



# Superior Court of California

March 2017

## County of Santa Clara BUDGET SNAPSHOT



JUDICIAL COUNCIL  
OF CALIFORNIA  
GOVERNMENTAL AFFAIRS

Hon. Patricia M. Lucas, Presiding Judge

Rebecca Fleming, Court Executive Officer

(408) 882-2713

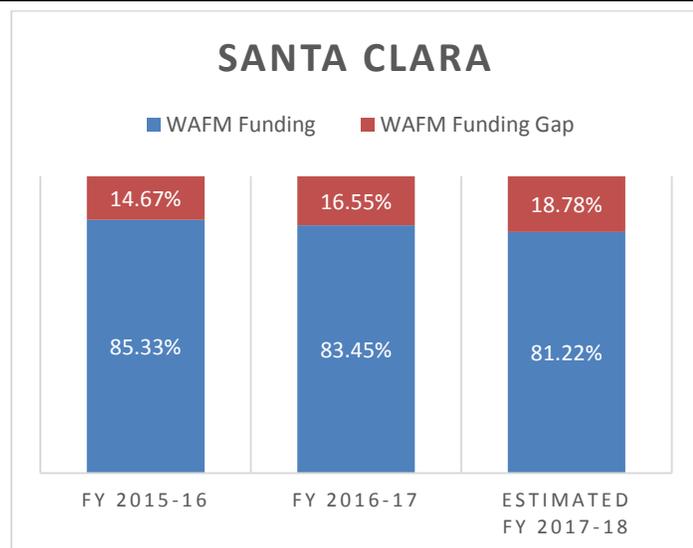
### Court Service Highlights in the Current Year

- Implementation of a new case management system
- Opening of the Family Justice Center Courthouse
- Continued implementation, improvement to mandatory e-filing

### Court Service Highlights in Detail

- Implementation of a new case management system in civil, family, juvenile and probate law areas
- Opening of the Family Justice Center Courthouse and consolidation of six court locations to provide the public with better access to court services
- Implementation of mandatory e-filing for complex civil, family and probate
- Implementation of traffic ticket/infraction amnesty program: from July to December 2016, DMV holds were released in 685 cases and amounts owed were reduced in 642 cases.

### Workload Allocation & Funding Gap (see reverse)



### Court Demographics

Population Served	1,918,044
Square Miles Covered	1,381
Total Number of Court Facilities	8

### Budget Challenges and Priorities

#### Challenges

Classified as a contributing court under WAFM, Santa Clara is significantly underfunded and is unable to maintain an appropriate level of public service. Santa Clara has committed to avoid staff layoffs, but has needed to gradually reduce staffing levels through attrition. The Court's staffing levels have been reduced significantly from 860 FTE in fiscal year 2007-2008 to 582 in fiscal year 2016-2017.

The WAFM Funding Gap continues to impose the following budgetary challenges:

- Inability to restore staffing levels, maintain hours of operations for the public, reduce wait lines and backlogs, and prevent delays in the processing and filing of documents.
- Inability to maintain compensation relative to the labor market and provide annual cost of living increases to attract and retain staff
- Lack of reserves prevents planning and long-term investment in improving business processes, transition to a paperless environment, and automation to reduce costs.

#### Priorities

- Implementation of a new case management system in Criminal and Traffic
- Implementation of e-filing in Civil
- Court efforts continue to reduce recidivism rates among offenders and continue to save money for local and state agencies

### Court Service Reductions in Detail

#### Impact of WAFM Funding Restrictions:

- **Counters/Clerks/Telephones**
  - Reduced public service hours: 4:30 p.m. closures moved up to 3:00 p.m. and, in some locations, noon on Fridays
  - Reduced number of operating service windows due to budget reductions
  - Increased backlogs caused by reduced staffing levels
  - Reduced telephone services, requiring more court users to travel to court with consequent wage loss and expense
- **Courtroom Closures**

Since 2009, the Court has closed courtrooms and consolidated certain case types out of North and South County, requiring court users to travel further and to incur wage loss and expense. There are no immediate plans to re-open any of these departments due to fiscal reductions.
- **Limited Self-Help/Mediation/Facilitator Services**
  - Reduced Self-Help days from 4 to 3
  - Reduced Small Claims Advisory services to e-mail only
- **Reduction of Court Reporters/Interpreters**
  - Reduced funding has led to a decrease in court reporters/interpreters available to assist in court hearings.
  - Delays in court hearings and backlogs have resulted from a lack of certified and registered interpreters.

## 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.