



County of Contra Costa BUDGET SNAPSHOT



JUDICIAL COUNCIL
OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Hon. Jill Fannin, Presiding Judge

Stephen H. Nash, Court Executive Officer

(925) 608-2700

Court Service Highlights in the Current Year

- **Reduced wait time for child custody recommending counseling appointments**
- **Enhanced connection to the court**
- **Expanded online services**

Court Service Highlights in Detail

Child custody counseling in Family Law can reduce conflict in the household and enable judges to make final custody and visitation orders with fewer continuances. Through adjustments to staffing, scheduling, and reminder calls and texts, the wait time for custody counseling appointments has been reduced from 9 weeks to just over 2 weeks.

Communicating with the court is quicker as the Court’s telephone system has been streamlined and the number of “clicks” needed to reach staff has been reduced.

Language access has been expanded to include telephone interpretations at filing windows and interpreters in every case type except civil.

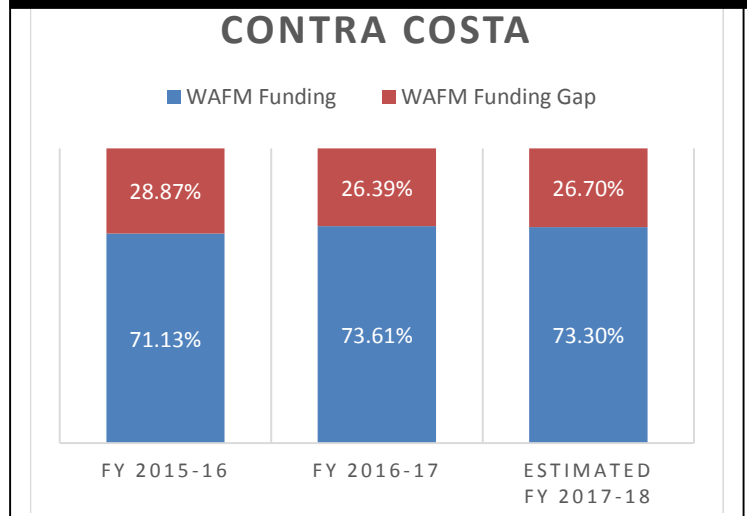
Expanded online services, such as the court’s domestic violence restraining order system, allow the public to access court domestic violence services information and processes at any hour. In addition, parties come to their child custody recommending counseling appointment better prepared after using our online orientation (available in English and Spanish). Those seeking a divorce can access Spanish and English versions of the online “Start Your Divorce” workshop that walks them through the process of completing their forms and issues an appointment for a date to have their paperwork reviewed at the family law facilitator’s workshop prior to making copies and filing. Jurors that are unable to serve can now submit their requests online. Also, online juror check-in is in development.

Budget Challenges and Priorities

Contra Costa faces three large budget challenges:

- 1) Traffic revenues continue to decline sharply, from \$6.2 million in FY 2014-15, to a projected \$3.3 million this year (a 46.7% decline), leaving a large court operating deficit.
- 2) Trial Courts are not being provided equitable funding for employee pay increases. Consequently, our court will have to cut operations to pay increased staff costs.
- 3) We need funding to replace our separate, outdated case management systems which are expensive to maintain, cause delays, and do not support e-filing or accessible public information.

Workload Allocation & Funding Gap



Court Demographics

Population Served	1,087,008
Square Miles Covered	802
Total Number of Court Facilities	7

Why do courts need more money if filings are down?

Most of California's courts have not been funded at 100% of their need for at least the past five years. Some courts, specifically those that are considered historically under-resourced, have always been chronically underfunded.

