



Judicial Council of California · Administrative Office of the Courts

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

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: April 24, 2014

Title	Agenda Item Type
Trial Court Allocations: Workload-Based Allocation and Funding Methodology Adjustment Process	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	April 24, 2014
Recommended by	Date of Report
Trial Court Budget Advisory Committee Hon. Laurie M. Earl, Cochair Mr. Zlatko Theodorovic, Cochair	April 11, 2014
	Contact
	Steven Chang, 415-865-7195 steven.chang@jud.ca.gov

Executive Summary

The Trial Court Budget Advisory Committee recommends the Judicial Council deny the request of the Superior Court of California, County of Mendocino under the Workload-Based Allocation and Funding Methodology Adjustment Process.

Recommendation

At its March 25, 2014 meeting, the Trial Court Budget Advisory Committee (TCBAC) voted to unanimously, with one abstention, recommend that the Judicial Council deny the Superior Court of California, County of Mendocino's request under the Workload-Based Allocation and Funding Methodology Adjustment Process (WAFM Adjustment Process) to provide additional funding to courts that have a "significant population center living in a remote and geographically challenging area such that the court is unable to provide reasonably adequate court services to the entire court population...."

Previous Council Action

On August 22, 2014, the Judicial Council approved the WAFM Adjustment Process, which provides 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 the WAFM in order to ensure the continued improvement in equity of trial court funding and equal access to justice throughout California. The approved process is 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 cochairs of the TCBAC. The director of the Administrative Office of the Courts (AOC) Fiscal Services Office, cochair of the TCBAC, in consultation with his or her cochair 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 the 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 the 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.)

At its July 25, 2013 business meeting, the council directed the TCBAC to address a number of "parking lot" issues, including those related to small courts. An update is provided in Attachment A.

Rationale for Recommendation

A Remote Court Locations Working Group of the TCBAC's Funding Methodology Subcommittee was formed and led by Rick Feldstein, court executive officer of the Superior Court of Napa County, and Kimberly Flener, court executive officer of the Superior Court of

Butte County. Other subcommittee participants included Zlatko Theodorovic, AOC Fiscal Services Office; Judge Laurie M. Earl; Presiding Judges Mark Ashton Cope, Laura J. Masunaga, and Marsha Slough; and Court Executive Officers Jake Chatters, Sherri R. Carter, Deborah Norrie, John Fitton, and Chris Volkers. Superior Court of Mendocino County Presiding Judge David E. Nelson also participated. The working group met on February 25, 2014. The full subcommittee met on March 13, 2014.

The court's request is provided in Attachment B. Attachments C through G provide other information submitted by the court. The reasons upon which the TCBAC based its recommendation to deny the Superior Court of Mendocino County's request are provided below.

1. The WAFM Adjustment Request Process is intended to provide trial courts the opportunity to identify those factors not yet accounted for in the WAFM and request ongoing adjustments to the WAFM funding need.
2. Mendocino's staffing needs pursuant to the Resource Assessment Study (RAS), the foundation of the WAFM, are sufficient to handle their workload; however, since they are not fully funded to their workload need, they are not able to provide reasonably adequate court services at their single-courtroom branch facility.
3. The issue identified by Mendocino is an issue currently faced by many California trial courts.
4. The issue identified by Mendocino is not due to a workload factor unaccounted for in the WAFM, but rather as a result of not being fully funded by the state general fund.
5. Mendocino's concerns regarding access to court services related to geographic location of court houses are important issues with statewide funding and policy implications.
6. As opposed to being a TCBAC issue, the problems and challenges of maintaining branch courts should be addressed as an "access to justice" issue requiring critical and far-reaching statewide and local policy decisions and funding determinations outside of the WAFM's scope.

The WAFM Adjustment Request Process specifically provided that 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 an adjustment to the WAFM.

Comments

The California Commission on Access to Justice provided recommendations to the TCBAC regarding access to justice and the impact of lengthy distances and/or amounts of time that litigants and witnesses must spend traveling in order to access courts. See Attachment I.

Implementation Requirements, Costs, and Operational Impacts

None.

