



Superior Court of California County of Sutter BUDGET SNAPSHOT

March 2017



JUDICIAL COUNCIL
OF CALIFORNIA
GOVERNMENTAL AFFAIRS

Hon. Brian R. Aronson, Presiding Judge

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Court Service Highlights in the Current Year

- Proactive implementation of traffic ticket/infraction amnesty program
- Unfunded deferred maintenance
- Implementation of e-filing and electronic court records

Court Service Highlights in Detail

Proactive implementation of traffic ticket/infraction amnesty program

Traffic and collections divisions have been reaching out to those eligible for amnesty with courtesy notices detailing the program. Of the 25,264 eligible delinquent cases, Sutter has received 569 applications for amnesty in adult cases and 3 applications in juvenile cases.

Court facility

Construction continues on the new courthouse as we pass our first anniversary of occupancy. The in-custody holding areas have been damaged with substantial graffiti by inmates utilizing their handcuffs, a cost that the court does not currently have budgeted to address. The custodial staff of two people is not sufficient to maintain 73,853 square feet of our new facility so we have deliberately focused on the public areas in an effort to keep the lobby and courtrooms maintained for our community.

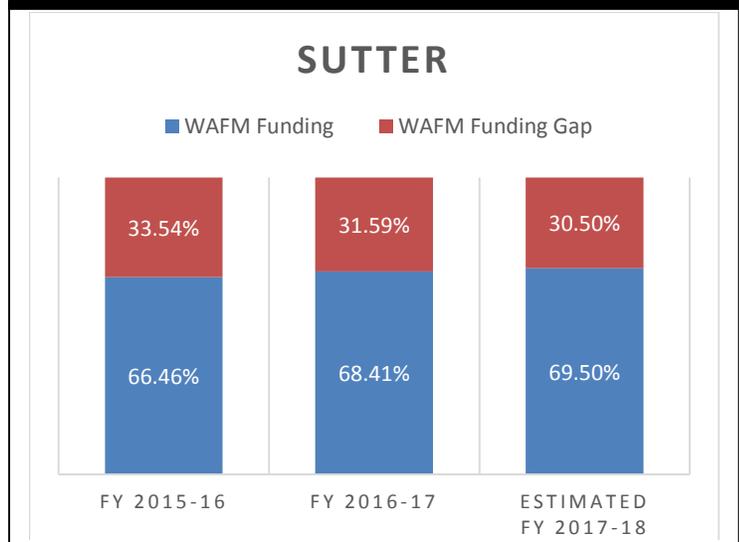
Modernization of case management system

Sutter is one year into the ongoing implementation of our new court wide case management system. The ongoing cost to maintain the new system is the equivalent of two clerk positions, so is critical that we begin to realize efficiencies of that automation in the upcoming year. Towards that goal the court is moving to the exclusive use of electronic records which will save some staff time and ultimately allow for greater public access. We have also implemented permissive e-filing in civil case types.

Budget Challenges and Priorities

We continue to make difficult staffing decisions, and in the last year have not filled supervisory vacancies in order to maintain the current number of clerk positions. The reallocation of resources to keep relatively current our constitutionally required caseloads has resulted in additional wait times for the public in civil and family law case types at the counter and for returned documents. A recent recruitment for a clerk position resulted in only 3 qualified candidates as we compete with the county and the state for qualified staff at lower wages. Our workers comp insurance rates went up the equivalent of one clerk position for next year, a position we will not be able to fill.

Workload Allocation & Funding Gap (see reverse)



Court Demographics

Population Served	95,733
Square Miles Covered	609
Total Number of Court Facilities	1

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.