



JUDICIAL COUNCIL OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

5/20/15

4:30 p.m.

Conference Call

Advisory Body Members Present: Hon. Lorna Alksne, Chair; Hon. Joyce Hinrichs; Hon. Suzanne Kingsbury; Hon. John Kiriwara; Hon. Annemarie Pace; Hon. Garrett Wong; Jake Chatters; Sheran Morton; Stephen Nash; Brian Taylor; Mary Beth Todd; Kim Turner

Advisory Body Members Absent: Hon. Irma Asberry; Hon. Richard Martin; Sherri Carter

Others Present: Bryan Borys; Michael Corriere; Christine Donovan; Mike Roddy; Patty Wallace; Lori Whaley; Brian Aho; Chris Belloli; Deana Farole; Leah Rose-Goodwin; Andi Liebenbaum; Laura Speed; Zlatko Theodorovic

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 4:32 p.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the 5/12/2015 Workload Assessment Advisory Committee meeting.

DISCUSSION AND ACTION ITEMS (ITEM 1)

Item 1: Interim Complex Civil Caseweight

The Chair updated the committee on her progress report to the Trial Court Budget Advisory Committee on 5/18/15. Ms. Farole then walked through the preliminary caseweight calculations for the committee's consideration, using the existing unlimited civil caseweight as a baseline from which to make adjustments. She first explained the issues and assumptions regarding the underlying fee and filings data to be used in the RAS model, then described the feedback from courts regarding complex civil staff workload that led to the adjustments, other data sources used to support the adjustments, and the nature and extent of the adjustments. The committee also discussed whether to revisit the interim caseweight when preliminary data become available from the update of the staff workload study, or to keep the interim weight in place for two years, at which point the study results would be finalized. The committee voted to present the Judicial Council with an interim proposed complex civil caseweight of 2,271 for FY 2015-2016 budget allocations and to revisit the interim caseweight, making any necessary adjustments, next year for FY 2016-2017 calculations.

Action: *A proposed interim complex civil caseweight of 2, 271, with a provision for revisiting it as additional data become available, will be presented to the Judicial Council at its June 2015 meeting.*

ADJOURNMENT

There being no further business, the meeting was adjourned at 5:05 p.m.

Approved by the advisory body on enter date.

Workload Assessment Advisory Committee: Special Circumstances Subcommittee

Key Findings from Analysis of
Workload in Death Penalty and
LWOP Cases



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Approach to analysis

- Used existing study of felony hearings and collected case counts, hearing data, and task data from a sample of courts to investigate differences in workload relative to “regular” felony cases
- Some courts unable to either provide data or comment on other courts’ data because they have historically handled so few of these cases



Focus on death penalty

- Death penalty and LWOP cases don't fit the same profile and thus have different workload implications
- Studies show that LWOPs don't go to appeal nearly as often as death penalty cases
- Because appeals-related work represents vast majority of increased workload, death penalty cases became the primary focus of the analysis



Major workload differences: Death penalty vs. other felonies

- Hearing-related tasks: document processing, file prep, setting hearing dates, calendar prep, minutes
 - 10 times more hearings in DP cases
 - Additional 2,264 minutes per case
- Preparing case for appeal, esp. transcript-related work
 - Additional 33,000 minutes per case



Implications of additional workload

- Statewide death penalty filings data not available, but best estimate based on triangulation with other data sources is 20–30 cases/year
- 25 cases per year x additional 35,624 minutes per case = 890,600 minutes per year
- 890,600 minutes / 95,900 minutes available per staff per year = 9.2 FTEs



RAS Project Plan - Proposed Revised Timeline

	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17
Phase 1: Study planning/design and ramp-up																												
Finalize list of case types, resolve mapping issues, refine data definitions, roll out updated reporting guidelines to courts	** completed **																											
Modify data collection instruments based on feedback from last study, new legislation, changes in case processing practices, consultation with internal and court subject matter experts (involves several conference calls)																												
Identify potential existing data sources or opportunities to collect data to improve event frequency estimates for Delphi adjustments																												
Establish court sample - number of courts, distribution of sizes/types/locations	** completed **																											
Recruit courts to participate - initially target those that participated in last study	** completed **																											
Phase 2: Field staffing study, compile data, run preliminary analyses																												
Build and test online data collection interface (requires working with ITSO)																												
Back end testing of data collection interface (server load capacity, timing of notifications)																												