Attachments

1. Attachment A: Update on WAFM Parking Lot Issues
2. Attachment B: Superior Court of Mendocino County's WAFM Adjustment Request
3. Attachment C: A Suggested Analysis
4. Attachment D: California Courthouse Locations 2014
5. Attachment E: Driving Times, Mileages, Roads, and Public Transportation from Mendocino Coast Communities to the Ukiah Courthouse
6. Attachment F: Fact Sheet
7. Attachment G: Small Court Populations and the Non-Judicial Staff Allocated to Serve Them
8. Attachment H: The Remote Access-Funding Factor Identified by the Mendocino Superior Court is Unique to 8 Counties at Most
9. Attachment I: Recommendations of the California Commission on Access to Justice

Status of Tasks Assigned to the TCBAC by the Judicial Council on April 26, 2013

#	Recommendation	Status
1.1	Evaluate impacts of the new methodology on California's smallest courts (Cluster 1) and include or make adjustments as appropriate.	Complete. On February 20, 2014, the council approved TCBAC-recommended revisions to the WAFM that (a) provided courts whose WAFM workload need is less than 50 full-time equivalents a per-FTE dollar allotment floor and (b) established an absolute and graduated funding floor for courts whose expenditure needs are not sufficiently defined by workload metrics alone.
1.2	Further refine the process for estimating employee benefits	Pending.
1.3	Evaluate self-help funding (in conjunction with Access and Fairness Advisory Committee and Task Force on Trial Court Fiscal Accountability)	Pending.
1.4	Evaluate what to do with local fees and financial obligations	Pending.
1.5	Evaluate how to allocate funding for technology (in conjunction with Technology Committee)	Pending, in coordination with the council's Technology Committee.
1.6	Consider adopting funding priorities that would be taken into account when allocating resources, seeking additional resources through the state's budget process, or responding to changes in the state's economy that lead to reduced available funding.	Complete. TCBAC recommended 2014–2015 funding priorities to the council in August 2013 and will continue to recommend funding priorities for trial courts in the future.
1.7	Adopt a new methodology for allocating funding appropriated for support of trial court operations, to be implemented commencing with fiscal year 2013–2014.	Complete. The council approved the WAFM in April 2013, and a version of the WAFM that was used to allocate funding in 2013–2014.
1.8	<p>Ensure that the new methodology allocate funding to the trial courts in a manner that, consistent with the intent of AB 233:</p> <ul style="list-style-type: none"> a. Improves equal access to justice; b. Supports the ability of the courts to carry out their necessary functions; and c. Is guided by the principles of uniformity, equity, accountability, and flexibility. 	Complete. The council approved the WAFM in April 2013, and a version of the WAFM that was used to allocate funding in 2013–2014.

#	Recommendation	Status
1.9	Provide greater transparency by ensuring that fiscal information posted on the judicial branch's California Courts website is understandable to the lay public and information provided by the courts, including their proposed baseline budget plan, is understandable to the lay public.	Pending.
1.10	Include the following factors in the new allocation methodology to ensure that the above-stated principles are implemented:	
1.10.1	a. The new formula should be phased in so courts that may receive a smaller allocation under the new formula than they would have received absent the change can effectively plan for the reduced funding.	a. Complete. In April 2013, the council approved phasing in the WAFM over a 5-year period, and not to exceed a reallocation of 50 percent of historical base funding unless new funding was provided.
1.10.2	b. Where applicable (e.g., funding for general court operations and not for specific costs or activities), funding should be based primarily on court workload, not on historic funding percentages.	b. Complete. In April 2013, the council approved using the WAFM to reallocate historical funding (see above) and new funding for general court operations.
1.10.3	c. The methodology should take into account all cost drivers in the trial courts in determining an equitable allocation, including regional variation in the costs of labor.	c. Complete. The council approved the WAFM in April 2013, and a version of the WAFM that was used to allocate funding in 2013–2014.
1.10.4	d. The methodology should promote efficiency and accountability and direct the development of performance measures and strategies to deliver those goals.	d. Pending. The Task Force on Trial Court Fiscal Accountability is taking the lead on this issue.
1.10.5	e. The formula resulting from the methodology should be reviewed and, if necessary, updated and/or modified at least every three years to address changes in workload and/or other cost drivers and to ensure that the methodology is fine-tuned over time to promote efficiency, access to justice, transparency, and accountability.	e. Complete. Main inputs (e.g., workload, compensation, BLS adjustor) into the WAFM will be updated annually.

