



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 22-181

For business meeting on September 20, 2022

Title

Allocations and Reimbursements to Trial Courts: Funding for Court Reporters in Family Law and Civil Law Case Types

Agenda Item Type

Action Required

Effective Date

September 20, 2022

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

September 2, 2022

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 amended the 2021 Budget Act and included \$30 million ongoing General Fund for the Judicial Council to establish a methodology to allocate the funding to all trial courts to increase the number of court reporters in family law and civil cases. The budget language in the 2022 Budget Act expanded the use of this funding; however, these changes do not impact how these funds are allocated to the courts. The Trial Court Budget Advisory Committee recommends approving a proportional allocation of the ongoing \$30 million to all trial courts for 2022–23.

Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve the \$30 million allocation to each trial court as outlined in Attachment A.

This recommendation was presented to the Judicial Branch Budget Committee on August 24, 2022 and approved for consideration by the Judicial Council.

Relevant Previous Council Action

The Judicial Council approved the allocation methodology for the first year of this new funding 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.

Analysis/Rationale

Last fiscal year, 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 the first year of funding in 2021–22. Through deliberations, the ad hoc subcommittee developed a recommendation for an allocation methodology for the \$30 million and presented that recommendation to the TCBAC at its meeting on November 30, 2021 and the Judicial Branch Budget Committee (Budget Committee) on December 7, 2021.

The council-approved allocation methodology was developed for implementation that provides funding for courts to increase the number of court reporters in family law and civil cases. Focusing on an equitable approach for allocating funds to all trial courts, consistent with the budget language, the methodology includes:

- Identifying the proportion of judicial workload, as measured by the assessed judicial need, for non-criminal need by court;
- Applying a \$25,000 funding floor to all courts resulting in an increased amount, compared to using a purely proportional calculation to 11 courts totaling \$275,000, which represents an approximate 0.25 full-time equivalent using the average salary for court reporters from the Schedule 7A. This would provide funding for these courts to increase the number of court reporters in family law and civil law case types through the hiring of a part-time court reporter position, increasing the time for an existing part-time court reporter position, or utilizing shared services among other courts;
- After applying the funding floor amount to 11 courts, allocating the remaining \$29.7 million proportionally to all other courts based on their non-criminal judicial need; and
- Funds would be allocated in one lump sum upon approval by the council.

Details of this approach are outlined in Attachment A.

Annual reconciliation process

Because this funding is intended solely to cover the costs associated with increasing court reporters in family law and civil law cases, any unspent funds are required to revert to the General Fund each fiscal year. Judicial Council staff has already developed a reconciliation process to pull back any remaining funds not spent on new court reporters in family law and civil law cases.

Policy implications

No policy implications are associated with this report.

Comments

Extensive public comment was submitted to the TCBAC and the Budget Committee expressing concern regarding the confirmed intent of the budget language to restrict the funding for court reporters in family law and civil law cases. Judicial Council staff confirmed with the Department of Finance and legislative staff that this funding is only to be used for court reporters in family law and civil law cases.

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 funding to increase the number of court reporters in family law and civil case types, as intended by the budget language.

