



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

Item No.: 20-127

For business meeting on: July 24, 2020

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**Title**

Trial Court Budget: Workload Formula  
Adjustment Request Process (ARP), Cluster  
Assignment Evaluation for the Superior  
Court of San Francisco County

**Agenda Item Type**

Action Required

**Effective Date**

July 24, 2020

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

June 30, 2020

**Recommended by**

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

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### Executive Summary

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a revision of the Superior Court of San Francisco County's cluster assignment from cluster 4 to cluster 3 based on the court's current number of authorized judicial positions. The current four-cluster model was developed in the early 2000s for use in the Resource Assessment Study model and is based on each court's authorized judicial positions. While the number of authorized judicial positions at most courts has not changed significantly over the years, the Superior Court of San Francisco County has experienced the most significant change, having eliminated 10 subordinate judicial officer positions in 2014, 15% of its total authorized judicial positions.

### Recommendation

In response to an Adjustment Request Proposal submitted by the Superior Court of San Francisco County, the Trial Court Budget Advisory Committee recommends that the Judicial

Council approve changing the cluster assignment of the Superior Court of San Francisco County from cluster 4 to cluster 3, effective July 1, 2020, for use in the fiscal year 2020–21 Resource Assessment Study model and Workload Formula allocations.

### **Relevant Previous Council Action**

In 2000, the Judicial Council’s Office of Court Research was directed to develop workload measures for case processing trial court staff (Programs 10 and 90) with the goal of developing a method for allocating resources to the trial courts that takes into account workload. It was during the development of the Resource Assessment Study (RAS) model that the clusters were created. The Judicial Council approved the RAS model at its July 20, 2005 meeting (see Link A).<sup>1</sup>

In February 2013, the council approved an updated version of RAS caseweights and other model parameters derived from a 2010 time study (see Link B). In that same year, the council approved a recommendation to adopt a new funding model, the Workload-based Allocation and Funding Methodology (WAFM), that would use the RAS model as the basis for its workload-based funding model (see Link C). This funding model is now referred to as the Workload Formula.

In July 2017, the council approved an updated version of RAS with caseweights and other model parameters derived from a 2016 time study (see Link D) and directed the Workload Assessment Advisory Committee (WAAC) to conduct any necessary interim analyses or make any technical adjustments needed prior to the next workload study update.

All previous Judicial Council approvals of the RAS model (2005, 2013, and 2017) were made with the understanding that ongoing technical adjustments would be made to the model as the need arose and as more data became available. To that end, two technical adjustments were proposed for the model following its 2013 approval: one was a recommendation from the Trial Court Budget Advisory Committee that the committee<sup>2</sup> study special circumstance workload (see Link E); the other was a request to develop an interim caseweight (pending the RAS model update) to measure the workload in complex civil cases following the dissolution of the complex civil pilot program and corresponding Trial Court Improvement and Modernization Fund funding. An interim caseweight to measure complex civil workload was approved by the council at its June 26, 2015, meeting and implemented starting with the FY 2015–16 budget allocations (see Link F).

### **Analysis/Rationale**

The current four-cluster model was developed in the early 2000s. It was based on the number of Authorized Judicial Positions (AJP). Courts were ranked by their number of AJPs first and then

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<sup>1</sup> At the time, “RAS” was an acronym for “Resource Allocation Study,” which was later revised to “Resource Assessment Study” to better reflect the model’s use in assessing, not allocating, workload.

