



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue · San Francisco, California 94102-3688
www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: May 17, 2019

Title	Agenda Item Type
Judicial Branch Budget: Workload Formula Adjustment Request Process Policy Update	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	May 17, 2019
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair Leah Rose-Goodwin, Manager, Budget Services	April 26, 2019
	Contact
	Leah Rose-Goodwin, 415-865-7708 leah.rose-goodwin@jud.ca.gov

Executive Summary

The Workload-based Allocation and Funding Methodology (WAFM) Adjustment Request Process is used by trial courts to suggest modifications to the workload formula used for trial court funding. The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve a recommendation to make changes to the language of the policy to replace references to “Workload-based Allocation and Funding Methodology (WAFM)” to “Workload Formula,” to eliminate references to workload need, and to streamline the language of the policy to make it clearer. The updates will also permit the chair of TCBAC to more quickly refer Adjustment Requests to other advisory committees as deemed appropriate.

Recommendation

The Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council approve the proposed update to the Workload Formula Adjustment Request Process.

Relevant Previous Council Action

At its August 22, 2013 meeting, the Judicial Council approved a recommendation made by TCBAC to approve the Workload-based Allocation and Funding Methodology (WAFM)

Adjustment Request Process and to direct council staff to develop an application form that the trial courts needed to complete in order to be considered for an adjustment.¹

Effective July 28, 2017,² the council approved revisions to the WAFM Adjustment Request Procedures to (1) make technical changes to reflect organizational changes within the Judicial Council of California; (2) change the submittal date and review timelines by the Funding Methodology Subcommittee (FMS) and TCBAC; (3) formalize that no changes to the WAFM formulae can occur after the March/April Judicial Council meeting if they impact the subsequent fiscal year; and (4) allow the FMS to take expedited action on the request, if directed by TCBAC.

Analysis/Rationale

The changes proposed are intended to reflect current language used to describe the workload formula for trial courts. Other changes have been made to further streamline the process by which TCBAC can refer matters that are the purview of other advisory committees.

Policy implications

This policy is intended to carry out TCBAC's and the council's goals of creating a transparent and equitable process for courts to provide input on the trial court funding model.

Comments

This item was heard at the February 28, 2019 FMS meeting and the March 21, 2019 TCBAC meeting, and was approved unanimously by both. There was no public comment received at either meeting.

Fiscal and Operational Impacts

There are no fiscal or operational impacts of this policy. If anything, having a clear process by which courts can provide input will create clearer direction both to trial courts and the advisory bodies affected, as well as to council staff who support said committees.

Attachments and Links

1. Attachment A: Workload Formula Adjustment Request Procedures (Version 3, Updated March 21, 2019)

¹ See <https://www.courts.ca.gov/documents/jc-20130823-item2.pdf>

² See <https://jcc.legistar.com/View.ashx?M=F&ID=5317311&GUID=34036AC3-3D05-4512-A131-49338D993A33>

Workload Formula Adjustment Request Procedures (Version 3, Updated March 21, 2019)

Submission, review, and approval

The submission, review, and approval process is under the direction of the Judicial Council and is as follows:

1. Initial requests shall be submitted to the Administrative Director either by the trial court's Presiding Judge or Executive Officer no later than January 15 of each year.
2. The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director, in consultation with the Chair of the Trial Court Budget Advisory Committee (TCBAC) shall review each request and refer the request to the Funding Methodology Subcommittee (FMS) no later than April. If the request is more appropriately referred to another advisory committee, the Chair may do so immediately. The Chair will notify TCBAC no later than April of requests that have been referred to other advisory bodies.
3. FMS shall review the referral from TCBAC and prioritize the request into the proposed annual work plan to be submitted back to TCBAC no later than July.
4. Once prioritized, requests will be evaluated by FMS. The review of Workload Formula Adjustment Requests is a three-step process:
 - a. Initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to the Workload Formula;
 - b. Evaluation of whether and how the modification should occur; and
 - c. Evaluation of whether—for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS)—an interim adjustment should be made to a trial court's Workload Formula pending a more formal adjustment to the RAS model.
5. FMS shall review any requests and present its recommendation(s) to TCBAC no later than January prior to the year proposed for implementation.
6. TCBAC shall make final recommendations to the Judicial Council for consideration no later than April. Requested adjustments that are approved by the Judicial Council shall be included in the allocation based on the timing included in the recommendation. TCBAC will make no further recommendations for changes to the Workload Formula impacting the next fiscal year.
7. Upon approval by the Judicial Council of an adjustment to the Workload Formula, the Director, in consultation with TCBAC, shall notify all trial courts. In some circumstances, the nature of the adjustment will automatically apply to all courts.
8. This policy does not preclude FMS from taking expedited action per the direction of TCBAC.

Trial court adjustment requests

Trial courts requesting an adjustment in accordance with the Workload Formula Adjustment Request Procedures shall be required to submit detailed information documenting the need for such adjustment as follows:

1. A description of how the factor is not currently accounted for in the Workload Formula;
2. Identification and description of the basis for which the adjustment is requested;
3. A detailed analysis of why the adjustment is necessary;
4. A description of whether the unaccounted-for factor is unique to the applicant court(s) or has broader applications;
5. A detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by the Workload Formula;
6. A description of the consequence to the public and access to justice without the funding;
7. A description of the consequences to the requesting court(s) of not receiving the funding; and
8. Any additional information requested by Judicial Council Budget Services, FMS, and/or TCBAC deemed necessary to fully evaluate the request.