



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 22-185*

For business meeting on: December 2, 2022

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**Title**

Trial Courts: Filings Adjustment for 2022  
Judicial Needs Assessment (JNA) Update

**Submitted by**

Workload Assessment Advisory Committee  
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**Agenda Item Type**

Information Only

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### Executive Summary

The biennial Judicial Needs Assessment (JNA) model uses three-year average filings to estimate judicial workload and to assess judicial need in the trial courts. The 2022 JNA update (due November 2022) includes filings for fiscal years 2018-19, 2019-20, and 2020-21. The FY 2019-20 filings include four months (March to June 2020) when many courts' operations were constrained by shelter-in-place orders and physical distancing protocols. The filings count for those months did not reflect actual court workload. The Workload Assessment Advisory Committee (WAAC) has adopted a modification to the filings data for the 2022 JNA update. This modification is consistent with existing policy and is being shared with the Judicial Council as an informational item only.

### Relevant Previous Council Action

The methodology for determining the number of judgeships needed in the trial courts was approved by the Judicial Council in August 2001 and later modified and approved by the council in August 2004. The August 2001 council action, among other things, approved a set of workload standards (caseweights) to be used to conduct statewide assessments of judicial need.

In 2006 the Legislature incorporated the workload standards into statute when it created 50 new judgeships and established that new judgeships would be allocated according to the assessed judicial need and prioritization methodology approved by the Judicial Council. Government Code section 69614(b)<sup>1</sup> states that judges should be allocated according to uniform standards that are based on, among other criteria, “[c]ourt filings data averaged over a period of three years.”

At its July 9, 2021 meeting, the Judicial Council received an information only report about the use of adjusted filings for use in the Resource Assessment Study (RAS)/Workload Formula (WF), the same methodology described in this report. The WAAC previously approved the approach for use in the RAS/WF annual update.<sup>2</sup>

## **Analysis/Rationale**

This filings adjustment is intended to reflect typical judicial workload by replacing the pandemic-impacted months with filings data extrapolated from filings immediately preceding the pandemic-impacted months. This adjustment is consistent with actions taken by Workload Assessment Advisory Committee in 2021 related to filings used in the Resource Assessment Study model—the same set of filings data used in the 2022 Judicial Needs Assessment.

In those discussions, WAAC considered a number of possible methods of addressing the impact of the pandemic on court workload measurement. In the immediate weeks and months following the statewide shelter-in-place orders implemented in March 2020, courts had to make various adjustments to operations in adherence to public health orders. This included implementing physical distancing in courts, adopting technologies for remote hearings, and, in some cases, instituting temporary court closures. In the initial months of the pandemic, some courts were immediately impacted whereas others were affected at later dates as the pandemic spread throughout the state.

All of the above issues affected courts’ ability to receive and process case filings, although the effects were neither felt nor experienced in the same manner nor at the same time. In addition to filings, court case processing workload was similarly affected. Cases were continued or rescheduled to accommodate litigant needs and/or in keeping with social distancing protocols, among other reasons. While case filings may have dropped during the initial pandemic period, the universal experience from courts was that case processing workload in the courts remained robust. For example, case disposition activity remained high and litigants continued to receive services from self-help centers via remote technology.

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<sup>1</sup> All further code references are to the Government Code unless otherwise specified.

<sup>2</sup> Judicial Council of Cal., Workload Assessment Adv. Com., Trial Courts: *Resource Assessment Study Filings Adjustment for FY 2021-22* (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9604394&GUID=51A6B35B-54E3-4584-B04D-0348B13C9463>

The Workload Assessment Advisory Committee considered all of these issues and determined that the most equitable way to move forward with the calculations for the 2021–22 Workload Formula was to *not* use actual March through June 2020 data but to replace those months with extrapolated data that is more representative of the expected trend in filings, by court and by month. Other options were considered, such as using the actual reported filings during that period or making adjustments to the weights that are used to measure court workload. Regarding the former, the committee felt that using actual filings would understate court workload given all of the changes and adjustments courts had to make to case processing practices in order to implement physical distancing. On the other hand, making adjustments to the caseweights would be time consuming to execute and it may not be possible to capture the full range of court workload adjustments made in response to the pandemic, given that courts had different local public health ordinances to follow, various physical plant/site limitations, and varying levels of technological advancement.

The Workload Assessment Advisory Committee (WAAC) approved an approach to mirror actions taken with the Resource Assessment Study model to use modified filings for use in the 2022 JNA update. As a result of an *Action by Email Between Meetings* on September 8, 2022, the committee approved using July 2019 through February 2020 filings (8 months), for each court, by casetype, and extrapolated to a full year, adjusting for seasonality patterns observed in FY 2017-18 and FY 2018-19 data.

This approach means the JNA will use ***unadjusted*** filings data for FY 2018-19, ***adjusted*** filings data for FY 2019-20, and ***unadjusted*** filings data for FY 2020-21 to calculate the 3-year average. This will be the only JNA update to use adjusted FY 2019-20 filings because the next update (2024) will not include FY 2019-20 filings.

FY	Filings Data
2018-19	Unadjusted
2019-20	Adjusted
2020-21	Unadjusted

This approach would retain all the policies and principles of the workload models, such as the use of a three-year average of filings. Additionally, staff reviewed California Government Code 69614—which specifies criteria used to assess judicial need—and found no conflict in using the adjusted filings data for FY 2019-20 (see Link A).

By using adjusted filings for FY 2019-20 for use in the 2022 JNA update, a consistent approach would be applied across all workload models to address pandemic impacted data.

## **Fiscal Impact and Policy Implications**

This adjustment will be implemented for the 2022 Judicial Need Assessment (JNA) update, which is the basis for the assessment of judicial workload in the trial courts. There is no direct fiscal impact as a result of this filings adjustment. Any funding associated with new judgeships

that may be authorized for the judicial branch as a result of this analysis is incorporated into the budget change proposals and/or the legislation that is sponsored to request new judgeships

### **Attachments and Links**

1. Link A: Gov. Code, § 69614,  
[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=GOV&sectionNum=69614](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV&sectionNum=69614)