



JUDICIAL COUNCIL
OF CALIFORNIA

COURT EXECUTIVES
ADVISORY COMMITTEE

www.courts.ca.gov/ceac.htm
ceac@jud.ca.gov

**JBSIS SUBCOMMITTEE OF THE
COURT EXECUTIVES ADVISORY COMMITTEE**

ACTION-BY-E-MAIL

Date: August 6, 2018

I. ACTION ITEM

Approve Dispute Resolution Process

The JBSIS Subcommittee will be asked review the new JBSIS Dispute Resolution Process and take action on whether to forward it to the Court Executives Advisory Committee for recommendation to the Judicial Council.

**Judicial Branch Statistical Information System (JBSIS) Subcommittee
of the Court Executives Advisory Committee**

JBSIS Dispute Resolution Process

I. Definitions

- a. **JBSIS:** the Judicial Branch Statistical Information System. This is the data repository for statistical data submitted to the Judicial Council and is the source of trial court operational data for the judicial branch, the Legislature, and other state agencies consistent with article VI, section 6 of the California Constitution and Government Code section 68505.
- b. **JBSIS Manual:** the JBSIS manual provides the data definitions and reporting specifications for JBSIS. The current version of the manual is 2.3. There is a separate reporting manual for courts that report via the JBSIS web portal, but all of the portal data definitions are subsumed within the JBSIS manual.
- c. **OCR:** Office of Court Research. A group within the Budget Services Division of the Judicial Council that is responsible for ensuring the timely and accurate submissions of JBSIS data by the trial courts.
- d. **The JBSIS Subcommittee of CEAC:** this body was formed in 2017 to provide oversight for JBSIS, and to oversee changes and updates to the JBSIS reporting definitions.

II. Introduction

California Rules of Court, rule 10.400 outlines the establishment of and reporting requirements for courts to submit statistical data to JBSIS. The data definitions and reporting guidelines are memorialized in the JBSIS manual. The manual is updated periodically, with the current version being 2.3.

JBSIS data serves many functions for the judicial branch; most importantly, it is used as the basis for workload models (the Resource Assessment Study model and the Judicial Needs Assessment) that are used as the basis for making funding and resource allocation decisions. As such, it is critical that the data in JBSIS be accurate and consistent.

III. Role of the Court Executives Advisory Committee

California Rules of Court, rule 10.48(b)(3) outlines the Court Executives Advisory Committee's role with respect to JBSIS, in that CEAC must "review and make proposals concerning the Judicial Branch Statistical Information System or other large-scope data collection efforts." CEAC has had a JBSIS Working Group for several years, serving as a sounding board for periodic enhancements and updates to JBSIS reporting. In 2017, and in recognition of the need

for ongoing input on JBSIS issues and for a more formal advisory body, the working group became a subcommittee of CEAC. OCR staffs the JBSIS Subcommittee of CEAC.

IV. Role of the Office of Court Research

As the subject matter experts with regard to the JBSIS manual's reporting requirements, OCR staff are responsible for maintaining and overseeing the JBSIS reporting rules, as well as ensuring the integrity of JBSIS data reporting. OCR staff also monitor the courts' regular JBSIS report submissions and provide technical assistance as needed on JBSIS reporting issues.

As lead staff to the JBSIS Subcommittee of CEAC, OCR is delegated the authority to make determinations on how courts should report data in JBSIS. Courts that need clarification on the reporting of JBSIS data receive assistance from OCR staff in determining the appropriate reporting category. On occasion, when OCR staff is unable to provide a response, subject matter experts from the courts may be consulted by OCR to provide supplemental guidance. OCR is responsible for initiating that assistance and then distilling it in order to provide guidance to the requesting court.

The JBSIS Dispute Resolution Process (Dispute Process) is effectuated when a court disagrees with the direction provided by OCR on reporting statistical data in JBSIS. The Dispute Process is not intended to be a forum for receiving general recommendations or feedback on JBSIS reporting standards or for other business issues related to JBSIS data reporting; those issues may be brought to the JBSIS Subcommittee as part of its public comment process. However, issues identified during the Dispute Process may guide areas for future study by the JBSIS Subcommittee. Areas of future study will be added to the subcommittee's annual agenda for review.

V. Format of the dispute

The Dispute Process originates if a court wishes to challenge a determination made by OCR on a particular reporting issue or interpretation of a definition in the JBSIS Manual. A dispute for these purposes occurs only after the court has requested formal direction by OCR. If the court disagrees with OCR's formal direction on a reporting issue, the court may request a review by the JBSIS Subcommittee. A review may be requested by submitting a memorandum to the JBSIS Subcommittee Chair. The memorandum must include the court's reasoning for their position and supporting documentation or information for their position. Within 45 days, the JBSIS Subcommittee will convene a public meeting, generally via conference call, to hear the dispute. This dispute may be added to the agenda of a Subcommittee meeting along with other items if a meeting has already been scheduled within this 45 day period.

Prior to the meeting, OCR will prepare and distribute to subcommittee members and to the court bringing the dispute a memo that will form the basis for the committee's review of the issue and

will include the following: 1) the court's original proposed submission, including all attachments and other documentation; 2) the determination made by OCR; and 3) any supporting details or documentation for OCR's determination. The court may elect to provide additional materials or position statements for the subcommittee's review. Those items must be provided at least one week in advance of the meeting date in order to comply with the Open Meetings rules.

OCR will present this information at the subcommittee meeting. The court raising the dispute may participate in the meeting.

While the presentation of the dispute will take place during an open, public meeting, the deliberations of the subcommittee will be held in closed session. Also, the JBSIS Subcommittee may need to deliberate or do additional research with court subject matter experts before making a decision. In order to be as expeditious as possible, the subcommittee will render a decision within 30 days of the review meeting. The decision will be shared with the court that raised the dispute and a record of the dispute and its outcome will be posted on the JBSIS website to be shared with other courts and for future reference.

VI. Statistical reporting during the dispute process

Courts that wish to raise an issue through the dispute resolution process are asked to not submit amended data until a determination is made by the JBSIS Subcommittee. The data in JBSIS is used at various times of the year for reporting in the Court Statistics Report and for the Resource Assessment Study and Judicial Needs Assessment models, and it would be impossible to synchronize the dispute process with the various reporting deadlines. Therefore, the data that is reported in JBSIS at any given time should conform to OCR's interpretation pending a final resolution by the dispute process. If the dispute process concludes with a resolution in favor of the court's position, then the JBSIS data should be immediately amended with the court's revised submission. All courts will similarly be notified and given the opportunity to amend their data.

VII. Appeals

The decisions of the JBSIS Subcommittee are intended to be final. However, in certain circumstances, it might be necessary for a court to be able to appeal to a higher authority. Appeals of decisions made by the JBSIS Subcommittee shall be heard by the Executive and Planning Committee (E&P) of the Judicial Council. A court that wishes to appeal a decision made by the JBSIS Subcommittee must notify the chair of the JBSIS Subcommittee within 30 days of the date that the court was notified of the subcommittee's decision that it is appealing the decision. OCR, as staff to the subcommittee, will place the item on the next E&P meeting agenda.

Prior to the E&P meeting, OCR staff will provide the members the same set of materials used by the JBSIS Subcommittee in their initial decision. E&P will also be provided the subcommittee

decision and response that was shared with the court. The court may provide additional materials or position statements for E&P's review, and may also participate in the E&P meeting. E&P will render a decision within 30 days of the meeting, and this will be considered the final decision on the matter. The decision will be shared with the court that raised the dispute and a record of the dispute and its outcome will be posted on the JBSIS website to be shared with other courts and for future reference.