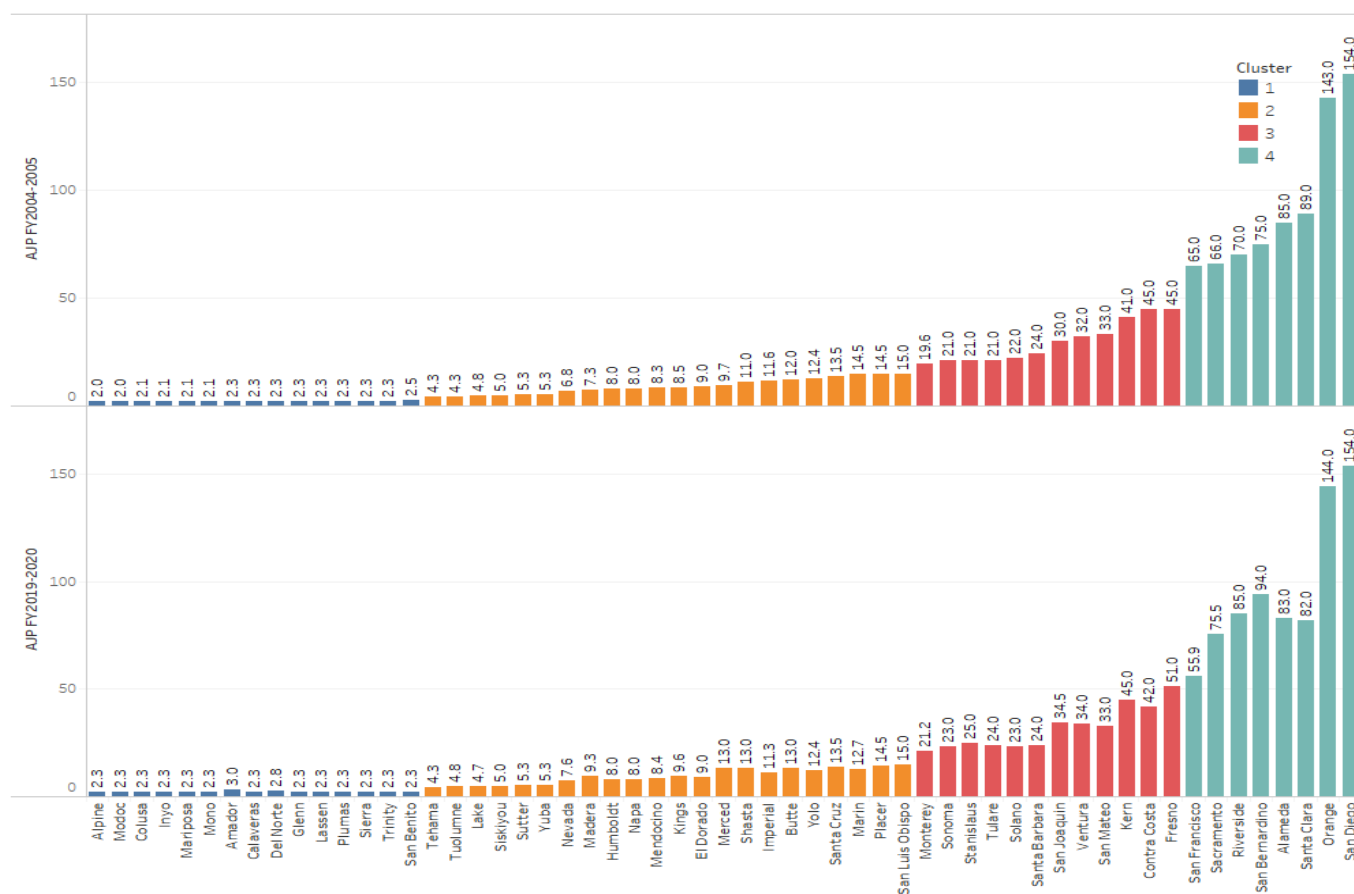
<sup>2</sup> The request was made of the Judicial Branch Resource Needs Assessment Advisory Committee, which later became the Workload Assessment Advisory Committee. Before becoming an advisory committee, the group was known as the SB 56 Working Group.

grouped into four clusters. Cluster boundaries were created based on clear “breaks” or differentiation in the number of AJPs. The smallest of the 58 trial courts, those with two AJPs, comprised cluster 1 courts. The remaining three clusters were identified based on natural breaks—or jumps—in total number of AJPs.

The number of AJPs at most courts has not changed significantly since the initial use of clusters in the RAS model in FY 2004–05. Over this period, some courts have received new judgeships and some courts have received authorization from the Judicial Council through the Executive and Planning Committee to increase or decrease the number of authorized subordinate judicial officer (SJO) positions. The Superior Court of San Francisco County has experienced the most significant change in its authorized judicial positions, having eliminated 10 SJO positions in 2014 or about 15% of its total AJPs.

Graph 1 below compares the 2004–05 AJPs to the current AJPs (2019–20). In 2004–05, when the clusters were first established, San Francisco had 65 AJPs, which was significantly higher than any cluster 3 court. However, the 2014 drop in San Francisco’s AJP number brought the court’s AJPs down to 55.9, similar to several cluster 3 courts. If the clusters were established today using the same methodology, the Superior Court of San Francisco County would have been assigned to cluster 3.