#	Recommendation	Status
1.11	<p>In addition to the factors stated above the Judicial Council will need to determine how to address the following:</p> <ul style="list-style-type: none"> a. Unique factors in a court that the workload model does not appropriately consider in determining funding need. b. Whether local revenues should be considered as part of the allocation process. c. Technology, as it relates to efficiency within the court, including technology that is needed or is already in place. 	<ul style="list-style-type: none"> a. Complete. In August 2013, the council approved the WAFM Adjustment Process. b. Pending (same as 1.4). c. Pending (same as 1.5).
1.12	<p>Provide that the allocation methodology be used to determine the amount of funding to be allocated to each court, while allowing for local differences and preserving sufficient flexibility for presiding judges and court executives to operate their courts.</p>	<p>Complete. The WAFM does not change how courts can use their base funding for court operations.</p>



**Superior Court of California
County of Mendocino**

From the Chambers of
HON. RICHARD J. HENDERSON
Presiding Judge

October 15, 2013

Honorable Steven Jahr
Administrative Director of the Courts
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

RE: WAFM Factors

Judge Jahr:

I would like to request the inclusion of some additional factors in the WAFM. The existing factors are generally adequate to cover both single-site and multiple-site court operations. However, some multiple-site courts in smaller, rural counties present unique factors which make access to justice both more difficult and more costly than in the typical branch court. These are courts in which a significant segment of the population, exceeding 25%, is located in a discreet area a relatively long distance from the main court facility. Due to the economies of scale inherent in small, rural courts, it is much more difficult and costly to provide court services that are adequate to serve two separate but significant populations. The Mendocino court has experienced this problem over the years, but I suspect there are other courts with significant and similarly isolated populations. I wish to emphasize at the outset that this request is not addressed to the typical branch court serving a small segment of the population but only to branch courts serving at least 25% of the population.

The factor we propose for inclusion in WAFM is consideration for additional funding for any court that has such a significant population center living in a remote and challenging geographic area that the court is not able to provide reasonably adequate court services to the entire court population. Although I will use the Mendocino court as an example, I would imagine there are several other smaller, rural courts facing the same problems.

1. Current Exclusion of the Factor from the WAFM: The funding methodology does not currently include any reference to the operation of branch courts, much less the unique problems inherent in serving two or more diverse but significant population centers in rural courts.

2. Identification and description of the basis for which adjustment is requested: For some courts, such as Mendocino, the provision of court services to the entire court population is much more difficult and complex. The population of the county is split into two distinct geographical areas, with 70% in the inland area where the seven-courtroom main court is located and 30% (26,700) in the coastal area where a single-courtroom branch is located. A mountain range and sixty rugged driving miles separate the two population centers, making it very difficult, especially in periods of bad weather, for the coastal citizens to travel to the main court. The scope of services that can be presently provided at the coastal branch court is limited, forcing coastal litigants, witnesses, law enforcement officers, jurors, attorneys and interested parties to make the three hour round trip to the main court.

In areas such as family law, juvenile law and probate, the coastal court caseload is not sufficient to justify full time clerical positions under the RAS II staffing model. The distance and bad weather driving conditions make it impossible to require clerks in the inland court to drive to the coast on a regular basis. The court is left with two equally unpalatable alternatives: either fully staff one location to the detriment of the other or to curtail services at the smaller, coastal branch. The Mendocino court has elected to limit available services in the coastal branch, declining to provide services in the areas of juvenile law, family law cases involving mediation and conservatorships. With a limited clerical staff, the coastal court is also not able to try civil or criminal jury cases of longer duration than three days. This is not an acceptable solution for a discreet population (26,700) that is larger than the entire populations of at least nine courts! (Alpine, Colusa, Inyo, Mariposa, Modoc, Mono, Plumas, Sierra and Trinity counties.)

A significant population of 30% deserves better court services than the court can currently afford to provide. An upward adjustment in the funding methodology would permit the Mendocino court to adequately serve the population in both areas.

3. Necessity for Requested Adjustment: The staffing levels under the RAS II study are sufficient to handle the *combined* total caseload within the court. However, due to the economies of scale, the court is not able to provide in *both* locations a sufficient number of clerks to handle all types of judicial services: criminal, general and limited civil, family, juvenile (both delinquency and dependency) small claims, traffic and probate law and the necessary supervisory personnel. Due to the distances and driving times involved, it is not practical to require clerks to drive back and forth between the two courts as required. The only alternative presently available to the court is to operate the coastal court on a limited basis thereby depriving a significant segment of the population from full access to justice. With some additional funding, the court could adequately staff *both* locations and adequately serve both population centers.

