



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-114

For business meeting on: July 9, 2021

Title

Trial Court Budget: Self-Help Funding,
Allocation Methodology for 2021–22 and
Ongoing

Agenda Item Type

Action Required

Effective Date

July 9, 2021

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

June 14, 2021

Recommended by

Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair

Contact

Bonnie Rose Hough, 415-865-7668
bonnie.hough@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council maintain the current funding methodology for self-help funding allocated to trial courts for fiscal year 2021–22 allocations and ongoing, including (1) a three-year population update schedule using rolling three-year average census data, (2) providing annual population updates to trial courts using rolling three-year average data for informational purposes only, and (3) maintaining the current self-help allocation baseline of \$34,000 per court. 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, effective July 9, 2021, take the following actions related to self-help funding to trial courts for 2021–22 allocations and ongoing:

1. Maintain 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.

These recommendations would take effect immediately, and the next allocation changes based on population using this methodology would be made in 2024–25.

Relevant Previous Council Action

At its September 2018 meeting, the Judicial Council adopted the following policy recommendations for self-help funding to be allocated to trial courts effective for fiscal year 2019–20 allocations and ongoing¹:

- (1) adopt a three-year population update schedule using rolling three-year average population 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.²

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 for 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 the population of California continues to be in transition, 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.

¹ Judicial Council of Cal., Advisory Com. Rep., *Trial Court Budget: Self-Help Funding, Allocation Methodology for 2019–20 and Ongoing* (Sept. 21, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=6631465&GUID=98405B9A-39EF-4D54-8C11-BAC963D1239D>; Judicial Council of Cal., mins. (Sept. 21, 2018), <https://jcc.legistar.com/View.ashx?M=M&ID=559788&GUID=1AF2481A-79EE-44AD-A8E6-1D5F9E02CC7A>.

² The *Impact of Self-Help Center Expansion in California Courts*, as required by the Budget Act of 2018, was submitted to the Legislature on January 12, 2021, <https://www.courts.ca.gov/documents/lr-2021-self-help-centers-funding-analysis-BA-2018-gov-code-9795.pdf>.

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 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 per week. While personnel costs have increased in the intervening years, TCBAC opted to not make an adjustment to the baseline funding for three reasons. In 2018–19, courts absorbed changes in self-help funding due to an increase in overall self-help funding of \$19.1 million in the 2018 Budget Act. Secondly, the 2018 Budget Act contained a provision that requires courts to revert unspent self-help funds, which has had a corresponding impact on how courts deploy self-help services. Nearly all courts have been able to fully utilize the self-help funding allocations. Finally, as a result of the pandemic, many courts have had to change and adapt their services. It is too early to know how many of these adaptations will be continued, and what the full impact will be on ongoing service delivery.

The report to the Legislature on the *Impact of Self-Help Center Expansion in California Courts* found that despite innovations in service provision in rural areas including the SHARP Tech Connect program, small courts have difficulty achieving the efficiencies that come from offering workshops and document assembly in a group setting. Lack of access to broadband, cellular service, and public transportation in rural areas require self-help centers to offer as extensive in-person hours as possible. (Judicial Council, *Impact of Self-Help Center Expansion in California Courts*. See ch. 5: Workshops, p. 57; ch. 11: Self-Help Services in Rural Courts, “Issues Common to Court-Based Self-Help Centers in Rural Counties,” p. 126; figure 19: Workshop Challenges, p. 62.)

Policy implications

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

Comments

The proposal was reviewed by the Trial Court Budget Advisory Committee at its May 6, 2021 meeting. A motion to approve the recommendations was approved unanimously, and there was no public comment received.

Alternatives considered

A number of alternatives were considered including maintaining the current level of funding for the courts without incorporating the updated census data. This would have provided stability for the courts, but would not have recognized the impact of population changes. Methods to encourage sharing of services between smaller courts were considered, but it was determined that this was a more appropriate role for Judicial Council technical assistance rather than a set funding allocation.

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.