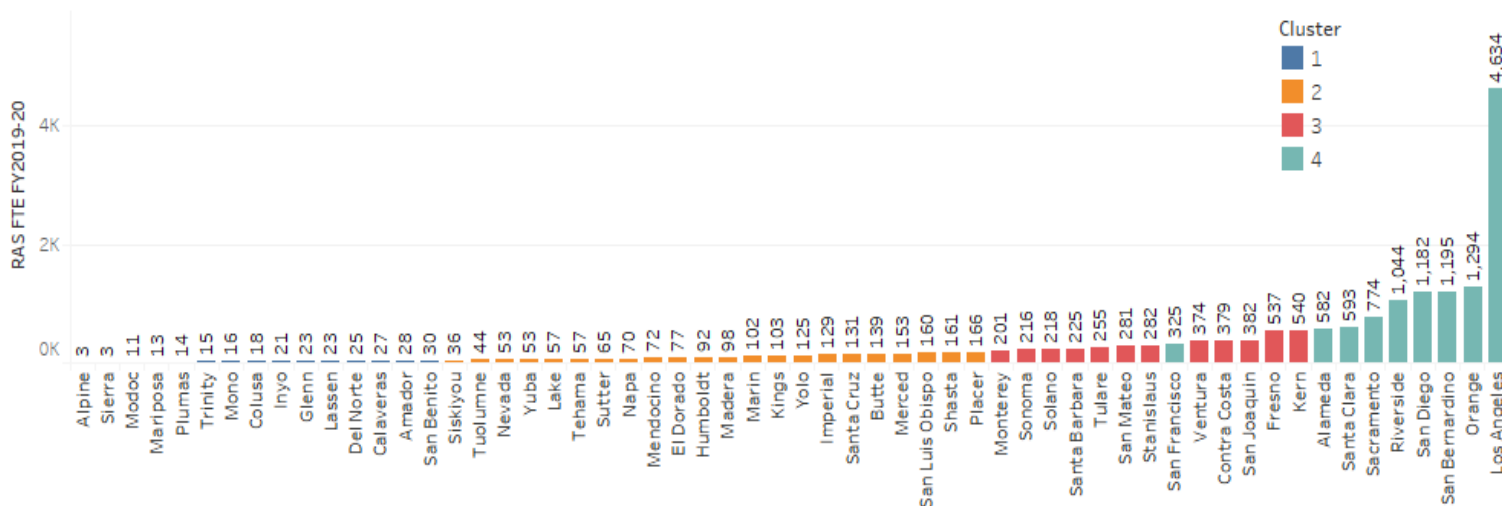
**Graph 1: Authorized Judicial Positions, 2004–05 and 2019–20**



Staff also analyzed the number of RAS full-time equivalents (FTEs) for all courts based on the most recent filings data and model parameters. While judicial positions are stable over time, providing a more consistent basis for the clusters, RAS FTE measurement can provide a secondary look at court groupings, predicated on the assumption that courts of similar size have similar needs for staffing.

This data also suggests that San Francisco belongs to cluster 3. According to the RAS FTE model, San Francisco needs 325 FTE staff to handle the workload at the court. Graph 2 shows that San Francisco's RAS FTE need is lower than five cluster 3 courts. Apart from San Francisco, the RAS FTE ranking is consistent with the current cluster groupings.

**Graph 2: RAS Staff Full-Time Equivalent, 2019–20**



The ARP also requested that the basis for clusters be changed to a different factor, such as RAS FTE. FMS discussed folding this request to reexamine the cluster system as well as floor funding into an item on FMS's work plan, to also include an ad hoc subcommittee to perform the reevaluation.

### ***Adjustment request process proposal***

The Trial Court Budget Advisory Committee (TCBAC) adopted a policy to institute an annual adjustment request process through which trial courts can make recommendations for changes to the Workload Formula (see Link G).

On January 13, 2020, the Superior Court of San Francisco County submitted an Adjustment Request Proposal (ARP) seeking both a revision to its existing cluster assignment and to make cluster reevaluation a regular part of workload formula revision. Specifically, the court requested the following:

1. Reassign the Superior Court of San Francisco County to cluster 3 immediately.
2. Change the basis of cluster assignments to a more suitable measure for application to the Resource Assessment Study (RAS) and the Workload Formula (i.e., RAS staffing level).
3. Ask the Workload Assessment Advisory Committee (WAAC) and/or the Judicial Council Office of Court Research (OCR) to conduct a thorough analysis of cluster assignments in order to update this variable (just as all other RAS/Workload Formula variables are updated).
4. Ask WAAC and/or the OCR to make the reevaluation of cluster assignments a regular part of RAS model updates.
5. Recalculate the Workload Formula base to correct the outdated cluster assignments that were used to formulate it. The use of outdated cluster assignments was a flaw in Workload Formula implementation that can only be remedied by recalculating the base with the correct cluster assignments.

TCBAC received the ARP and referred it to the Funding Methodology Subcommittee (FMS).<sup>3</sup> After committee review and discussion, the following recommendations were approved at both the February 20, 2020 Funding Methodology Subcommittee meeting and the June 11, 2020 Trial Court Budget Advisory Committee meeting (TCBAC):

1. Change the Superior Court of San Francisco County's cluster assignment from cluster 4 to cluster 3 based on the court's current number of AJP's and its RAS-estimated workload effective July 1, 2020.
2. Include the other items concerning cluster reanalysis in the FMS work plan item concerning clusters.
3. Reject the last item in the request, concerning recalculation of base funding. The concept of funding "base" was discontinued when the Workload Formula was updated in 2018 (see Link H). Also, the principles of the RAS and Workload Formula models are that changes may be made to the models at any time, as more data becomes available and as policy decisions evolve. However, there is no policy in place to retroactively change funding need or allocations as changes to the models are made.

