



Superior Court of California County of Kern BUDGET SNAPSHOT



JUDICIAL COUNCIL
OF CALIFORNIA
GOVERNMENTAL AFFAIRS

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Court Service Highlights in the Current Year

- **WAFM-funded investments in technology, e-service automation, and process improvement help provide efficiency benefits**
- **Service restoration and access to justice improvements in recent years will stall as funding for court operations lags behind forecasted needs in FY 2017-18**

Court Service Highlights in Detail

Proactive implementation of traffic ticket and infraction amnesty program (10/2015-12/2016)

- 2,376 driver’s license renewal holds removed
- 6,389 fine & fee amounts reduced
- \$928,312 gross fines & fees collected

Case filings that help most vulnerable continue to increase

- 1) Domestic violence filings in family law have **more than doubled** since FY 2006-07.
- 2) Juvenile dependency filings are now **at their highest** in last five years.
- 3) Self-help and requests for family law facilitation services are trending **10% higher** over last year.
- 4) Guardianship cases have **risen by 20%** just in the last two years.

Case management system improves access to justice

The court’s transition to a new case management system will improve the public’s access to court information, documents, and case outcomes. Access improves transparency and better understanding which leads to greater confidence in the fairness of the judicial system.

Service reductions likely due to lack of resources for court employee negotiated salary increases

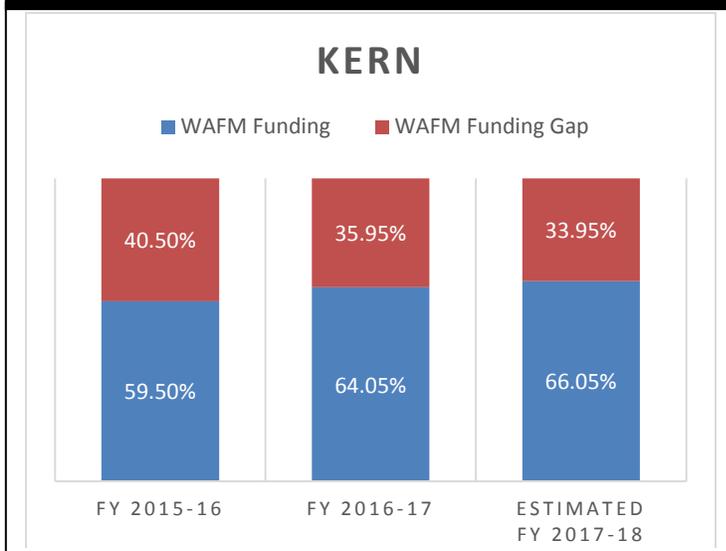
The court-employee MOU sunsets in the fall of this year. As in past years, without increased revenues, spending on employee wage increases will require operations offsets such as reducing counter and phone hours, hiring employees for part-time positions, maintaining full time positions vacant, and reducing services to self-represented litigants.

Budget Challenges and Priorities

Collaborative court at risk. The mental health court is at risk of closing due to lack of sufficient funding. A recent extension of grant funding for this collaborative court, started in 2015 using an award from the Recidivism Reduction Grant, is insufficient to pay for an entire year of client services. With no sustainable funding in the FY 2017-18 budget, service cuts will result in closure of this innovative and much needed court.

Shortfall in judicial officers adversely impacts service delivery. Kern Superior Court has not realized the addition of a new judicial position since 2007. Current judicial workload models indicate Kern should have as many as 10 more judicial officers than are currently funded.

Workload Allocation & Funding Gap (see reverse)



Court Demographics

Population Served	873,092
Square Miles Covered	8,162
Total Number of Court Facilities	12

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.