Attachments and Links

1. Table 1: Population Average, Proportion of State Total, Percent Change in Population Average, and Percent Change in Proportion
2. Table 2: Recommended TCTF and IMF Funding for Self-Help in Fiscal Year 2021–22

Table 1: Population Average, Proportion of State Total, Percent Change in Population Average, and Percent Change in Proportion

This table shows the previous three-year population average (2016–18) with its corresponding proportion of the state total and the updated three-year population average (2018–20) with the new corresponding proportion of the state population. The population source for population data is the California Department of Finance.³

The population averages are shown in columns A and C while the proportions to the state total are shown in columns B and D. Column E shows the percent change in population, while column F shows the change in the proportion of the state total. The most current population update is from January 2020.

County	Previous Population (3-Year Avg. 2016–18)	% of State Population	Updated Population (3-Year Avg. 2018–20)	% of State Population	Change in Population Avg.	Change in % of State Population
	A	B	C	D	E	F
Alameda	1,645,359	4.163%	1,666,779	4.184%	1.30%	0.021%
Alpine	1,151	0.003%	1,153	0.003%	0.14%	0.000%
Amador	38,382	0.097%	38,021	0.095%	-0.94%	-0.002%
Butte	226,404	0.573%	221,459	0.556%	-2.18%	-0.017%
Calaveras	45,168	0.114%	45,099	0.113%	-0.15%	-0.001%
Colusa	22,043	0.056%	22,039	0.055%	-0.02%	0.000%
Contra Costa	1,139,513	2.883%	1,152,934	2.894%	1.18%	0.011%
Del Norte	27,124	0.069%	27,307	0.069%	0.67%	0.000%
El Dorado	185,062	0.468%	191,158	0.480%	3.29%	0.012%

³ E-1: California Department of Finance, Demographic Research Unit, Population Estimates for Cities and Counties and the State.

Fresno	995,975	2.520%	1,016,276	2.551%	2.04%	0.031%
Glenn	28,731	0.073%	29,109	0.073%	1.32%	0.000%
Humboldt	136,953	0.347%	134,879	0.339%	-1.51%	-0.008%
Imperial	188,334	0.477%	189,889	0.477%	0.83%	0.000%
Inyo	18,619	0.047%	18,585	0.047%	-0.18%	0.000%
Kern	895,112	2.265%	913,273	2.292%	2.03%	0.028%
Kings	149,537	0.378%	152,993	0.384%	2.31%	0.006%
Lake	64,945	0.164%	64,731	0.162%	-0.33%	-0.002%
Lassen	30,918	0.078%	29,965	0.075%	-3.08%	-0.003%
Los Angeles	10,241,278	25.912%	10,236,799	25.695%	-0.04%	-0.217%
Madera	156,492	0.396%	158,859	0.399%	1.51%	0.003%
Marin	263,604	0.667%	262,532	0.659%	-0.41%	-0.008%
Mariposa	18,148	0.046%	18,088	0.045%	-0.33%	-0.001%
Mendocino	89,134	0.226%	88,751	0.223%	-0.43%	-0.003%
Merced	274,665	0.695%	282,142	0.708%	2.72%	0.013%
Modoc	9,580	0.024%	9,595	0.024%	0.15%	0.000%
Mono	13,713	0.035%	13,634	0.034%	-0.58%	0.000%
Monterey	442,365	1.119%	443,279	1.113%	0.21%	-0.007%
Napa	142,408	0.360%	140,387	0.352%	-1.42%	-0.008%
Nevada	98,828	0.250%	98,724	0.248%	-0.10%	-0.002%
Orange	3,194,024	8.081%	3,212,644	8.064%	0.58%	-0.017%
Placer	382,837	0.969%	396,645	0.996%	3.61%	0.027%
Plumas	19,819	0.050%	19,271	0.048%	-2.77%	-0.002%
Riverside	2,384,783	6.034%	2,432,794	6.106%	2.01%	0.073%
Sacramento	1,514,770	3.833%	1,543,680	3.875%	1.91%	0.042%
San Benito	56,854	0.144%	60,579	0.152%	6.55%	0.008%
San Bernardino	2,160,256	5.466%	2,182,559	5.478%	1.03%	0.013%
San Diego	3,316,192	8.390%	3,344,199	8.394%	0.84%	0.004%
San Francisco	874,228	2.212%	888,546	2.230%	1.64%	0.018%
San Joaquin	746,868	1.890%	767,587	1.927%	2.77%	0.037%
San Luis Obispo	280,101	0.709%	279,251	0.701%	-0.30%	-0.008%
San Mateo	770,203	1.949%	773,961	1.943%	0.49%	-0.006%
Santa Barbara	450,663	1.140%	453,297	1.138%	0.58%	-0.002%
Santa Clara	1,938,180	4.904%	1,957,618	4.914%	1.00%	0.010%
Santa Cruz	276,603	0.700%	274,323	0.689%	-0.82%	-0.011%
Shasta	178,605	0.452%	178,363	0.448%	-0.14%	-0.004%
Sierra	3,207	0.008%	3,207	0.008%	0.00%	0.000%
Siskiyou	44,688	0.113%	44,552	0.112%	-0.30%	-0.001%
Solano	436,023	1.103%	440,441	1.106%	1.01%	0.002%
Sonoma	505,120	1.278%	498,996	1.253%	-1.21%	-0.026%