### **Policy implications**

Changing the cluster assignment of the Superior Court of San Francisco, from cluster 4 to cluster 3, is based on a significant decrease to the courts' authorized judicial positions which is the data used to determine cluster assignment. The change would improve the measurement of workload for the court by grouping them with more similarly sized courts. If approved, this adjustment will

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<sup>3</sup> Per ARP policy, "The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director, in consultation with the Chair of the Trial Court Budget Advisory Committee (TCBAC) shall review each request and refer the request to the Funding Methodology Subcommittee (FMS) no later than April. If the request is more appropriately referred to another advisory committee, the Chair may do so immediately. The Chair will notify TCBAC no later than April of requests that have been referred to other advisory bodies." *Workload Formula Adjustment Request Procedures* (updated Mar. 21, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7188751&GUID=A90AB7DB-FA13-43B5-8817-947ABF3AB919>.

be implemented for the FY 2020–21 RAS to estimate FTEs in the trial courts, which is the basis for trial court budget allocation purposes for use in the Workload Formula.

### **Comments**

This item was discussed at two public meetings: the February 20, 2020 Funding Methodology Subcommittee meeting and the June 11, 2020 Trial Court Budget Advisory Committee meeting. There were no public comments received for this item at either meeting.

### **Alternatives considered**

The committee did not consider alternative cluster assignments as the Superior Court of San Francisco County’s current AJP and RAS workload estimates did not warrant weighing other cluster options.

### **Fiscal and Operational Impacts**

There is no fiscal impact to the judicial branch to implement the recommendation, other than the staff and committee time invested to analyze and develop the recommendation, and to update the calculations in the workload model to implement it.

Adopting this recommendation will result in an approximate 3 percent increase in the San Francisco court’s RAS full-time equivalents (FTEs) and Workload Formula (WF) estimate. This means that the statewide WF estimate will increase by less than 0.1 percent. The impact of this policy change on WF allocations depends on a number of factors, including the amount of available funding for trial courts and the different policy considerations for courts funded above the statewide average and/or above 100 percent of the Workload Formula and those whose funding level is below the statewide average. If approved, this recommendation would take effect for FY 2020–21 trial court budget allocations.

### **Attachments and Links**

1. Attachment A: Superior Court of San Francisco County ARP Submission
2. Link A: Judicial Council of Cal., *Fiscal Year 2005–2006 Trial Court Budget Allocations* (July 20, 2005), [www.courts.ca.gov/documents/0705item1.pdf](http://www.courts.ca.gov/documents/0705item1.pdf)
3. Link B: Judicial Council of Cal., *Trial Courts: Update of the Resource Assessment Study Model* (Feb. 8, 2013), [www.courts.ca.gov/documents/jc-20130226-itemM.pdf](http://www.courts.ca.gov/documents/jc-20130226-itemM.pdf)
4. Link C: Judicial Council of Cal., *Trial Court Budget Working Group: Recommendation of New Budget Development and Allocation Methodology* (Apr. 24, 2013), [www.courts.ca.gov/documents/jc-20130426-itemP.pdf](http://www.courts.ca.gov/documents/jc-20130426-itemP.pdf)
5. Link D: Judicial Council of Cal., *Trial Courts: Update of Resource Assessment Study Model* (June 13, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5338582&GUID=FA2962D0-141A-40D4-B9CA-CB5C2467A49C>

6. Link E: Judicial Council of Cal., *Trial Court Allocations: Revisions to the Workload-Based Allocation and Funding Methodology* (Feb. 10, 2014), [www.courts.ca.gov/documents/jc-20140220-itemK.pdf](http://www.courts.ca.gov/documents/jc-20140220-itemK.pdf)
7. Link F: Judicial Council of Cal., *Trial Courts: Resource Assessment Study Model Interim Complex Civil Caseweight* (June 3, 2015), [www.courts.ca.gov/documents/jc-20150626-item4.pdf](http://www.courts.ca.gov/documents/jc-20150626-item4.pdf)
8. Link G: Judicial Council of Cal., *Judicial Branch Budget: Workload Formula Adjustment Request Process Policy Update* (Apr. 26, 2019), <https://jcc.legistar.com/View.ashx?M=F&ID=7188751&GUID=A90AB7DB-FA13-43B5-8817-947ABF3AB919>
9. Link H: Judicial Council of Cal., *Trial Court Budget: Workload-Based Allocation and Funding Methodology* (January 12, 2018), <https://jcc.legistar.com/View.ashx?M=F&ID=5722980&GUID=EB419556-68BE-4685-A012-6A8D8502A126>