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RAS Project Plan - Proposed Revised Timeline

	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17
Obtain staff census and roster, including work schedules, for sample size estimates (number of times per day staff have to report their activities and length of time study needs to be in field), verify staff e-mail addresses																												
Train staff on data collection protocols (either in person or via webinar, depending on court preference), consider feasibility of train-the-trainer model																												
Pilot test data collection tool in courts, make any needed modifications to data collection instruments or online interface pursuant to testing results																												
Study in field - maintain helpdesk to field questions from respondents, troubleshoot issues with ITSO, update files to load to server, follow up with courts on non-respondents																												
Clean (e.g., reassign misreported activities to correct categories), weight, and aggregate data																												
Phase 3: Data validation, finalize new caseweights																												
Field survey capturing case-related work performed by non-court/contract staff to ensure full scope of work is captured																												

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RAS Project Plan - Proposed Revised Timeline

	Jan 15	Feb 15	Mar 15	Apr 15	May 15	Jun 15	Jul 15	Aug 15	Sep 15	Oct 15	Nov 15	Dec 15	Jan 16	Feb 16	Mar 16	Apr 16	May 16	Jun 16	Jul 16	Aug 16	Sep 16	Oct 16	Nov 16	Dec 16	Jan 17	Feb 17	Mar 17	Apr 17
Review preliminary data with study courts through site visits and conference calls (15 courts last study, targeting similar number this time)																												
Hold Delphi sessions (one session per case type) to determine whether/how time study data need to be adjusted due to courts having backlogs or insufficient time to satisfactorily perform their work																												
Make initial round of caseweight adjustments pursuant to Delphi session results																												
Review preliminary findings with WAAC, convene subcommittees for technical review of caseweights (iterative process requiring a series of meetings/ conference calls)																												
Finalize results, get WAAC and Judicial Council approval																												

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Workload Assessment Advisory Committee

Annual Agenda—2015

Approved by E&P/RUPRO:

I. ADVISORY BODY INFORMATION

Chair:	Hon. Lorna Alksne
Staff:	Leah Rose-Goodwin and Deana Farole, Court Operations Services, Office of Court Research (OCR)
Advisory Body's Charge: The committee makes recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice. The committee must recommend: (1)Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model; (2)Processes, study design, and methodologies that should be used to measure and report on court administration; and (3)Studies and analyses to update and amend case weights through time studies, focus groups, or other methods.	
Advisory Body's Membership: 16 members: 8 judicial officers, 8 court executives	
Subgroups/Working Groups: Special Circumstances Subcommittee; Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee	
Advisory Body's Key Objectives for 2015: <ul style="list-style-type: none">• Finalize the project plan and methodology for conducting an update to the staff workload study.• Conduct the staff workload study update and produce preliminary results.<u>Recruit courts to participate in the staff workload study update and finalize data collection instruments in preparation for fielding the time study in early 2016.</u>• Improve data quality of filings data in the RAS categories.	

II. ADVISORY BODY PROJECTS

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
1	<p>Staff workload study update. The update will consist of a time study of a sample of trial courts and is intended to update the caseweights and other model parameters that are used to estimate workload need. The committee's work in 2015 will consist of discussing the study parameters and methodology, advising council staff on and assisting with recruitment of courts to participate in the study, and directing council staff in carrying out the study and conducting a preliminary analysis of the results <u>to finalize updates of the data collection instruments in preparation for launch of the time study in early of 2016.</u></p>	1	<p>Judicial Council Direction: In February 2013, the Judicial Council approved the updated RAS model parameters for use in estimating court staff workload need, with the understanding that ongoing technical adjustments will continue to be made by council staff as the data become available. The need for regular updates to the workload model has become more urgent now that RAS is used as the foundation piece of the model used to allocate trial court funding (WAFM).</p> <p>Origin of Project: The SB 56 Working Group was formed in 2009 at the direction of the Administrative Director to provide trial court input and oversight to the Office of Court Research in its ongoing work to revise and improve the workload estimates for judges and court staff. In October</p>	<p>Ongoing. A preliminary analysis will be completed <u>The data collection instruments will be finalized</u> by the end of 2015, with review of preliminary results, caseweight adjustments, and finalization of the caseweights to continue through <u>in preparation for training participants and launching the time study in early 2016.</u></p>	<p>Updated caseweights to measure trial court staff workload. These caseweights are used to estimate trial court staff need, which is then used for the WAFM model.</p>

