REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-121
For business meeting on July 21, 2023

Title
Allocations and Reimbursements to Trial Courts: Funding for Court Reporters

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Trial Court Budget Advisory Committee
Hon. Jonathan B. Conklin, Chair
Ms. Rebecca Fleming, Vice-Chair

Agenda Item Type
Action Required

Effective Date
July 21, 2023

Date of Report
July 13, 2023

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Executive Summary

Senate Bill 170 (Stats. 2021, ch. 240), which amended the Budget Act of 2021, included $30 million ongoing General Fund to the Judicial Council for establishing a methodology to allocate funding to all trial courts to increase the number of court reporters in family law and civil cases. The budget language in the Budget Act of 2022 and ongoing 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 fiscal year 2023–24.

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 May 17, 2023, 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 in fiscal year (FY) 2021–22 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. The Judicial Council subsequently approved the allocations for FY 2022–23 at its September 20, 2022, business meeting based on the same allocation methodology but with updated data.

Analysis/Rationale

In the first year of funding in FY 2021–22, 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 2021–22. Through deliberations, the ad hoc subcommittee developed a recommendation for an allocation methodology for the $30 million and presented it to the TCBAC at its meeting on November 30, 2021, and to the Budget Committee on December 7, 2021. The Judicial Council approved the allocation methodology 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.

The council-approved allocation methodology was developed based on the 2020 Judicial Needs Assessment (JNA), which was the most current study at the time. Judicial workload, as described by the JNA, is measured by a court's Assessed Judicial Need (AJN) and was identified as the best metric for the allocation methodology because of the parallel workload drivers between judgeships and court reporters. In addition, the AJN data includes separate non-criminal and criminal judicial workload metrics by court. Focusing on non-criminal judicial need, consistent with the requirements in the budget language, the proposed methodology for allocating funds to the trial courts is as follows:

- Identify the proportion of judicial workload, as measured by the AJN, for non-criminal need by court;

- Apply a $25,000 funding floor to all courts. This would result 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;

- After applying the funding floor amount to 11 courts, allocate the remaining $29.7 million proportionally to all other courts based on their non-criminal judicial need; and

- Allocate the funding in one lump sum upon approval by the council.

The AJN data used in the allocation methodology for FY 2023–24 was updated based on the 2022 JNA and the detail of the allocations by court is included as Attachment A.

Annual reconciliation process

Because this funding is intended solely to cover the costs associated with increasing the number of court reporters, 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 used at the end of the year.

Policy implications

No policy implications are associated with this report.

Comments

No public comments were received on this item.

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, as intended by the budget language.

Attachments and Links

1. Attachment A: *Court Reporter Funding—Recommended 2023–24 Allocations*

Court Reporter Funding: FY 2023-24 Allocations

		Initial Allocation of $30M based on Noncriminal AJN			Allocation of $30M with Funding Floor of $25,000					
Cluster	Court	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)
1	Sierra	0.1	0.01%	$2,864	X	$25,000			$25,000	$22,136

Court Reporter Funding: FY 2023-24 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**
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