4. Potential Application of Requested Factor: It is most likely that at least El Dorado court is in a similar situation with a significant population segment isolated from the main population center. It, too, is a relatively small court (eleven judges) in a rural area with two distinct but significant population centers.

5. Staffing Needs: The court believes it would be able to provide a reasonable level of judicial services to both populations with the addition of 2-3 additional clerical positions.

6. Consequences to the Public: Parties, witnesses and persons interested or involved in juvenile matters, family law matters requiring mediation and conservatorship matters will have to make the mountainous, round trip drive to Ukiah and back for all required hearings. Long-cause criminal and civil jury trials will continue to be heard in the main court, requiring all potential jurors, witnesses, attorneys and others to make the long trip over the mountains.

7. Consequences to the Court: The court will continue to struggle to provide adequate judicial services to all significant segments of the population. The court will also continue to field vocal and legitimate criticism from coastal residents as to why they must travel so far to obtain the same judicial services that are offered in the inland areas.

On behalf of similarly situated courts, we ask that you adjust the WAFM to consider the additional costs involved in providing a full panoply of judicial services to significant but separated population centers in smaller rural courts. We believe that these courts are faced with unique challenges that do not apply to the typical main/branch court operation.

Sincerely,

/s/

Hon. Richard J. Henderson
Presiding Judge
Mendocino Superior Court

Copies:
Hon. Brian Walsh, TCPJ

A Suggested Analysis

The Mendocino Superior Court requests a WAFM adjustment to recognize the following factor:

*The need for a full service branch court in any county
with a large population
separated by onerous traveling conditions from the county seat.¹*

Your Subcommittee’s threshold determination—**should the factor identified in the Court’s request form the basis of a potential modification to WAFM?**—requires answers to the following three questions:

1. Are there traveling conditions, including long distances, difficult roads and inadequate public transportation, under which it is unreasonable to force people to come to court?²
2. Is there a minimum population size that requires a full service court?³
3. Does it cost more to provide full court services to a county’s total population from two or more court locations than from only one location?⁴

It is submitted that the answer to each of these three questions is yes, that besides an access-to-justice issue the Superior Court’s request squarely raises **a *funding allocation* issue, a WAFM issue**, and that the identified factor therefore forms the basis of a potential WAFM modification.

If you agree, then the next step is for you to evaluate whether the requested modification should occur and, if so, how. (*What onerous traveling conditions qualify? What population size requires a full service court? How is a court’s need for additional funding to be determined?*)

The accompanying fact sheet, attachments, and list of present California courthouse locations are presented with the hope that they will aid you in your evaluation.

¹ *The primary purpose of the WAFM Adjustment Request Process is . . . to insure the continued improvement in equity of trial court funding and equal access to justice throughout California.* “WAFM Adjustment Request Process” approved by the Judicial Council August 23, 2013.

² *Courthouses will be located so that users are not forced to travel unreasonable times or distances, especially where public transportation is inadequate or unavailable.* “Minimum Standards for Access” adopted by the California Commission on Access to Justice, March 21, 2013.

³ Seven California Superior Courts presently provide full court services to their entire county populations of fewer than 20,000 people each, an average of 11,269 people in each county.

⁴ The recent history of multiple branch courthouse closures throughout California to conserve public money strongly implies a general understanding, and numerous conscious official determinations, that it does.

CALIFORNIA COURTHOUSE LOCATIONS 2014

<u>County</u>	<u>Courthouse Locations(s) at County Seat</u>	<u>Branch Court-house Location(s)</u>	<u>Branch Courthouse Location Population</u> ¹	<u>Branch Courthouse Services</u> ²	<u>Branch Courthouse City to County Seat Distance</u> ³
ALAMEDA COUNTY (Pop. 1,510,271)	2 at OAKLAND (Pop. 390,724)	Alameda	73,812	FamL	4 miles/11 min.
		Berkeley	112,580	Prob	6 miles/12 min.
		Hayward	144,186	Crim,Civ,FamL	15 miles/18 min.
		Pleasanton	70,285	Crim,Civ,FamL	27 miles/29 min.
		Fremont	214,089	Crim,Traf	26 miles/31 min.
		San Leandro	84,950	Juv	15 miles/17 min.
ALPINE COUNTY (Pop. 1,175)	1 at MARKLEEVILLE (Pop. 210)	None			
AMADOR COUNTY (Pop. 38,091)	1 at JACKSON (Pop. 4,651)	None			
BUTTE COUNTY (Pop. 220,000)	1 at OROVILLE (Pop. 15,506)	Chico	86,187	Civ,Traf,Prob	23 miles/25 min.