Stanislaus	548,057	1.387%	557,435	1.399%	1.71%	0.013%
Sutter	96,956	0.245%	98,493	0.247%	1.58%	0.002%
Tehama	63,995	0.162%	64,518	0.162%	0.82%	0.000%
Trinity	13,628	0.034%	13,624	0.034%	-0.03%	0.000%
Tulare	471,842	1.194%	478,308	1.201%	1.37%	0.007%
Tuolumne	54,707	0.138%	54,749	0.137%	0.08%	-0.001%
Ventura	857,386	2.169%	852,852	2.141%	-0.53%	-0.029%
Yolo	218,896	0.554%	221,852	0.557%	1.35%	0.003%
Yuba	74,577	0.189%	77,177	0.194%	3.49%	0.005%
Total	39,523,613	100%	39,839,959	100%	0.80%	0.000%

Table 2: Recommended TCTF and IMF Funding for Self-Help in Fiscal Year 2021–22

The allocation methodology provides a baseline level of funding to all courts of \$34,000, totaling \$1.972 million. The remainder of the funds include \$23.328 million (\$25.328 million less the baseline total of \$1.972 million) from the Trial Court Trust Fund (TCTF), and \$5 million from the State Trial Court Improvement and Modernization Fund (IMF); the funds are proportionally allocated based on the updated three-year average county population as a proportion of total state population. Details by court are included in table 2 below.

County	Population	% of State Population	Base \$34,000	TCTF Self-Help Funding	IMF Self-Help Funds	Total Self-Help Allocation
	A	B	C	D = (B * 23,328,000) + C	E = B * 5,000,000	G = D + E
Alameda	1,666,779	4.184%	34,000	1,009,970	209,184	1,219,155
Alpine	1,153	0.003%	34,000	34,675	145	34,820
Amador	38,021	0.095%	34,000	56,263	4,772	61,035
Butte	221,459	0.556%	34,000	163,674	27,794	191,468
Calaveras	45,099	0.113%	34,000	60,407	5,660	66,067
Colusa	22,039	0.055%	34,000	46,905	2,766	49,671
Contra Costa	1,152,934	2.894%	34,000	709,092	144,696	853,788
Del Norte	27,307	0.069%	34,000	49,989	3,427	53,416
El Dorado	191,158	0.480%	34,000	145,931	23,991	169,922
Fresno	1,016,276	2.551%	34,000	629,073	127,545	756,618
Glenn	29,109	0.073%	34,000	51,045	3,653	54,698
Humboldt	134,879	0.339%	34,000	112,977	16,928	129,905
Imperial	189,889	0.477%	34,000	145,188	23,831	169,020
Inyo	18,585	0.047%	34,000	44,882	2,332	47,215
Kern	913,273	2.292%	34,000	568,760	114,618	683,378
Kings	152,993	0.384%	34,000	123,584	19,201	142,785
Lake	64,731	0.162%	34,000	71,903	8,124	80,026
Lassen	29,965	0.075%	34,000	51,546	3,761	55,306

