



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-063*

For business meeting on January 21, 2022

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**Title**

Allocations and Reimbursements to Trial Courts: SB 170 Funding for Court Reporters in Family Law and Civil Law Case Types

**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**

January 21, 2022

**Date of Report**

December 15, 2021

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### Executive Summary

On September 23, 2021, Governor Gavin Newsom signed Senate Bill 170 into law, which amended the 2021 Budget Act and included \$30 million ongoing General Fund to the Judicial Council exclusively for use to establish a methodology to allocate funding to all trial courts to increase the number of court reporters in family law and civil cases. The funding will not supplant existing trial court expenditures on court reporters in family law and civil law cases. The Trial Court Budget Advisory Committee recommends approving a proportional allocation methodology of the ongoing \$30 million to all trial courts to increase the number of court reporters in family law and civil law case types effective fiscal year 2021–22.

### Recommendation

The Trial Court Budget Advisory Committee recommends that the Judicial Council, effective January 21, 2022:

1. Approve an allocation methodology that allocates \$30 million proportionally to each trial court, based on the most recently published noncriminal assessed judicial need and after a

\$25,000 funding floor is provided to those courts that fall below the floor amount in the model;

2. Capture a baseline number and associated costs for court reporters in noncriminal case types, effective July 1, 2021, to ensure that these funds are not being used to supplant existing expenditures in these areas, consistent with the requirements in the budget language;
3. Update the assessed judicial need and Schedule 7A data used each year based on the most recent information available at the time of allocation for each fiscal year; and
4. Identify unspent funds for General Fund reversion each fiscal year, as necessary.

This recommendation was presented to the Judicial Branch Budget Committee on December 7, 2021 and approved for consideration by the Judicial Council.

### **Relevant Previous Council Action**

There is no previous Judicial Council action relevant to this item.

### **Analysis/Rationale**

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. Through various committee deliberations, the ad hoc group developed a recommendation for an allocation methodology based on the 2020 Judicial Needs Assessment (JNA) and presented it to the TCBAC for consideration on November 30 and the Judicial Branch Budget Committee on December 7, 2021. Judicial workload, as described by the JNA, is measured by a court's assessed judicial need (AJN) and was approved as the best metric for the allocation methodology because of the parallel workload drivers between judgeships and court reporters and because the AJN data includes separate noncriminal and criminal judicial need by court (Attachment A).<sup>1</sup>

Focusing on noncriminal judicial need, consistent with the requirements in the budget language, the proposed methodology for allocating funds to all trial courts includes:

- Identifying the proportion of judicial workload by court, as measured by the AJN, for noncriminal need;
- Applying a \$25,000 funding floor to all courts, which would increase the amount that a purely proportional calculation would generate for 11 of the 15 Cluster 1 courts,<sup>2</sup> totaling \$275,000, which represents an approximate 0.25 full-time equivalent using the average salary

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<sup>1</sup> Criminal includes felony, misdemeanor, and infraction case types; noncriminal captures all other case types, including civil, family, juvenile, probate, and mental health.

<sup>2</sup> Four Cluster 1 courts (in Amador, Calaveras, Del Norte, and San Benito counties) would receive an amount above \$25,000, like for the other nonfloor courts, based on the 2020 AJN data for noncriminal case types.

for court reporters from the 2020–21<sup>3</sup> Schedule 7A. Allocating this funding floor amount would provide funding for these courts to increase the number of court reporters in family law and civil law case types by hiring a part-time court reporter position, increasing the time of an existing part-time court reporter position, or using services that other Cluster 1 courts share;

- After applying the funding floor amount to 11 Cluster 1 courts, allocating the remaining \$29.7 million proportionally to all other courts based on their noncriminal judicial need; and
- Allocating funds in one lump sum on approval by the Judicial Council.

Details of this approach are outlined in Attachment B.

### **Annual true up process**

Because this funding is intended solely to cover the costs associated with increasing court reporters in family law and civil law cases, any unspent funds are required to revert to the General Fund each fiscal year. Judicial Council staff will work to confirm a true up process to occur at the end of each fiscal year to pull back any remaining funds not spent on new court reporters in family law and civil law cases, effective July 1, 2021.

### **Policy implications**

No policy implications are associated with this report.

### **Comments**

No public comments were received on this item.

### **Alternatives considered**

The recommended allocation methodology was developed to be consistent with the budget language for SB 170, which outlines very specific requirements on the use of this funding. Alternative approaches to the proportional allocation methodology were considered, including whether to establish a funding floor for small courts. The funding floor included in this recommendation provides Cluster 1 courts with sufficient funds to increase the number of court reporters in family law and civil law cases, as intended by SB 170, while being consistent with the Cluster 1 courts' relative workload.