¹ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

² For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>2013, the advisory committee voted to update the studies every 5 years, as resources permit. In December 2013, the Judicial Council approved a recommendation to establish the Judicial Branch Resource Needs Assessment Advisory Committee to succeed the SB 56 Working Group and to continue its work. In April 2014, the committee was renamed to the Workload Assessment Advisory Committee (WAAC).</p> <p>Resources: 0.25 FTE Manager, 1.0 FTE Supervising Research Analyst, 2.5 FTE Senior Research Analyst, 0.5 FTE Staff Analyst II (2 FTE Senior Research Analysts are pending recruitment; all others are existing staff); ITSO support to create web-based data collection interface; subject matter expert consultants from the Center for Families, Children & the Courts and Criminal Justice Services.</p> <p>Key Objective Supported: #1 and #2</p>		
2.	Convene Special Circumstances Subcommittee to study the impact of special circumstances cases on the felony caseload and make recommendations to	1	Judicial Council Direction: In February 2013, the Judicial Council approved the updated RAS model parameters for use in estimating court staff workload need, with the	Anticipated completion date is July 2015.	The subcommittee will formulate recommendations for consideration by the full committee on how

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
	the full committee on how to handle such cases.		<p>understanding that ongoing technical adjustments will continue to be made by council staff as the data become available.</p> <p>Origin of Project: At its January 16, 2014 meeting, the Trial Court Budget Advisory Committee passed a motion to recommend to the Judicial Council that WAAC consider establishing a casetype for special circumstances cases. The motion was intended to highlight the extraordinary resource needs for those cases and also the criticality of the workload models to direct resources to courts based on workload. At the February 20, 2014 Judicial Council meeting, the Council refined the TCBAC's recommendation to recommend that WAAC specifically study homicide-death penalty cases.</p> <p>Resources: 0.1 FTE Supervising Research Analyst, 0.25 FTE Senior Research Analyst, nominal time from Manager (existing OCR staff). Subcommittee consists of representatives from the trial courts who are current WAAC members. Meeting expenses will be absorbed into existing IMF allocation for</p>		to approach special circumstances cases in terms of data collection and the analysis of court resource needs in this area.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			WAAC. Key Objective Supported: #1		
3.	<p>Improve data quality of filings data in the RAS categories, including:</p> <ul style="list-style-type: none"> • Working with courts to ensure that data are reported in all of the RAS casetype categories • Evaluate court reporting practices for filings data to ensure they meet current JBSIS standards; update and clarify JBSIS standards as needed • Develop different possibilities for validating the filings data used in the RAS model, including establishing a data auditing process for filings data. <p>This project is a partnership with the Court Executive Advisory Committee.</p>	1	<p>Judicial Council Direction: The Judicial Council approved the judicial workload study (December 2011) and the Resource Assessment Study (February 2013) as the methodologies used to estimate judge and staff workload need. Both studies use filings as the driver to estimate resource need. The accuracy of the estimates rely on the accurate and complete reporting of filings data by the trial courts. The Council’s motions to approve the two studies also anticipated the need for ongoing technical adjustments to the models as better data became available.</p> <p>Origin of Project: The need for better data reporting and data auditing were discussed at the last SB 56 Working Group meeting (October 2013). The issue has also been raised at various forums, including CEAC; Trial Court Budget Advisory Committee meetings; and Funding Methodology Subcommittee meetings.</p> <p>Resources: COS-OCR staff (existing</p>	Ongoing	The result of this work will be an improvement in the data presently collected from the courts for the RAS model.

