



Judicial Council of California • Administrative Office of the Courts

455 Golden Gate Avenue • San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 22, 2013

Title	Agenda Item Type
Trial Court Workload-based Allocation and Funding Methodology: Adjustment Request Process	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 22, 2013
Recommended by	Date of Report
Trial Court Budget Advisory Committee	August 19, 2013
Hon. Laurie M. Earl, Cochair	Contact
Mr. Zlatko Theodorovic, Cochair	Hon. Laurie M. Earl, 916-874-5487 earll@saccourt.ca.gov
	Zlatko Theodorovic, 916-263-1397 zlatko.theodorovic@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee (TCBAC) recommends the approval of the Workload-based Allocation and Funding Methodology (WAFM) Adjustment Request Process and the council direct Administrative Office of the Courts (AOC) to develop an application form that the trial courts will be required to complete in order to be considered for an adjustment. The process is intended to provide trial courts the opportunity to identify workload factors which are not yet accounted for in the WAFM, but are essential to the fundamental operation of a trial court, and request ongoing adjustments to WAFM funding need beyond what is provided for in the WAFM.

Recommendation

Based on action taken at its August 14, 2013, public meeting, which was passed unanimously, the Trial Court Budget Advisory Committee (TCBAC) recommends that the Judicial Council, effective August 23, 2013:

1. Approve the Workload-based Allocation and Funding Methodology Adjustment Request Process; and
2. Direct the Director of the Administrative Office of the Courts' Fiscal Services Office to develop an application form the trial courts will be required to complete in order to be considered for a Workload-based Allocation and Funding Methodology adjustment.

Previous Council Action

At its April 26, 2013, meeting, the Judicial Council approved the WAFM for use in allocating trial court funding. Upon approval of the WAFM, the Trial Court Budget Working Group (TCBWG) reported that specified elements of the model would be subject to further refinement by the TCBWG based upon input from trial courts and key stakeholders, and subject to final review and approval by the Judicial Council.

Recommendation 1: WAFM Adjustment Request Process

Approve the Workload-based Allocation and Funding Methodology Adjustment Request Process

Rationale for recommendation 1

The primary purpose of the WAFM Adjustment Request Process is to provide trial courts the opportunity to identify factors that they believe the WAFM does not yet address and to assist in the evolution and refinement of WAFM in order to ensure the continued improvement in equity of trial court funding and equal access to justice throughout California.

WAFM is based on the measurement of workload in the trial courts. However, while WAFM accounts for most of the workload of the trial courts, it may not account for all, and there may be factors which are not yet accounted for in WAFM but are essential to the fundamental operation of a trial court. The WAFM Adjustment Request Process is intended to provide trial courts the opportunity to identify those factors not yet accounted for in WAFM and request ongoing adjustments to WAFM funding need.

The WAFM Adjustment Request Process is not intended to address one-time emergency circumstances nor supplement funding for urgent needs, which is the exclusive domain of the Government Code section 68502.5 set-aside and reallocation process for the 2% reserve in the Trial Court Trust Fund. The WAFM Adjustment Request Process is also not intended to address shortfalls in court security funding that is allocated directly from the state to each county.

Additionally, inadequacy of funding, cost of labor issues, and/or a trial court's local decision to provide specialized services for discrete court populations will not constitute sufficient factors to warrant adjustment.

WAFM Adjustment Request Procedures. The submission, review and approval process shall be under the direction of the Judicial Council and would be as follows:

1. Initial requests shall be submitted to the Administrative Director of the Courts either by the trial court's Presiding Judge or Executive Officer no later than October 15 of each year, commencing October 15, 2013.
2. The Administrative Director of the Courts shall forward the request to the Co-Chairs of the TCBAC. The Director of the AOC Fiscal Services Office, Co-Chair of the TCBAC, in consultation with his/her Co-Chair of the TCBAC shall review each request, obtain additional information from the trial court as needed and submit a preliminary report to the TCBAC's Funding Methodology Subcommittee no later than January 15. The review of WAFM Adjustment Requests shall include a three-step process including:
 - a. initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to WAFM;
 - b. evaluation of whether and how the modification should occur; and
 - c. evaluation of whether, for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS), an interim adjustment should be made to a trial court's WAFM funding need pending a more formal adjustment to the RAS model.
3. The Funding Methodology Subcommittee shall review any requests and present its recommendation(s) to the TCBAC no later than March 15.
4. The TCBAC shall make final recommendations to the Judicial Council for consideration at the April Judicial Council meeting. Any requested adjustments that are approved by the Judicial Council shall be included in the July and/or August allocation.
5. Upon approval by the Judicial Council of an adjustment to WAFM, the Director of the Fiscal Services Office, in consultation with the TCBAC, shall notify all trial courts to allow the opportunity to demonstrate eligibility for similar adjustment. (In some circumstances, the nature of the adjustment will automatically apply to all courts, and demonstration of eligibility may not be necessary).

Adjustments to WAFM will impact the funding need for each trial court that is subject to the adjustment, along with the overall statewide funding need. Therefore final allocations will be

implemented consistent with the WAFM allocation implementation plan as approved by the Judicial Council or as amended in the future. Because funding need is currently greater than available funding and because only a portion of trial court funding is currently allocated under the WAFM, allocated funding will not equal, and may be substantially less than, the funding need identified for the adjustment being made, just as the allocated funding is substantially less than the entire WAFM funding need.

Recommendation 2: WAFM Adjustment Request Application

Direct the Director of the Administrative Office of the Courts' Fiscal Services Office to develop an application form that solicits detailed information documenting the need for a Workload-based Allocation and Funding Methodology adjustment.

Rationale for recommendation 2

Trial courts requesting an adjustment in accordance with the WAFM Adjustment Request Process shall be required to submit detailed information documenting the need for such adjustment. The Director of Fiscal Services shall develop an application form that solicits at minimum, the following information:

1. A description of how the factor is not currently accounted for in WAFM.
2. Identification and description of the basis for which the adjustment is requested.
3. A detailed analysis of why the adjustment is necessary.
4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.
5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.
6. Description of the consequence to the public and access to justice without the funding.
7. Description of the consequences to the requesting court(s) of not receiving the funding.
8. Any additional information requested by the AOC Fiscal Services Office, Funding Methodology Subcommittee, and/or TCBAC deemed necessary to fully evaluate the request.

Comments From Interested Parties

No comments concerning the TCBAC's recommendations were received.

Implementation Requirements, Costs, and Operational Impacts

Adopting the WAFM adjustment request process may result in permanently shifting some courts' historical base allocation to other courts in the future.

Relevant Strategic Plan Goals and Operational Plan Objectives

The Workload-based Allocation and Funding Methodology is consistent with strategic Goal II, Independence and Accountability, in that the methodology model aims to “[a]llocate resources in a transparent and fair manner that promotes efficiency and effectiveness in the administration of justice, supports the strategic goals of the judicial branch, promotes innovation, and provides for effective and consistent court operations” (Goal II.B.3).

It also meets objective III of the related operational plan, Modernization of Management and Administration, in that a workload-based approach creates “[s]tandards for determining adequate resources for all case types—particularly for complex litigation, civil and small claims, and court venues such as family and juvenile, probate guardianship, probate conservatorship, and traffic; accountability mechanisms for ensuring that resources are properly allocated according to those standards” (Objective III.A.2.c).

Attachments

None