Attachments and Links

1. Attachment A: *Court Reporter Funding – Recommended 2022-23 Allocations*

Court Reporter Civil and Family Positions: FY 2022-23 Allocations

Cluster	Court	Initial Allocation of \$30M based on Noncriminal AJN			Allocation of \$30M with Funding Floor of \$25,000					
		Noncriminal AJN *	Proportion of Statewide AJN	Proportion of \$30M	Funding Floor Court?	Floor Funding	Revised AJN Proportion for Non-floor Courts	Allocation of Non floor Funding	Final Allocation	Change with Floor
	Statewide	1,067	100%	\$30,000,000		\$275,000		\$29,725,000	\$30,000,000	\$0
4	Alameda	36.8	3.45%	\$1,035,628			3.47%	\$1,031,041	\$1,031,041	(\$4,588)
1	Alpine	0.1	0.01%	\$1,772	X	\$25,000			\$25,000	\$23,228
1	Amador	1.1	0.11%	\$31,681			0.11%	\$31,541	\$31,541	(\$140)
2	Butte	6.1	0.57%	\$170,509			0.57%	\$169,753	\$169,753	(\$755)
1	Calaveras	1.3	0.12%	\$36,871			0.12%	\$36,707	\$36,707	(\$163)
1	Colusa	0.5	0.04%	\$13,233	X	\$25,000			\$25,000	\$11,767
3	Contra Costa	23.2	2.18%	\$653,080			2.19%	\$650,187	\$650,187	(\$2,893)
1	Del Norte	1.2	0.11%	\$34,107			0.11%	\$33,956	\$33,956	(\$151)
2	El Dorado	4.2	0.40%	\$118,797			0.40%	\$118,271	\$118,271	(\$526)
3	Fresno	28.4	2.67%	\$799,663			2.68%	\$796,121	\$796,121	(\$3,543)
1	Glenn	0.8	0.08%	\$22,664	X	\$25,000			\$25,000	\$2,336
2	Humboldt	4.5	0.42%	\$126,583			0.42%	\$126,022	\$126,022	(\$561)
2	Imperial	4.4	0.41%	\$124,280			0.42%	\$123,729	\$123,729	(\$551)
1	Inyo	0.5	0.05%	\$14,140	X	\$25,000			\$25,000	\$10,860
3	Kern	24.9	2.33%	\$699,077			2.34%	\$695,980	\$695,980	(\$3,097)
2	Kings	4.5	0.42%	\$125,132			0.42%	\$124,578	\$124,578	(\$554)
2	Lake	2.4	0.22%	\$66,690			0.22%	\$66,394	\$66,394	(\$295)
1	Lassen	0.8	0.07%	\$22,384	X	\$25,000			\$25,000	\$2,616
4	Los Angeles	341.3	31.99%	\$9,595,553			32.14%	\$9,553,044	\$9,553,044	(\$42,508)
2	Madera	6.0	0.56%	\$167,484			0.56%	\$166,742	\$166,742	(\$742)
2	Marin	5.1	0.48%	\$143,271			0.48%	\$142,636	\$142,636	(\$635)
1	Mariposa	0.4	0.03%	\$10,220	X	\$25,000			\$25,000	\$14,780
2	Mendocino	2.7	0.25%	\$74,961			0.25%	\$74,629	\$74,629	(\$332)
2	Merced	7.3	0.68%	\$204,434			0.68%	\$203,529	\$203,529	(\$906)
1	Modoc	0.4	0.04%	\$10,649	X	\$25,000			\$25,000	\$14,351
1	Mono	0.3	0.03%	\$8,108	X	\$25,000			\$25,000	\$16,892
3	Monterey	9.4	0.88%	\$264,158			0.88%	\$262,987	\$262,987	(\$1,170)
2	Napa	3.6	0.34%	\$101,381			0.34%	\$100,932	\$100,932	(\$449)
2	Nevada	2.6	0.24%	\$72,625			0.24%	\$72,304	\$72,304	(\$322)
4	Orange	77.0	7.22%	\$2,165,597			7.25%	\$2,156,003	\$2,156,003	(\$9,594)
2	Placer	9.3	0.88%	\$262,673			0.88%	\$261,509	\$261,509	(\$1,164)
1	Plumas	0.6	0.06%	\$18,029	X	\$25,000			\$25,000	\$6,971
4	Riverside	62.8	5.88%	\$1,764,521			5.91%	\$1,756,704	\$1,756,704	(\$7,817)
4	Sacramento	43.7	4.10%	\$1,228,562			4.11%	\$1,223,119	\$1,223,119	(\$5,443)
1	San Benito	1.4	0.14%	\$40,658			0.14%	\$40,478	\$40,478	(\$180)
4	San Bernardino	69.2	6.49%	\$1,946,259			6.52%	\$1,937,637	\$1,937,637	(\$8,622)
4	San Diego	77.9	7.30%	\$2,188,860			7.33%	\$2,179,163	\$2,179,163	(\$9,697)
3	San Francisco	25.1	2.35%	\$706,220			2.37%	\$703,092	\$703,092	(\$3,129)
3	San Joaquin	19.9	1.87%	\$560,134			1.88%	\$557,652	\$557,652	(\$2,481)
2	San Luis Obispo	6.0	0.56%	\$167,914			0.56%	\$167,170	\$167,170	(\$744)
3	San Mateo	13.5	1.26%	\$378,323			1.27%	\$376,647	\$376,647	(\$1,676)
3	Santa Barbara	9.2	0.86%	\$259,174			0.87%	\$258,026	\$258,026	(\$1,148)
4	Santa Clara	30.9	2.90%	\$869,883			2.91%	\$866,029	\$866,029	(\$3,854)
2	Santa Cruz	5.2	0.49%	\$146,710			0.49%	\$146,060	\$146,060	(\$650)
2	Shasta	6.2	0.58%	\$174,268			0.58%	\$173,496	\$173,496	(\$772)

Court Reporter Civil and Family Positions: FY 2022-23 Allocations

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		Noncriminal AJN *	Proportion of Statewide AJN	Proportion of \$30M	Funding Floor Court?	Floor Funding	Revised AJN Proportion for Non-floor Courts	Allocation of Non floor Funding	Final Allocation	Change with Floor
	Statewide	1,067	100%	\$30,000,000		\$275,000		\$29,725,000	\$30,000,000	\$0
1	Sierra	0.1	0.01%	\$2,864	X	\$25,000			\$25,000	\$22,136
2	Siskiyou	1.5	0.14%	\$42,968			0.14%	\$42,778	\$42,778	(\$190)
3	Solano	11.0	1.03%	\$308,123			1.03%	\$306,758	\$306,758	(\$1,365)
3	Sonoma	10.8	1.01%	\$304,216			1.02%	\$302,868	\$302,868	(\$1,348)
3	Stanislaus	14.1	1.32%	\$395,570			1.32%	\$393,817	\$393,817	(\$1,752)
2	Sutter	3.0	0.28%	\$83,779			0.28%	\$83,408	\$83,408	(\$371)
2	Tehama	2.3	0.22%	\$65,022			0.22%	\$64,733	\$64,733	(\$288)
1	Trinity	0.7	0.06%	\$18,668	X	\$25,000			\$25,000	\$6,332
3	Tulare	13.3	1.24%	\$373,261			1.25%	\$371,607	\$371,607	(\$1,654)
2	Tuolumne	1.9	0.18%	\$54,387			0.18%	\$54,146	\$54,146	(\$241)
3	Ventura	18.0	1.68%	\$505,389			1.69%	\$503,150	\$503,150	(\$2,239)
2	Yolo	5.3	0.50%	\$149,071			0.50%	\$148,410	\$148,410	(\$660)
2	Yuba	2.5	0.23%	\$69,763			0.23%	\$69,454	\$69,454	(\$309)

* Assessed Judicial Need (AJN) based on the updated 2022 data.

Noncriminal case types: Civil, Family, Juvenile, Probate, Mental Health

Criminal case types: Felony, Misdemeanors, Infractions