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>resources); ITSO staff (existing resources); a more extensive data validation project (3rd bullet) could require additional staff resources.</p> <p>Key Objective Supported: #3</p>		
4.	<p>To enrich recommendations to the council and avoid duplication of effort, members of the Family and Juvenile Law Advisory Committee will collaborate with members of the Trial Court Budget Advisory Committee, the Workload Assessment Advisory Committee, and representatives from the California Department of Child Support Services to reconsider the allocation methodology developed in 1997 and report back at the February 2016 Judicial Council meeting.</p>	1	<p>Judicial Council Direction: At its April 17, 2015 meeting, the Judicial Council received and approved a recommendation from the Family and Juvenile Advisory Committee to form a joint subcommittee to study the AB 1058 funding methodology.</p> <p>Origin of Project: The AB 1058 funding methodology was first established in 1997 and has not since been updated. In reviewing the proposed midyear funding reallocations, the Family and Juvenile Law Advisory Committee acknowledge the need to reexamine the funding methodology to account for “the myriad of factors that must be considered when allocating funding to both optimize program success and provide for mechanisms for all funds to be spent by the end of each fiscal year.”</p> <p>Resources: COS-OCR staff, existing</p>	<p>Work to be completed by December 31, 2015; report with recommendations due to the Judicial Council in February 2016.</p>	<p>The subcommittee will provide recommendations to the Judicial Council for updating the AB 1058 funding methodology.</p>

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>resources, but contingent on filling the two senior research analyst positions referenced above in #1; CFCC staff (existing resources); Finance staff (existing resources)</p> <p>Key Objective Supported: N/A (WAAC is acting in a consulting role and the key objective rests with the Family and Juvenile Law Advisory Committee.)</p>		
5.	<p>Develop an interim caseweight for complex civil cases, applying it to paid complex civil case fee filings, for the purposes of FY 2015-16 budget allocations. For future budget cycles, review the validity of the weighting and propose a long-term solution.</p>	1	<p>Judicial Council Direction: At its April 17, 2015 meeting, the Judicial Council received and approved a recommendation from the Trial Court Budget Advisory Committee to request that the Workload Assessment Advisory Committee include the paid complex case fee filings in the Resource Assessment Study computation of workload need and assign to them an interim caseweight, until such time as the advisory committee reviews the validity of the weighting.</p> <p>Origin of Project: In March 2015, the Trial Court Budget Advisory Committee's Revenue and Expenditure Subcommittee met to review allocations from the State Trial Court Improvement and</p>	<p>Interim caseweight will be developed by June 2015 for use in FY 2015-16 budget allocations. Long-term solution will be incorporated into the 2015 staff workload study update.</p>	<p>The committee will develop an interim caseweight for complex civil for FY 2015-16 budget allocations, as well as a longer-term solution to capturing the workload associated with complex civil cases.</p>

#	Project ¹	Priority ²	Specifications	Completion Date/Status	Describe End Product/ Outcome of Activity
			<p>Modernization Fund (IMF). In order to address shortfalls in the fund, the subcommittee recommended, and the full committee approved, the elimination of funding for the complex civil litigation pilot programs. Assigning a separate caseweight that recognizes the additional workload involved in processing complex civil cases was seen as a way to continue to support enhanced case processing in complex civil in the absence of the IMF funding.</p> <p>Resources: COS-OCR staff (existing resources); Finance staff (existing resources)</p> <p>Key Objective Supported: #1</p>		

III. STATUS OF 2014 PROJECTS:

[List each of the projects that were included in the 2014 Annual Agenda and provide the status for the project.]