How courts are funded

Trial court revenues can be divided into three categories: state financing sources, grants, and other financing sources. The majority of the courts' revenue comes from the state, and the vast majority of state funding is provided by the Trial Court Trust Fund (TCTF). State financing sources also include reimbursements for court interpreters and other costs. Grant funding for child support commissioners and facilitators is a significant portion of grant revenue. Local fees, local reimbursements, and the recovery of costs for comprehensive collection programs make up a significant portion of other financing sources revenue. Reimbursements are paid to the courts in the amounts they are authorized to spend. Grant funding is allocated to the courts based on amounts they are awarded based on grant applications and program criteria. Local fees and collections are distributed to the courts according to schedules and statutes that govern how much courts are entitled to retain from what is collected. However, these other financing sources account for only a modest amount of all trial court revenues. The majority of funds distributed from the TCTF to the trial courts is determined by way of a statewide filings-based formula called the Workload-based Allocation and Funding Methodology (WAFM) which allocates funds based on each court's share of the estimated statewide funding need calculated from a three-year average of filings and case type at each court.

WAFM

The WAFM calculation begins with resources assessment study which assigns a relative time value to each type of case (felony, unlimited civil, family law, etc.). That value is determined through time studies performed at the courts and research in clerk's offices, self-help centers, and courtrooms. As a result, this method assesses the average amount of processing time each case type requires of court staff. We then multiply this amount of time, called a caseweight, by the court's three-year average of the number of cases filed for that case type. We use the sum of the calculated times for all case types to estimate a staffing need. WAFM then determines an overall 'workload based' funding need for each trial court using that staffing need in combination with information on court employees compensation, operating expenses, and equipment expenditures. WAFM was created by the Judicial Council to establish an equitable way to allocate money to the courts. Prior to WAFM, courts received a share of TCTF funds based on how much funding they received historically from their counties (when trial courts were funded by the counties rather than by the State). The change from local to state funding occurred in 1997 with the passage of the Lockyer-Isenberg Trial Court Funding Act of 1997 (AB 233; Ch. 850, Statutes of 1997). Unfortunately, even with the introduction and use of WAFM as a model, California's courts suffer a shortfall in funding. In fact, courts currently share funding that is less than 100% of their estimated need, which means that just about every court in California receives less money than it needs to serve the public. It is important to stress that WAFM provides a mechanism to distribute money to the courts, but it does not mean there is sufficient money to fund court operations and services.

Impact of legislation and ballot initiatives

Some bills that become law require the courts to perform new functions without providing funding to support those new functions. For example, SB 1134 (Leno; Ch. 785, Statutes of 2016) requires all California courts (trial courts, Courts of Appeal, and the Supreme Court) to rehear specified habeas corpus petitions because that bill changed the standard of review for such cases. As a result of these "do-over" filings and hearings without an appropriation of funding, court revenues must be spent hearing cases a second time, delaying for weeks and months any new cases because no funding was appropriated with this bill. The same is true for ballot initiatives. Prop. 64 allows people who previously had convictions for specified marijuana crimes to petition the courts to have their convictions vacated. Tens of thousands of people in California have been convicted of marijuana violations; they may now be eligible to ask the courts to undo their convictions, but the initiative didn't include funding to help the courts process these requests. That means that courts will spend their revenues to address these marijuana issues, rather than hearing new cases that are filed.

Other factors

Even though fewer cases were filed in 2015 than in 2014, courts are still underfunded no less than \$430 million because: (1) Courts have been historically underfunded. Even though filings are down, they are not down enough to close the gap between what courts need and what they have. (2) More people are representing themselves in court. Since individuals are largely unfamiliar with court procedures, these cases take longer than cases that are tried by lawyers. (3) There are more criminal cases going to trial. Statistics show that since the passage of AB 109 (realignment) and Prop. 47 (felonies converted to misdemeanors in certain cases), the number of trials has increased *and* the length and complexity of trials have also increased. (4) Language services are becoming more critical. The courts face new and increasing responsibilities to manage and provide interpreter services for litigants who are not English speakers. While the services of interpreters are often reimbursed, management and logistics associated with language access are not. (5) Since realignment there have been significant changes to how people are sentenced and the duration courts retain jurisdiction over them, resulting in new hearings, increased paperwork, and other logistics that must be managed by the courts.