Various options were considered for satisfying the requirements in the budget language to increase the number of court reporters in family law and civil cases while not supplanting existing trial court expenditures. These options included restricting the use of contractors, hiring part-time court reporters, and using employees in different trial courts based on workload. The recommendation to establish a baseline number and associated costs for court reporters in family law and civil cases, effective July 1, 2021, and to implement a true up process at the end of the fiscal year will accomplish these objectives.

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<sup>3</sup> This and all subsequent year spans represent fiscal years, unless otherwise indicated.

## **Fiscal and Operational Impacts**

The recommended allocation methodology would provide courts with funding to increase the number of court reporters in family law and civil case types, as intended by the budget language in SB 170.

## **Attachments and Links**

1. Attachment A: *2020 Assessed Judicial Workload and \$30 Million Proportional Allocation*
2. Attachment B: *2021–22 \$30 Million Court Reporter Allocation Methodology With Funding Floor*

## Attachment A: 2020 Assessed Judicial Workload and \$30 Million Proportional Allocation

2020 Assessed Judicial Workload (AJN): Noncriminal and Criminal Case Types					Proportional Allocation of \$30M based on Noncriminal AJN		
Cluster	Court	Noncriminal AJN	Criminal AJN	Total AJN	Noncriminal AJN	Proportion of Statewide AJN	Proportion of \$30M
	Statewide	1,078	889	1,967	1,078	100%	\$30,000,000
4	Alameda	38.2	24.5	62.7	38.2	3.55%	\$1,064,209
1	Alpine	0.0	0.1	0.1	0.0	0.00%	\$1,056
1	Amador	1.1	1.7	2.8	1.1	0.10%	\$29,940
2	Butte	6.7	6.9	13.5	6.7	0.62%	\$185,420
1	Calaveras	1.4	1.1	2.5	1.4	0.13%	\$39,895
1	Colusa	0.6	1.2	1.7	0.6	0.05%	\$15,943
3	Contra Costa	24.3	14.9	39.2	24.3	2.25%	\$675,184
1	Del Norte	1.2	1.3	2.5	1.2	0.11%	\$34,109
2	El Dorado	4.5	3.2	7.7	4.5	0.42%	\$124,641
3	Fresno	30.7	31.2	61.9	30.7	2.85%	\$853,614
1	Glenn	0.8	1.2	2.0	0.8	0.08%	\$22,883
2	Humboldt	4.7	5.0	9.7	4.7	0.43%	\$130,079
2	Imperial	5.3	6.2	11.5	5.3	0.49%	\$147,796
1	Inyo	0.5	1.0	1.5	0.5	0.04%	\$13,180
3	Kern	25.3	33.6	58.9	25.3	2.34%	\$702,828
2	Kings	4.3	7.8	12.1	4.3	0.40%	\$120,811
2	Lake	2.4	3.5	5.9	2.4	0.22%	\$66,963
1	Lassen	0.8	1.4	2.3	0.8	0.08%	\$23,445
4	Los Angeles	334.8	188.5	523.3	334.8	31.06%	\$9,318,132
2	Madera	6.0	5.8	11.8	6.0	0.56%	\$167,487
2	Marin	5.4	3.9	9.3	5.4	0.50%	\$150,839
1	Mariposa	0.4	0.7	1.0	0.4	0.03%	\$10,012
2	Mendocino	3.1	4.3	7.4	3.1	0.29%	\$86,263
2	Merced	7.1	7.9	14.9	7.1	0.66%	\$197,033
1	Modoc	0.5	0.6	1.0	0.5	0.04%	\$13,360
1	Mono	0.3	0.7	1.0	0.3	0.03%	\$8,319
3	Monterey	9.6	12.0	21.6	9.6	0.89%	\$268,159
2	Napa	3.6	3.6	7.2	3.6	0.34%	\$101,506
2	Nevada	2.4	2.3	4.6	2.4	0.22%	\$65,450
4	Orange	77.8	65.5	143.3	77.8	7.22%	\$2,165,694
2	Placer	8.9	8.2	17.1	8.9	0.82%	\$247,425
1	Plumas	0.7	0.6	1.2	0.7	0.06%	\$18,230
4	Riverside	62.7	53.1	115.8	62.7	5.82%	\$1,746,095
4	Sacramento	45.1	43.9	89.0	45.1	4.19%	\$1,255,567
1	San Benito	1.4	1.5	2.9	1.4	0.13%	\$39,515
4	San Bernardino	69.7	67.9	137.7	69.7	6.47%	\$1,940,623

Attachment A: 2020 Assessed Judicial Workload and \$30 Million Proportional Allocation

