

Superior Court of California

County of Monterey

BUDGET SNAPSHOT

March 2017

Hon. Mark E. Hood, Presiding Judge

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JUDICIAL COUNCIL
OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Court Service Highlights in the Current Year

- E-filing implementation in civil, family, probate, and juvenile case types**
- Self-help center services expanded to additional court location to reach underserved public**
- Implemented new veterans treatment court**

Court Service Highlights in Detail

E-Filing implementation in most case types

All documents must now be e-filed in civil, family, probate and juvenile cases for all litigants except those who are self-represented following a successful pilot and voluntary period. E-filing is a significant step in moving the court closer to being paperless following the implementation of the new *Odyssey* case management system. E-filing provides an option and potential cost savings to parties who would otherwise travel, sometimes in excess of 110 miles round trip, to the Monterey or Marina Courthouse from South Monterey County.

Attorneys and law firms utilizing e-filing save time and the expense of court runners who would travel to and from the courts providing document filing services.

Self-help services expanded to better serve the public

Bilingual (in Spanish and English) in-person self-help services in the Monterey Court location were expanded to the Salinas Court location twice per week to provide greater convenience to self-represented litigants who live in remote areas of the county in family law and other civil case document preparation. Legal and support staff effectively guide people who may otherwise be intimidated by the justice system. We conduct workshops in select court matters including divorce, domestic violence and civil harassment restraining orders, guardianships, landlord/tenant issues, and limited conservatorships, including assistance with document preparation.

Implemented veteran's treatment court

Veterans in the criminal justice system who are diagnosed with PTSD, other psychological disorders, and/or substance abuse problems resulting from their service are provided with an opportunity to address legal and core health issues utilizing a therapeutic treatment court model. The coordinated strategy includes regular judicial interaction, strict probation supervision, treatment services, regular drug and alcohol testing, and a team of professionals dedicated to ensuring program compliance, successful community reintegration, and overall improvements to public safety.

Budget Challenges and Priorities

Underserved South Monterey County

The 2012 "indefinite delay" of the South Monterey County Courthouse construction project has left residents of this majority Hispanic, poor, rural agricultural community significantly underserved. The 2013 closure of the King City (South County) Courthouse due to accessibility, safety and security concerns compounded by budget constraints has further complicated access to justice for many low income people in our county. Some residents now must travel 110 miles round trip to access family and other essential court services.

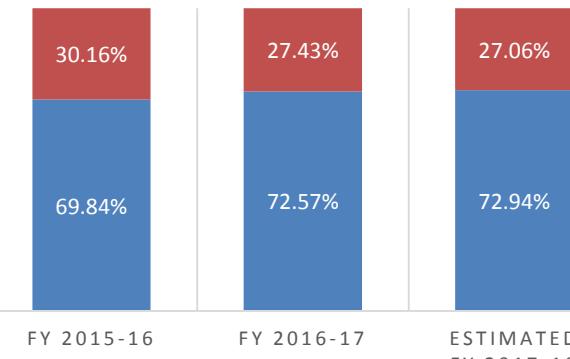
Trial court underfunding

Trial court underfunding impacts our ability to meet the increased costs of doing business and sustain necessary staffing levels. It inhibits our ability to provide cost-of-living increases, which negatively impacts attracting, hiring and retaining employees. Lack of funding strains resources, and is likely to result in reduced services and access to justice for the public.

Workload Allocation & Funding Gap (see reverse)

MONTEREY

■ WAFM Funding ■ WAFM Funding Gap



Court Demographics

Population Served	433,898
Square Miles Covered	3,771
Total Number of Court Facilities (Salinas, Salinas Annex, Juvenile, Monterey, Marina, King City)	6 (1 facility, King City Courthouse closed, effective Sept. 23, 2013)

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.