



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

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Title

Trial Courts: Resource Assessment Study
Filings Adjustment for FY 2021–22

Agenda Item Type

Information Only

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Submitted by

Workload Assessment Advisory Committee
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Executive Summary

The Resource Assessment Study (RAS) model uses a three-year average of filings to estimate court workload that is used in the trial court Workload Formula. The 2021–22 Workload Formula includes four months of pandemic-impacted data, which is not reflective of typical court workload as during this period many courts' operations were constrained by pandemic-related closures. The Workload Assessment Advisory Committee (WAAC) has adopted a one-time modification to the filings data for 2021–21 Workload Formula calculations. This modification is consistent with existing policy and is being shared with the Judicial Council as an informational item only.

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 with the goal of developing a method for allocating resources to the trial courts that takes workload into account. The Judicial Council approved the Resource Assessment Study (RAS) model at its July 20, 2005 meeting (see Link A).¹

¹ At the time, the RAS model was an acronym for Resource Allocation Study model—later revised to Resource Assessment Study model—to better reflect the model's use in assessing, not allocating, workload.

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 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 (see Link D).

Analysis/Rationale

The RAS model is a weighted caseload model used to estimate resource need in the trial courts. It measures case complexity through the development of caseweights: the amount of time, in minutes, needed to process a case from filing through disposition, including any postdisposition activity. These weights are applied to filings (workload driver) to estimate each court's unique workload. Currently, the RAS Model includes caseweights for 22 separate case types using the average of the three most recent years of data and includes any updates to model parameters, such as updated ratios and the like.

This year, consideration had to be given to the filings data used in the RAS model given the impacts the pandemic has had on the workload of the trial courts—beginning in March 2020 (see Attachment A). Filings for fiscal year (FY) 2021–22 will include four months of pandemic-impacted data as part of the most recent three-year average filings (FY 2017–18, FY 2018–19, FY 2019–20), specially the last four months of FY 2019–20 (March through June 2020).

The Workload Assessment Advisory Committee 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 is 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.

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 committee’s approved approach is to use the July 2019 through February 2020 filings (eight months), for each court, by case type, and extrapolate to a full year, adjusted for seasonality patterns observed based on the averages of FY 2017–18 and FY 2018–19 data. In making its recommendation, the committee emphasized an approach that would retain all of the policies and principles of the RAS model, such as the use of a three-year average of filings and periodic updates to model parameters such as the supervisor-manager ratio.

Fiscal Impact and Policy Implications

This filings adjustment is intended to reflect typical court workload by replacing the pandemic-impacted months with filings data extrapolated from filings immediately preceding the pandemic-impacted months. If approved, this adjustment will be implemented for the FY 2021–22 RAS to estimate FTEs in the trial courts, which is the basis for trial court budget allocations in the Workload Formula. The impact of this approach on Workload Formula allocations in each court depends on a number of factors, including the amount of available funding for trial courts and Judicial Council policy regarding workload-based allocations. The committee will continue to monitor filings data through the pandemic period to plan for future Workload Formula estimates.

Attachments and Links

1. Attachment A: *Adjustment for Pandemic-Related Filings for FY 2021–22 RAS Need* (Apr. 23, 2020)
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
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
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

5. Link D: Judicial Council of Cal., Trial Courts: Update of Resource Assessment Study Model (July 28, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5338582&GUID=FA2962D0-141A-40D4-B9CA-CB5C2467A49C>

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(Action Item)

Title: Adjustment for Pandemic-Impacted Filings for FY2021-22 RAS Need
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Issue

Since March 2020, the California trial courts have been significantly impacted by the global pandemic brought on by the spread of COVID-19. Shelter in place orders and behavioral changes, such as fewer drivers, led to a sharp decline in filings in the immediate months following the onset of the pandemic.

For FY 2021-22, the Resource Assessment Study (RAS) model, which is the foundation of the branch's trial court funding formula (Workload Formula) will include a three-year average of filings that includes the first 4 months of pandemic-impacted data (March-June 2020).

Recognizing this data is not reflective of typical court workload, the WAAC recognized the need for a different approach for the RAS model update for the years impacted by the pandemic and created an ad hoc working group to discuss how best to address this issue. This memo summarizes a recommended approach for FY 2021-22.

Background

The Workload Formula (WF) is based on the Resource Assessment Study (RAS) model that is driven by the most recent available three-year average total filings. For FY 2021-22, filings for FY2017-18, FY 2018-19, and FY 2019-20 will be used for the RAS model update. Filings are multiplied by caseweights for 22 different casetypes and then divided by the average work year to determine the number of full-time equivalents (FTE) needed for each court's workload. This provides an estimated need for case processing staff which is later converted into dollars in the Workload Formula.

Relevant Branch Policies

In 2000, the Judicial Council's Office of Court Research was directed to develop workload measures for case processing trial court staff with the goal of developing a method for allocating

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resources to the trial courts that takes into account workload. The Judicial Council approved the Resource Assessment Study (RAS) model at its July 20, 2005 meeting.^{1,2}

In February 2013, the council approved an updated version of RAS caseweights and other model parameters derived from a 2010 time study.³ 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.⁴ This funding model is now referred to as the Workload Formula.

The RAS model is a weighted caseload model used to estimate resource need in the trial courts. It measures case complexity through the development of caseweights - the amount of time, in minutes, needed to process a case from filing through disposition, including any post-disposition activity. These weights are applied to filings (workload driver) to estimate each court unique workload. Currently the RAS Model includes caseweights for 22 separate case types using the average of the three most recent years of data and includes any updates to model parameters, such as updated ratios and the like.