2020 Assessed Judicial Workload (AJN): Noncriminal and Criminal Case Types					Proportional Allocation of \$30M based on Noncriminal AJN		
Cluster	Court	Noncriminal AJN	Criminal AJN	Total AJN	Noncriminal AJN	Proportion of Statewide AJN	Proportion of \$30M
	<b>Statewide</b>	<b>1,078</b>	<b>889</b>	<b>1,967</b>	<b>1,078</b>	<b>100%</b>	<b>\$30,000,000</b>
4	San Diego	76.6	58.1	134.6	76.6	7.10%	\$2,131,223
3	San Francisco	26.5	15.1	41.6	26.5	2.45%	\$736,281
3	San Joaquin	20.1	22.4	42.5	20.1	1.87%	\$560,019
2	San Luis Obispo	6.1	8.9	15.0	6.1	0.57%	\$169,996
3	San Mateo	13.9	13.6	27.5	13.9	1.29%	\$386,101
3	Santa Barbara	9.6	12.4	22.1	9.6	0.89%	\$268,360
4	Santa Clara	35.1	33.2	68.3	35.1	3.26%	\$976,843
2	Santa Cruz	5.3	7.4	12.7	5.3	0.49%	\$147,972
2	Shasta	6.1	9.1	15.3	6.1	0.57%	\$170,783
1	Sierra	0.1	0.2	0.2	0.1	0.01%	\$1,947
2	Siskiyou	1.5	2.2	3.7	1.5	0.14%	\$41,458
3	Solano	11.3	10.9	22.3	11.3	1.05%	\$315,413
3	Sonoma	10.7	11.2	21.9	10.7	0.99%	\$296,871
3	Stanislaus	15.0	14.4	29.4	15.0	1.39%	\$417,851
2	Sutter	3.2	3.9	7.1	3.2	0.29%	\$87,725
2	Tehama	2.3	3.5	5.8	2.3	0.21%	\$63,377
1	Trinity	0.7	0.9	1.5	0.7	0.06%	\$18,335
3	Tulare	12.9	15.2	28.1	12.9	1.20%	\$359,582
2	Tuolumne	2.0	2.9	4.9	2.0	0.19%	\$56,372
3	Ventura	18.7	17.3	36.0	18.7	1.73%	\$519,490
2	Yolo	5.4	7.2	12.6	5.4	0.50%	\$151,000
2	Yuba	2.6	2.8	5.3	2.6	0.24%	\$71,295

**2020 Assessed Judicial Need (AJN):** based on the Biennial Report to the Legislature on Judicial Need submitted by the Judicial Council in November 2020 ([https://www.courts.ca.gov/documents/2020\\_Update\\_of\\_the\\_Judicial\\_Needs\\_Assessment.pdf](https://www.courts.ca.gov/documents/2020_Update_of_the_Judicial_Needs_Assessment.pdf) )