County	Population	% of State Population	Base \$34,000	TCTF Self-Help Funding	IMF Self-Help Funds	Total Self-Help Allocation
	A	B	C	D = (B * 23,328,000) + C	E = B * 5,000,000	G = D + E
Los Angeles	10,236,799	25.695%	34,000	6,028,083	1,284,740	7,312,824
Madera	158,859	0.399%	34,000	127,019	19,937	146,956
Marin	262,532	0.659%	34,000	187,724	32,948	220,672
Mariposa	18,088	0.045%	34,000	44,591	2,270	46,861
Mendocino	88,751	0.223%	34,000	85,968	11,138	97,106
Merced	282,142	0.708%	34,000	199,206	35,409	234,616
Modoc	9,595	0.024%	34,000	39,618	1,204	40,822
Mono	13,634	0.034%	34,000	41,983	1,711	43,694
Monterey	443,279	1.113%	34,000	293,559	55,633	349,192
Napa	140,387	0.352%	34,000	116,203	17,619	133,821
Nevada	98,724	0.248%	34,000	91,807	12,390	104,197
Orange	3,212,644	8.064%	34,000	1,915,141	403,194	2,318,334
Placer	396,645	0.996%	34,000	266,252	49,780	316,032
Plumas	19,271	0.048%	34,000	45,284	2,419	47,702
Riverside	2,432,794	6.106%	34,000	1,458,505	305,321	1,763,826
Sacramento	1,543,680	3.875%	34,000	937,891	193,735	1,131,626
San Benito	60,579	0.152%	34,000	69,472	7,603	77,074
San Bernardino	2,182,559	5.478%	34,000	1,311,982	273,916	1,585,898
San Diego	3,344,199	8.394%	34,000	1,992,172	419,704	2,411,876
San Francisco	888,546	2.230%	34,000	554,282	111,514	665,796
San Joaquin	767,587	1.927%	34,000	483,455	96,334	579,789
San Luis Obispo	279,251	0.701%	34,000	197,513	35,047	232,560
San Mateo	773,961	1.943%	34,000	487,187	97,134	584,321
Santa Barbara	453,297	1.138%	34,000	299,425	56,890	356,314
Santa Clara	1,957,618	4.914%	34,000	1,180,269	245,685	1,425,954
Santa Cruz	274,323	0.689%	34,000	194,628	34,428	229,056
Shasta	178,363	0.448%	34,000	138,439	22,385	160,824
Sierra	3,207	0.008%	34,000	35,878	402	36,280
Siskiyou	44,552	0.112%	34,000	60,087	5,591	65,679
Solano	440,441	1.106%	34,000	291,897	55,276	347,174
Sonoma	498,996	1.253%	34,000	326,183	62,625	388,808
Stanislaus	557,435	1.399%	34,000	360,402	69,959	430,361
Sutter	98,493	0.247%	34,000	91,672	12,361	104,033
Tehama	64,518	0.162%	34,000	71,778	8,097	79,875
Trinity	13,624	0.034%	34,000	41,977	1,710	43,687
Tulare	478,308	1.201%	34,000	314,070	60,029	374,098
Tuolumne	54,749	0.137%	34,000	66,058	6,871	72,929
Ventura	852,852	2.141%	34,000	533,382	107,035	640,416

County	Population	% of State Population	Base \$34,000	TCTF Self-Help Funding	IMF Self-Help Funds	Total Self-Help Allocation
	A	B	C	D = (B * 23,328,000) + C	E = B * 5,000,000	G = D + E
Yolo	221,852	0.557%	34,000	163,904	27,843	191,747
Yuba	77,177	0.194%	34,000	79,190	9,686	88,876
Total	39,839,959	100%	1,972,000	25,300,000	5,000,000	30,300,000