Per policy, the RAS model also recognizes the need for interim adjustments to the model that fall outside of the scope of the periodic RAS model updates.

The RAS model is updated periodically (every 5 years) to capture changes in workload or improved data availability. Updates over the years have included expanded case type categories. The RAS model update was last approved in 2017 by the Judicial Council. The next update will be conducted in approximately FY2023-24.

Analysis

Absent the pandemic, there were no significant changes, such as new legislation, that would otherwise result in a significant change to the number of court filings. For the last couple of years, overall court filings have remained largely stable, though there has been some changes in filings of certain casetypes (i.e. growth in civil limited and in mental health).

The working group also discussed that while court filings dropped in the months following the initial shelter in place orders issued in March 2020, court workload remained robust. Courts continued to process cases while shifting to remote and virtual modes of service delivery and

¹ See <http://www.courts.ca.gov/documents/0705item1.pdf>.

² At the time, the RAS model was an acronym for Resource Allocation Study model—later revised to Resource Assessment Study model—to better reflect the model’s use in assessing, not allocating, workload.

³ See <http://www.courts.ca.gov/documents/jc-20130226-itemM.pdf>.

⁴ See <http://www.courts.ca.gov/documents/jc-20130426-itemP.pdf>.

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maintaining strict physical distancing protocols for in-person service in order to keep the public safe.

Along those lines, the working group considered adjustments to the RAS model caseweights such as applying “delay factors” to the weights, but determined that statewide delay factors may cause issues such as: 1) providing too much workload credit in some courts with little COVID impact while providing too little workload credit in others that experienced high levels of COVID impact, 2) did not recognize local court variances (i.e. remote hearings, closure levels, etc.), and 3) did not recognize local court filing trends. Also, the group determined there would be inadequate time to create and validate new measurements or delay factors in time for FY 2021-22 allocation decisions.

Given the impacts the pandemic has had on the workload of the trial court—beginning in March 2020—the working group’s proposal is to not use actual March to June 2020 filings data and replace those months with data that is more representative of the expected trend in filings, by court and by month.

Considerations

In making their recommendation, the subcommittee emphasized an approach that would retain all of the policies and principles of the RAS model, such as use of a three-year average of filings and periodic updates to model parameters such as the supervisor-manager ratio. Also, the subcommittee was clear that this proposal was not intended to be used to seek a change to any proposed state appropriation to trial courts or to request a state funding augmentation. This proposal, if accepted, would be used to update the branch’s internal funding allocation mechanisms, the RAS model, and Workload Formula.

The subcommittee considered a number of approaches and has narrowed them down to two possibilities:

Option 1. Use the July 2019-February 2020 filings (8 months), for each court, by casetype and extrapolate to a full year (see Table 1).

Option 2. Use the July 2019-February 2020 filings (8 months), for each court, by casetype, and extrapolate to a full year, adjusted for seasonality patterns observed based on the averages of FY 2017-18 and FY2018-19 data (see Table 2).

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Table 1. Simple Extrapolation, Option 1

Option 1 1. Simple Extrapolation:			
	Summary: Use 8 months of FY2019-20 data to determine last 4 months of FY 2019-20		
	Court A, Casetype A		Filings
Step 1	FY2019-20 Filings (8 months)	Actual 8 months filings	2,400
	Calculation:		
Step 2	$(2400/8) \times 12$	Extrapolated 12 months	3,600

Table 2. Seasonal Extrapolation, Option 2

Option 2 2. Seasonal Extrapolation			
	Summary: Use previous years' data (FY 2017-18, FY 2018-19) to determine seasonal differences and apply that percentage to 8 months of FY 2019-20 data to determine last 4 months of FY 2019-20.		
	Court A, Casetype A		Filings
Step 1	Determine % of first 8 months of 2017-18 and FY 2018-19 and then average		65%
Step 2	FY2019-20 Filings (8 months)	Actual 8 months filings	2,400
	Calculation (e.g., 65% of total filings in first 8 months):		
Step 3	$(2400 \times 100) / 65$	Extrapolated 12 months	3,692

Both options use each court's own data, by casetype to extrapolate to a full twelve months, using data from the first eight months of the fiscal year. The added benefit of option two is that it adjusts for seasonality of the data; in their discussions, the subcommittee noted that some filings types have seasonal patterns (i.e. traffic infractions are higher in the spring/summer) that might be missed with a simple extrapolation. With option two, the two previous fiscal years are used to determine the seasonality of the filings data by court and casetype.

Alternatives

In addition to discussing various options for the filings data, the working group discussed the feasibility of making adjustments to the caseweights, as described earlier in this report.

Next Steps

The working group discussed that the next two years of the RAS model would also have pandemic related impacts and may require additional adjustment. WAAC will continue to monitor filings and workload trends going forward to see if the same approach may be warranted next year or a different approach needed. The working group also discussed, but did not make a proposal on, how to adjust the Judicial Needs Assessment that is due in November 2022. The

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Judicial Needs Assessment methodology (see Gov. Code 69614) also calls for using the three most recent years of filings data.

Summary

The working group believes the recommended approach, either option, to treating the pandemic data is fair to all courts and is consistent with the approach being taken by other states that use weighted caseload methodologies.

Recommendation

1. The working group recommends that the three- year average filings for use in developing the RAS need for the FY 2021-22 trial court allocations (FY2017-18, FY2018-19, FY2019-20) should be adjusted to replace the last 4 months of 2019-20 filings data, using one of the proposed options described above.
2. The working group recommends that the workload captured during the pandemic continue to be studied to address implications in future years development of RAS model need.
3. The committee should direct staff to work with the working group to develop future year solutions.