



Superior Court of California County of Orange BUDGET SNAPSHOT

March 2017



JUDICIAL COUNCIL
OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Hon. Charles Margines, Presiding Judge

David Yamasaki, Court Executive Officer

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Court Service Highlights in the Current Year

- Improved access and assistance for self-represented litigants, prospective jurors and the public
- Continued innovation toward an all-electronic court record (E-Court); more web and mobile applications for litigants, jurors, lawyers, justice partners, and the public; and the electronic exchange of court records with justice partners.

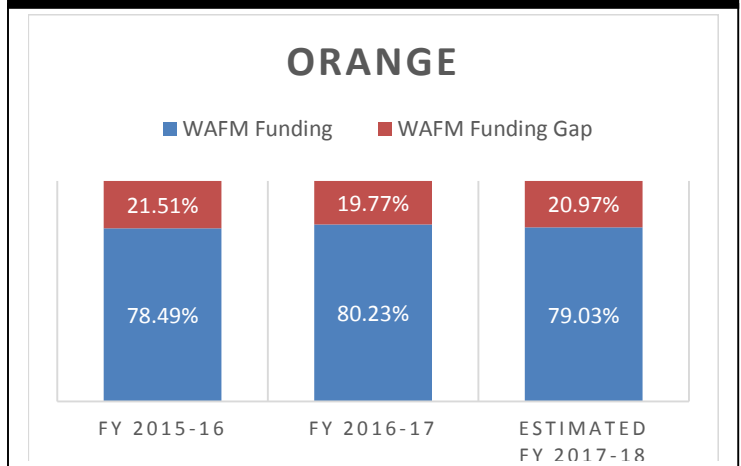
Court Service Highlights in Detail

- Implemented new case management system for family and juvenile cases, allowing for an all-electronic court record
- Reopened call center to better serve customers through telephonic services
- Digitized all archived court records, enabling the termination of leased office space required for storage
- Developed a system internally to allow for the assembly and dissemination of civil appellate records to the Court of Appeal
- Implemented an automated check-in process for customers seeking assistance in the area of family court services
- Implemented a system to track and assign interpreters throughout the court
- Implemented an integrated voice response (IVR) system court-wide to better direct customers to requested services
- Maintained drug collaborative court and mental health collaborative court participation by defendants notwithstanding Prop. 47
- Expanded training and development for all court employees; engaged court employees in training curricula by responding to issues raised in our court's employee satisfaction survey
- Developed emergency message broadcast system using screen pop-ups, text messages, and phone messages
- Implemented a new online program enabling litigants to complete forms following hearings using electronic tablet devices

Budget Challenges and Priorities

- Inadequate funding for legal representation for children and parents in juvenile dependency cases
- Need to restore staffing levels in operations to reduce backlogs and delays in processing and filing documents
- Insufficient funding to expand self-help services to meet the needs of self-represented litigants
- Challenges in maintaining competitive employee/staff compensation relative to labor market
- Lack of reserves prevents long-term investment in improved business practices and automation to reduce costs
- Significant deferred maintenance in old court facilities
- No regional courthouse for 600,000 South County residents

Workload Allocation & Funding Gap



Court Demographics

Population Served	3,113,991
Square Miles Covered	948
Total Number of Court Facilities	8

Why do courts need more funding 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.