#	Project	Completion Date/Status
1.	Staff and judge workload studies update: the workload studies update will consist of a time study of a sample of trial courts and is intended to update the caseweights and other model parameters that are used to estimate workload need. The committee's work in 2014 will consist of discussing the study parameters, methodology, and securing the resources to conduct the time study data collection.	Ongoing. The staff workload study parameters and methodology are under continued discussion and will be finalized in Summer 2015, with the study to be conducted in the Fall. The judge workload study will trail the staff workload study in order to minimize the burden on participating courts. JC staff have submitted one PAR to recruit a research position in OCR to support the project; a second PAR will be submitted for another position to start in July 2015. These positions are key to the ability of OCR staff to support the project, because of loss of several key staff who previously were assigned to the project and in light of the recommendation by OCR and agreement by the Executive Office that the entire study should be done in-house, rather than contracted out to the National Center for State Courts as was the case with the previous study.
2.	Update the Judicial Needs Assessment: this project involves using updated filings data to project the need for judicial officers. Biennial updates in even-numbered years are required by Government Code Section 61614(c)(1).	Complete. The Judicial Council approved the report for transmission to Legislature and Governor on December 12, 2014.
3.	Review the method for prioritizing judicial need and determine if changes should be made to the current method.	Complete. The committee's recommendation to lower the eligibility threshold to get on the list for a new judgeship from 1.0 to 0.8 FTE was approved by the council on December 12, 2014.
4.	<p>Improve data quality of filings data in the RAS categories, including:</p> <ul style="list-style-type: none"> • Working with courts to ensure that data are reported in all of the RAS casetype categories • Evaluate court reporting practices for filings data to ensure they meet current JBSIS standards; update and clarify JBSIS standards as needed • Develop different possibilities for validating the filings 	Ongoing. Key milestones achieved in 2014 include modifying the JBSIS web portal to accept filings in the disaggregated family law-other category (DV, parentage, child support, and family law-other petitions). Portal modifications for probate and civil limited will be completed in early 2015. Additionally, a working group of CEAC has been convened to compile and prioritize a list of JBSIS reporting issues.

	data used in the RAS model, including establishing a data auditing process for filings data.	
5.	Subordinate Judicial Officer Conversion Program: Provide to E&P updated information that would show how the remaining 54 subordinate judicial officer conversions authorized under Government Code section 61695 would be allocated if more current workload data were used.	Ongoing. This project was delayed because of the need to update the number of authorized subordinate judicial officer FTE in the courts. A census was conducted in September 2014, and E&P reviewed changes made in several courts at its October 9, 2014 meeting. An updated analysis will be reviewed by WAAC in January 2015 and, if approved, will be presented to E&P in early 2015.

IV. Subgroups/Working Groups - Detail

Subgroups/Working Groups: *[For each group listed in Section I, including any proposed “new” subgroups/working groups, provide the below information. For working groups that include members who are not on this advisory body, provide information about the additional members (e.g., from which other advisory bodies), and include the number of representatives from this advisory body as well as additional members on the working group.]*

Subgroup or working group name: Special Circumstances Subcommittee

Purpose of subgroup or working group: To study the impact of special circumstances cases on the felony caseweight and make recommendations to the full committee on how to handle such cases.

Number of advisory body members on the subgroup or working group: 5

Number and description of additional members (not on this advisory body): N/A

Date formed: 11/20/2014

Number of meetings or how often the subgroup or working group meets: Approximately 4 meetings are anticipated.

Ongoing or date work is expected to be completed: Work is expected to be completed by July 2015.

Subgroup or working group name: Child Support Commissioner and Family Law Facilitator Program Allocation Methodology Joint Subcommittee

Purpose of subgroup or working group: To reconsider the AB 1058 allocation methodology developed in 1997, with an eye to the myriad of factors that must be considered when allocating funding to both optimize program success and provide for mechanisms for all funds to be spent by the end of each fiscal year.

Number of advisory body members on the subgroup or working group: 4

Number and description of additional members (not on this advisory body): 6 members of the Family and Juvenile Law Advisory Committee, 6 members of the Trial Court Budget Advisory Committee, 1 representative of the Department of Child Support Services

Date formed: 4/17/2015

Number of meetings or how often the subgroup or working group meets: Monthly meetings by conference call are anticipated.

Ongoing or date work is expected to be completed: Work is expected to be completed by December 31, 2015, with a report with recommendations due to the Judicial Council in February 2016.