**Noncriminal case types:** Civil, Family, Juvenile, Probate, Mental Health

**Criminal case types:** Felony, Misdemeanors, Infractions

Cluster	Court	Initial	Modified Allocation of \$30M with Funding Floor of \$25,000*					
		Allocation of \$30M (AJN Only)	Funding	Floor	Revised AJN	Allocation of	Final	Change
			Floor Court?	Funding	Proportion for Non-floor Courts	Non floor Funding		
	Statewide	\$30,000,000		\$275,000		\$29,725,000	\$30,000,000	\$0
4	Alameda	\$1,064,209			3.56%	\$1,059,636	\$1,059,636	(\$4,573)
1	Alpine	\$1,056	X	\$25,000			\$25,000	\$23,944
1	Amador	\$29,940			0.10%	\$29,812	\$29,812	(\$129)
2	Butte	\$185,420			0.62%	\$184,623	\$184,623	(\$797)
1	Calaveras	\$39,895			0.13%	\$39,724	\$39,724	(\$171)
1	Colusa	\$15,943	X	\$25,000			\$25,000	\$9,057
3	Contra Costa	\$675,184			2.26%	\$672,283	\$672,283	(\$2,901)
1	Del Norte	\$34,109			0.11%	\$33,962	\$33,962	(\$147)
2	El Dorado	\$124,641			0.42%	\$124,106	\$124,106	(\$536)
3	Fresno	\$853,614			2.86%	\$849,946	\$849,946	(\$3,668)
1	Glenn	\$22,883	X	\$25,000			\$25,000	\$2,117
2	Humboldt	\$130,079			0.44%	\$129,520	\$129,520	(\$559)
2	Imperial	\$147,796			0.50%	\$147,161	\$147,161	(\$635)
1	Inyo	\$13,180	X	\$25,000			\$25,000	\$11,820
3	Kern	\$702,828			2.35%	\$699,807	\$699,807	(\$3,020)
2	Kings	\$120,811			0.40%	\$120,292	\$120,292	(\$519)
2	Lake	\$66,963			0.22%	\$66,675	\$66,675	(\$288)
1	Lassen	\$23,445	X	\$25,000			\$25,000	\$1,555
4	Los Angeles	\$9,318,132			31.21%	\$9,278,089	\$9,278,089	(\$40,043)
2	Madera	\$167,487			0.56%	\$166,767	\$166,767	(\$720)
2	Marin	\$150,839			0.51%	\$150,191	\$150,191	(\$648)
1	Mariposa	\$10,012	X	\$25,000			\$25,000	\$14,988
2	Mendocino	\$86,263			0.29%	\$85,892	\$85,892	(\$371)
2	Merced	\$197,033			0.66%	\$196,186	\$196,186	(\$847)
1	Modoc	\$13,360	X	\$25,000			\$25,000	\$11,640
1	Mono	\$8,319	X	\$25,000			\$25,000	\$16,681
3	Monterey	\$268,159			0.90%	\$267,006	\$267,006	(\$1,152)
2	Napa	\$101,506			0.34%	\$101,069	\$101,069	(\$436)
2	Nevada	\$65,450			0.22%	\$65,169	\$65,169	(\$281)
4	Orange	\$2,165,694			7.25%	\$2,156,387	\$2,156,387	(\$9,307)
2	Placer	\$247,425			0.83%	\$246,362	\$246,362	(\$1,063)
1	Plumas	\$18,230	X	\$25,000			\$25,000	\$6,770
4	Riverside	\$1,746,095			5.85%	\$1,738,592	\$1,738,592	(\$7,504)
4	Sacramento	\$1,255,567			4.21%	\$1,250,171	\$1,250,171	(\$5,396)
1	San Benito	\$39,515			0.13%	\$39,346	\$39,346	(\$170)
4	San Bernardino	\$1,940,623			6.50%	\$1,932,284	\$1,932,284	(\$8,339)

		Initial	Modified Allocation of \$30M with Funding Floor of \$25,000*					
Cluster	Court	Allocation of \$30M (AJN Only)	Funding	Floor	Revised AJN	Allocation of	Final	Change
			Floor Court?	Funding	Proportion for Non-floor Courts	Non floor Funding	Allocation	with Floor
	Statewide	\$30,000,000		\$275,000		\$29,725,000	\$30,000,000	\$0
4	San Diego	\$2,131,223			7.14%	\$2,122,064	\$2,122,064	(\$9,159)
3	San Francisco	\$736,281			2.47%	\$733,117	\$733,117	(\$3,164)
3	San Joaquin	\$560,019			1.88%	\$557,613	\$557,613	(\$2,407)
2	San Luis Obispo	\$169,996			0.57%	\$169,265	\$169,265	(\$731)
3	San Mateo	\$386,101			1.29%	\$384,442	\$384,442	(\$1,659)
3	Santa Barbara	\$268,360			0.90%	\$267,207	\$267,207	(\$1,153)
4	Santa Clara	\$976,843			3.27%	\$972,645	\$972,645	(\$4,198)
2	Santa Cruz	\$147,972			0.50%	\$147,336	\$147,336	(\$636)
2	Shasta	\$170,783			0.57%	\$170,049	\$170,049	(\$734)
1	Sierra	\$1,947	X	\$25,000			\$25,000	\$23,053
2	Siskiyou	\$41,458			0.14%	\$41,280	\$41,280	(\$178)
3	Solano	\$315,413			1.06%	\$314,057	\$314,057	(\$1,355)
3	Sonoma	\$296,871			0.99%	\$295,596	\$295,596	(\$1,276)
3	Stanislaus	\$417,851			1.40%	\$416,055	\$416,055	(\$1,796)
2	Sutter	\$87,725			0.29%	\$87,348	\$87,348	(\$377)
2	Tehama	\$63,377			0.21%	\$63,104	\$63,104	(\$272)
1	Trinity	\$18,335	X	\$25,000			\$25,000	\$6,665
3	Tulare	\$359,582			1.20%	\$358,037	\$358,037	(\$1,545)
2	Tuolumne	\$56,372			0.19%	\$56,130	\$56,130	(\$242)
3	Ventura	\$519,490			1.74%	\$517,258	\$517,258	(\$2,232)
2	Yolo	\$151,000			0.51%	\$150,351	\$150,351	(\$649)
2	Yuba	\$71,295			0.24%	\$70,989	\$70,989	(\$306)

\* \$25,000 represents approximately 0.25 FTE of the average salary for court reporters from Schedule 7A.