



JUDICIAL COUNCIL OF CALIFORNIA

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

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REPORT TO THE JUDICIAL COUNCIL

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Title	Agenda Item Type
Judicial Branch Budget: 2018 Budget Outcomes	Information Only
Submitted by	Date of Report
Trial Court Budget Advisory Committee Hon. Jonathan B. Conklin, Chair Zlatko Theodorovic, Director Budget Services	April 26, 2019
	Contact
	Leah Rose-Goodwin, 415-865-7708 leah.rose-goodwin@jud.ca.gov

Executive Summary

At the September 21, 2018 Judicial Council meeting, the Trial Court Budget Advisory Committee (TCBAC) was directed to report on outcomes related to new branch funding provided in the 2018 Budget. Specifically, TCBAC was to compile information from the trial courts on the use and expenditure of \$108.4 million of discretionary funds—\$60.6 million plus \$47.8 million directed at courts below the statewide average funding level—and \$19.1 million allocated to self-help services. Additionally, TCBAC was to report on the \$10 million (of the \$75 million in discretionary funds) that was earmarked to increase the number of court reporters in family law. The new funding has increased public access to court services, expanded services, decreased backlog, and enhanced operational stability in order to serve the public more efficiently and effectively.

Relevant Previous Council Action

At the September 2018 Judicial Council meeting, the Trial Court Budget Advisory Committee was tasked by the council to report on outcomes related to new branch funding provided in the 2018 Budget.¹ Specifically:

¹ <https://jcc.legistar.com/View.ashx?M=F&ID=6786959&GUID=903F4FAD-495B-49DB-BC5B-790C1696F14A>

The motion for action also included a reporting requirement or survey regarding the use and expenditure of \$75 million, as well as the \$47.8 million and the \$19.1 million previously approved in July. This includes reporting back on various outcomes expressed by the Administration, Legislature, Judicial Council, and trial courts during the Fiscal Year 2018-19 appropriations cycle: including but not limited to: court budget “snapshots”—ensuring court services and staff are available; opening windows previously closed and rehiring staff to service those windows; restoring or expanding line services; reopening or expanding courtroom use where possible; reducing delays and backlogs; and providing even more self-help in those regards. In addition, the \$60.6 million is identified as discretionary and the \$10 million is to increase the level of court reporters in family law cases. However, if a court demonstrates that their family law court reporting services are fully staffed, the \$10 million allocation will become discretionary funds.

Analysis/Rationale

In fall 2018, an ad hoc committee of the Trial Court Budget Advisory Committee was formed to develop a survey instrument to be used to gather information from trial courts about the use of funds provided in the 2018 Budget Act. While it was early in the 2018–19 fiscal year and the 2018 funds allocated were not yet fully expended, the survey was deployed in December 2018 so that there would be some information to share with the Legislature about 2018 allocations in preparation for the new budget cycle. Indeed, the data collected in the survey proved to be useful to answer questions concerning 2018 funding during legislative hearings held in the spring. The findings were shared with the Funding Methodology Subcommittee at its February 28, 2019 meeting and with TCBAC at its March 21, 2019 meeting. The Access and Fairness Advisory Committee, which oversees the self-help funding process, also reviewed a draft version of the findings at its March 28, 2019 meeting.

In the survey, courts were asked to provide information for each of the three types of funding provided in the Budget Act as described in the following table (see Table 1):

Table 1: Responses requested

Type of funding provided in 2018 Budget Act	Response requested
\$47.8/\$75 million discretionary funding	<ul style="list-style-type: none"> • The types of services/staffing courts provided; and • Cuts that courts were able to avoid.
\$10 million court reporters in family law and/or discretionary	<ul style="list-style-type: none"> • How the funding is or will be used to increase the level of court reporters in family law; or • Affirmation that family court reporting services are fully staffed and then, if so, how funding will be used for discretionary purposes.
\$19.1 million self-help	<ul style="list-style-type: none"> • How additional funds would be used, notable accomplishments, website updates.

Courts were told to use their 2018 Budget Snapshot (<http://www.courts.ca.gov/partners/804.htm>) as a reference, as the snapshots outlined operational challenges and priorities for reinvestment for each court.

Fifty-five courts responded to the information request.² The free-form responses were coded and categorized into uses (i.e., how the funding was used) and benefits (i.e., what the funding achieved) and have been compiled into the following report.

Findings

Discretionary Funding (\$65 Million and \$47.8 Million to Courts Below the Average Funding Level)

Courts were asked to report on how the discretionary funding was utilized or would be utilized, or whether the discretionary funding helped avoid any service cuts. The top five use categories for discretionary funding were:

- **Increase staffing via hiring (44 courts).** Courts that responded that they had increased staffing or intended to increase staffing indicated that new staffing would allow them to reopen closed courtrooms, fill vacant positions that had been held open for many years, and reduce or eliminate backlog, among other outcomes.
- **Increase employee salaries/benefits (30 courts).** Respondents said that the funding allowed or would allow them to offer wage and benefit increases, some for the first time in nearly a decade. Responding courts connected employee salary and benefit increases to better workforce stability and competitiveness with other state/local employers.
- **Records management/case management system improvements (23 courts).** Among the responses received, courts highlighted how increased funding would allow for replacement of aging case management systems and digitized document storage, and how these investments would result in better public access to court records and lower records storage costs.
- **Extended service hours/days (22 courts).** The funding provided has allowed courts to extend hours and days of operation to better serve the public.
- **Technological improvements (21 courts).** Apart from records management and case management improvements, courts invested in new technology to help litigants access self-help services or to upgrade various components of the Information Technology (IT)

² The two smallest courts, Alpine and Sierra, were exempted from responding to the survey because they did not receive any of the new funding. At the time the report was assembled, there was no response received yet from the Superior Court of Plumas County, but follow-up outreach was made to try to include this court's response in the final draft report.

infrastructure, such as wireless Internet in jury rooms or enhanced sound systems in courtrooms.

