628	\$551,195	\$465,133	2.62%	\$183,156
1	Alpine	\$139	\$650	\$165	\$318	0.00%	\$125
1	Amador	\$18,321	\$32,359	\$31,430	\$27,370	0.15%	\$10,777
2	Butte	\$97,894	\$101,943	\$93,852	\$97,896	0.55%	\$38,549
1	Calaveras	\$26,846	\$40,629	\$32,234	\$33,236	0.19%	\$13,087
1	Colusa	\$8,008	\$10,812	\$8,963	\$9,261	0.05%	\$3,647
3	Contra Costa	\$405,961	\$522,978	\$627,384	\$518,774	2.92%	\$204,278
1	Del Norte	\$53,391	\$42,074	\$33,494	\$42,986	0.24%	\$16,927
2	El Dorado	\$49,904	\$74,572	\$109,159	\$77,879	0.44%	\$30,666
3	Fresno	\$431,683	\$686,268	\$675,195	\$597,715	3.36%	\$235,363
1	Glenn	\$7,650	\$14,521	\$4,637	\$8,936	0.05%	\$3,519
2	Humboldt	\$7,435	\$4,145	\$4,693	\$5,425	0.03%	\$2,136
2	Imperial	\$23,298	\$33,028	\$35,251	\$30,526	0.17%	\$12,020
1	Inyo	\$10,357	\$15,168	\$29,841	\$18,455	0.10%	\$7,267
3	Kern	\$709,145	\$907,055	\$1,038,791	\$884,997	4.98%	\$348,486
2	Kings	\$275,882	\$401,049	\$384,797	\$353,909	1.99%	\$139,359
2	Lake	\$32,336	\$44,614	\$62,402	\$46,450	0.26%	\$18,291
1	Lassen	\$30,822	\$32,613	\$52,085	\$38,507	0.22%	\$15,163
4	Los Angeles	\$3,433,513	\$5,169,252	\$7,314,385	\$5,305,716	29.85%	\$2,089,238
2	Madera	\$83,123	\$116,359	\$164,174	\$121,218	0.68%	\$47,732
2	Marin	\$45,711	\$108,027	\$101,811	\$85,183	0.48%	\$33,543
1	Mariposa	\$4,709	\$2,485	\$23,790	\$10,328	0.06%	\$4,067
2	Mendocino	\$134,226	\$156,358	\$136,446	\$142,343	0.80%	\$56,051
2	Merced	\$156,237	\$178,975	\$212,591	\$182,601	1.03%	\$71,903
1	Modoc	\$7,155	\$6,034	\$4,142	\$5,777	0.03%	\$2,275
1	Mono	\$2,806	\$10,568	\$6,890	\$6,754	0.04%	\$2,660
3	Monterey	\$127,556	\$143,806	\$180,729	\$150,697	0.85%	\$59,340
2	Napa	\$90,806	\$167,582	\$143,356	\$133,914	0.75%	\$52,732
2	Nevada	\$23,786	\$32,868	\$51,187	\$35,947	0.20%	\$14,155
4	Orange	\$982,451	\$1,041,335	\$1,664,727	\$1,229,504	6.92%	\$484,143
2	Placer	\$148,518	\$196,763	\$289,885	\$211,722	1.19%	\$83,370
1	Plumas	\$2,104	\$5,553	\$3,646	\$3,768	0.02%	\$1,484
4	Riverside	\$11,186	\$28,642	\$17,281	\$19,036	0.11%	\$7,496
4	Sacramento	\$623,902	\$918,902	\$1,147,043	\$896,616	5.04%	\$353,061
1	San Benito	\$3,766	\$14,632	\$14,587	\$10,995	0.06%	\$4,330
4	San Bernardino	\$636,886	\$840,984	\$1,126,530	\$868,134	4.88%	\$341,846
4	San Diego	\$501,181	\$1,146,404	\$1,339,811	\$995,798	5.60%	\$392,117
3	San Francisco	\$300,914	\$409,721	\$463,844	\$391,493	2.20%	\$154,159

Attachment A: Transcript Funding - Recommended 2023-24 Allocations

Cluster	Court	Actual Expenditures on Court Reporter Transcripts				Proportion of Average Expenditures	Proportional Allocation of \$7M
		FY 2020-21 *	FY 2021-22	FY 2022-23	Average		
	Statewide	\$12,739,717	\$17,974,624	\$22,616,137	\$17,776,826	100.00%	\$7,000,000
3	San Joaquin	\$349,811	\$434,522	\$429,188	\$404,507	2.28%	\$159,283
2	San Luis Obispo	\$135,606	\$222,544	\$237,866	\$198,672	1.12%	\$78,231
3	San Mateo	\$280,961	\$295,795	\$453,091	\$343,282	1.93%	\$135,175
3	Santa Barbara	\$134,408	\$181,113	\$418,523	\$244,681	1.38%	\$96,348
4	Santa Clara	\$497,743	\$644,517	\$657,972	\$600,077	3.38%	\$236,293
2	Santa Cruz	\$100,255	\$128,923	\$142,959	\$124,046	0.70%	\$48,846
2	Shasta	\$88,543	\$117,894	\$184,845	\$130,427	0.73%	\$51,359
1	Sierra	\$698	\$975	\$856	\$843	0.00%	\$332
2	Siskiyou	\$31,755	\$37,262	\$48,526	\$39,181	0.22%	\$15,428
3	Solano	\$159,262	\$288,247	\$268,888	\$238,799	1.34%	\$94,032
3	Sonoma	\$118,224	\$154,601	\$201,893	\$158,239	0.89%	\$62,310
3	Stanislaus	\$239,016	\$197,748	\$253,288	\$230,018	1.29%	\$90,574
2	Sutter	\$36,528	\$35,849	\$22,578	\$31,652	0.18%	\$12,464
2	Tehama	\$13,000	\$35,585	\$35,541	\$28,042	0.16%	\$11,042
1	Trinity	\$7,875	\$9,543	\$5,500	\$7,639	0.04%	\$3,008
3	Tulare	\$298,604	\$386,039	\$383,720	\$356,121	2.00%	\$140,230
2	Tuolumne	\$90,624	\$72,486	\$61,692	\$74,934	0.42%	\$29,507
3	Ventura	\$168,224	\$248,114	\$306,031	\$240,790	1.35%	\$94,816
2	Yolo	\$138,545	\$230,010	\$266,251	\$211,602	1.19%	\$83,323
2	Yuba	\$23,853	\$65,501	\$54,509	\$47,954	0.27%	\$18,883

* Total expenditures in FY 2020-21 will serve as the baseline for the true-up process at the end of FY 2023-24

GL Accounts

- 938701 Court Transcripts
- 938702 Non-Felony Appeals
- 938703 Felony Appeals
- 938705 Civil Transcripts
- 938711 Electronic Reporting