



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 21, 2018

Title

Trial Court Budget: Self-Help Funding,
Allocation Methodology for 2019–20 and
Ongoing

Agenda Item Type

Action Required

Effective Date

September 21, 2018

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

August 29, 2018

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Leah Rose-Goodwin, Manager
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Executive Summary

The Trial Court Budget Advisory recommends that the Judicial Council adopt new policy recommendations for self-help funding allocated to trial courts effective for fiscal year 2019–20 allocations and ongoing: (1) adopt a three-year population update schedule using rolling three-year average census data; (2) provide annual population updates to trial courts using rolling three-year average data for informational purposes only; and (3) maintain the current self-help allocation baseline of \$34,000 per court and revisit in 2021 after the November 30, 2020 report to the Legislature. These recommendations will ensure that resources are allocated effectively and will provide adequate notice to courts so they can plan for funding changes.

Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council take the following actions related to self-help funding to trial courts for 2019–20 allocations and ongoing: (1) adopt a three-year population update schedule using rolling three-year average

census data; (2) provide annual population updates to trial courts using rolling three-year average data for informational purposes only; and (3) maintain the current self-help allocation baseline of \$34,000 per court and revisit in 2021 after the November 30, 2020 report to the Legislature.

These recommendations would take effect immediately and the first allocation changes to self-help funding based on this methodology would be made in 2021–22.

Relevant Previous Council Action

The Judicial Council approved use of the current self-help funding allocation methodology at its August 2006 meeting.¹ There were subsequent funding increases for self-help in the following years, for a total of \$11.2 million as of 2007–08 and through 2017–18, but the allocations were made on the basis of the methodology approved in 2006.

Analysis/Rationale

The current allocation methodology for self-help funding has two major components: a baseline level of funding of \$34,000 and then a proportionate share of funding that is based on each court's population relative to the state population. While other branch allocation methodologies utilize case filings as the basis for funding, many people are able to resolve their concern or issue at self-help centers or by utilizing self-help resources without filing a court case. For that reason, population has been utilized as the basis of the allocation methodology self-help funding. Up until the 2018–19 budget allocations, self-help funding in trial courts had been allocated on the basis of 2006 population data. Since California continues to be a high-growth state, with some counties experiencing 10-year changes in population as high as 41.7% (Riverside County),² the population data should be refreshed on a regular basis. This is consistent with other TCBAC decisions to ensure that allocation methodologies use the most current data available and that the underlying assumptions are kept up to date.

The baseline level of funding was chosen because it represented the cost of 0.3 FTE of a family law facilitator—the classification most appropriate to staff a self-help center—in 2006. This funding level was selected in order to give each court sufficient funding to establish an attorney-supervised, self-help center to assist self-represented litigants for a minimum of 12 hours a week. While personnel costs have likely increased in the intervening years, TCBAC opted to not make an adjustment to the baseline funding at this time for two reasons. For one, in 2018–19, each court will be absorbing changes in self-help funding due to both an increase in overall self-help funding (\$19.1 million in the 2018 Budget Act) and changes to allocation amounts resulting from updated population data approved by TCBAC in May 2018. Secondly, the 2018 Budget Act contains a provision that requires courts to revert unspent self-help funds, which may have a corresponding impact on how courts deploy self-help services. Because of these larger

¹ Available at <http://www.courts.ca.gov/documents/082506item7.pdf>

² Population data obtained from the American Community Survey, U.S. Census Bureau (2000–2010)

programmatic changes, TCBAC's recommendation is that baseline funding should not be adjusted at this time.

Policy implications

The proposed changes are consistent with other council-approved actions to make regular updates to allocation methodologies based on updated data.

Comments

This proposal was reviewed by the Funding Methodology Subcommittee at its July 12, 2018 meeting and by the Trial Court Budget Advisory Committee at its July 31, 2018 meeting. In both instances, motions to approve the recommendations were approved unanimously and there was no public comment received.

Alternatives considered

At its July 12, 2018 meeting, the Funding Methodology Subcommittee discussed various time frames for updating the underlying population data. The original staff proposal was to update the population data every five years and make corresponding allocation changes in the same five-year time frame. However, the subcommittee felt that this proposal would not increase the stability and predictability of the self-help funding, and could instead lead to sizable shifts in funding every five years. The proposal that was approved by the Funding Methodology Subcommittee, and, in turn, by the Trial Court Budget Advisory Committee, will make allocation changes more frequently (once every three years rather than every five years) and calls for Judicial Council staff to provide annual updates of population data trends so that courts are better able to anticipate funding changes.

Fiscal and Operational Impacts

Since population data are easily accessible, the costs incurred by the Judicial Council to implement this proposal are relatively small. Courts may experience periodic changes in their self-help allocations when the allocation data are updated, which may, in turn, affect operations. However, the proposed recommendation is designed to give courts ample time to plan for these changes, and the operational impact is expected to be minimal.