The funding helped to increase public access, decrease backlog, and increase operational stability. Regarding public access, court responses highlighted expanded counter service and phone hours, reopened courtrooms, and outreach to communities previously underserved or not served. Courts that were able to use the funding to decrease backlog mentioned large-scale projects to bring matters current, and restored or new staffing levels to ensure that filings and other workload were kept current or resolved more expeditiously.

Technological enhancements, records management, and case management system (CMS) improvements were another often-mentioned use category that encompasses various efforts to enhance operational stability. Replacing old computers, modernizing sound equipment in a courtroom, or implementing a better records management system for better and faster public access are all examples of the improvements made with this funding.

Funding for Court Reporters in Family Law

Courts were asked if they were fully staffed for court reporters in family law. Forty-one of the responding courts indicated that they were currently fully staffed, and 15 courts indicated that they were not.³ Of the courts that were not fully staffed, most were smaller, cluster 2 courts.

Some courts signaled in their responses that they were having difficulties recruiting court reporters. This issue was not exclusive to smaller, rural courts, but was also reported by large, urban courts where ostensibly, the labor pools are larger. Full staffing may be delayed unless there are sufficient resources to meet demand both in the present and in the future.

Furthermore, some courts indicated that while they were able to meet current needs for court reporters in family law, they were uncertain about their ability to sufficiently staff reporters in the future—as early as next fiscal year. Some courts specifically mentioned the *Jameson* ruling as a factor that might increase demand for court reporters, as well as increased awareness by the parties of the availability of the service. Difficulties finding qualified reporters both to meet increased demand and to replace retiring reporters is another factor that may affect the number of courts that are able to continue to be fully staffed for court reporters in family law. Several court responses follow:

- The court recruited for a court reporter position for family law court; however, no applications were received. The court recently reposted the position using a greater number of advertising outlets. Court reporter positions are difficult to recruit in the Central Valley.

³ Responses were not solicited from Alpine and Sierra courts.

- The court continues to make every effort to hire additional court reporters for family law matters, but recruitments have not yielded qualified candidates.
- [The court] added four (4) authorized court reporter positions; however, this endeavor has been met with recruitment challenges.

Self-Help Funding

The new self-help funding has allowed for an expansion of service to the public. Data from the court applications for self-help funding and the quarterly reports submitted for the period July 1, 2018, to December 31, 2018, provide some insights as to how self-help funding has been used to increase access to justice. As of December 31, at least 27 courts were able to expand hours of operation, open new service locations, and/or reopen a service location that had been previously closed. As of December 31, 2018, 46 courts indicated that they planned to hire staff, including 18 new attorneys statewide. The funding provided would also allow eight attorneys currently serving to expand their hours of service.

Thirty-eight courts reported that they would expand services offered and would increase the number of casetypes in which self-help assistance would be offered. As a result of this expansion, as of December 31, 2018:

- Extended family law assistance and help with guardianship matters are available in all 58 courts;
- Fifty-three courts provide assistance with domestic violence matters;
- Help with landlord/tenant matters is available in 51 courts;
- Forty-nine courts offer assistance with small claims matters; and
- Assistance with elder abuse cases is available in 48 courts.

In addition to the above case types, other areas slated for expanded services include debt collection, conservatorship, and adoption.

In addition to direct assistance to litigants, the funding will allow for expansion of other services. Seventeen courts added new workshops in family law and/or civil, and an additional 8 courts reported working on adding new workshops. Courts also highlighted new technology, such as online document assembly and text/e-mail reminder systems; enhancements to allow for more remote access, such as video chat and video conferencing; and increased services in other languages.

Fiscal Impact and Policy Implications

The 2018 Budget funding for trial courts allowed for expanded services, increased access, and operational stability. While the focus of the data collection on budget outcomes was on the use of

the new funds, in their responses courts indicated the need for additional funding to continue to increase or maintain access to justice, enhance services, or avoid reductions or cuts to service. Some of the comments received include:

- Still a long process to close the gap of the extended years of budget shortages.
- Courts continue to operate at reduced hours to the public.
- The funding only partially meets our need. Most family law proceedings will not have court reporter assigned.
- Budget shortfall due to decreased civil assessment revenue.
- Added two court reporter positions to increase coverage in family law courtrooms. The added positions have increased our staffing to approximately 80% of our court reporter need.
- The added staffing has not been sufficient, to-date, to make a marked improvement on the in-person wait times to speak with a clerk.
- Increased costs of doing business.

Attachments and Links

None.