NOTE: On September 30, 2011, the Butte Superior Court closed the following branch courthouse (no courtroom operations had been conducted there since 2009): ⁴

Paradise 26,218 21 miles/25 min.

¹ Source for all population figures: U.S. Census 2010. “Branch Courthouse Location Population” means the population of the city where the branch courthouse is located which, in most instances, is smaller than the population of the whole geographical area served by the branch court.

² Source: Each Superior Court’s website.

³ Source: Google Maps.

⁴ Source for all court closure information: *Government Code* § 68106 notices posted by the affected courts.

CALAVERAS COUNTY	1 at SAN ANDREAS	<i>None</i>			
(Pop. 45,578)	(Pop. 2,783)				
COLUSA COUNTY	2 at COLUSA	<i>None</i>			
(Pop. 21,419)	(Pop. 5,971)				
CONTRA COSTA COUNTY	4 at MARTINEZ	Pittsburgh	63,264	Crim,Civ,Traf	16 miles/19 min.
(Pop. 1,049,025)	(Pop. 35,824)	Richmond	103,701	Crim,Civ,Traf	19 miles/24 min.
		Walnut Creek	66,584	Traf	12 miles/14 min.

NOTE: In late 2012, the Contra Costa Superior Court closed the family law courtroom and the juvenile courtroom at the Pittsburgh branch court. On January 2, 2013, the Court stopped hearing civil and criminal cases at the Walnut Creek branch court, and closed the following branch courthouse:

Concord 122,067 9 miles/12 min.

DEL NORTE COUNTY	1 at CRESCENT CITY	<i>None</i>			
(Pop. 28,610)	(Pop. 7,643)				
EL DORADO COUNTY	3 at PLACERVILLE	Cameron Park	18,228	Civ,Prob	14 miles/16 min.
(Pop. 181,058)	(Pop. 10,389)	So. Lake Tahoe	21,403	Crim,Civ,Traf,FamL,Juv	59 miles/1 hour 10 min.
FRESNO COUNTY	5 at FRESNO	<i>None</i>			
(Pop. 930,450)	(Pop. 509,039)				

NOTE: In the summer of 2012, the Fresno Superior Court closed the following branch courthouses:

Coalinga	13,380	62 miles/1 hour 8 min.
Firebaugh	7,549	43 miles/47 min.
Reedley	24,194	25 miles/30 min.
Sanger	24,270	15 miles/19 min.
Selma	23,219	17 miles/19 min.
Clovis	95,631	8 miles/13 min.
Kingsburg	11,382	27 miles/22 min.

GLENN COUNTY (Pop. 28,122)	1 at WILLOWS (Pop. 6,166)	Orland	7,291	Crim,Traf	17 miles/17 min.
HUMBOLDT COUNTY (Pop. 134,623)	1 at EUREKA (Pop. 27,191)	<i>None</i>			
IMPERIAL COUNTY (Pop. 174,528)	2 at EL CENTRO (Pop. 42,598)	Brawley Winterhaven	24,953 394	Crim,Traf Traf	15 miles/22 min. 58 miles/53 min.

NOTE: In June 2013, the Imperial Superior Court closed its Jail court and its separate Juvenile court facility, both in El Centro, and closed the following branch courthouse:

		Calexico	38,572		11 miles/15 min.
INYO COUNTY (Pop. 18,546)	1 at INDEPENDENCE (Pop. 669)	Bishop	3,879	Crim,Civ,Traf,FamL,Juv	42 miles/40 min.
KERN COUNTY (Pop. 839,631)	4 at BAKERSFIELD (Pop. 347,483)	Mojave Ridgecrest Delano/McFarland Shafter/Wasco Arvin/Lamont Taft/Maricopa	4,238 27,626 66,526 42,533 34,424 10,481	Crim,Civ,Traf,FamL Crim,Civ,Traf,FamL Crim,Traf Crim,Traf Crim,Civ,Traf.FamL Civ,Traf	61 miles/58 min. 112 miles/1 hour 49 min. 32 miles/32 min. 19 miles/22 min. 21 miles/29 min. 46 miles/48 min.

NOTE: In the summer of 2013, the Kern Superior Court reduced the number of days its Taft/Maricopa branch court is open from five days to one day per week, and closed the following branch courthouse:

		Lake Isabella	3,466		45 miles/51 min.
KINGS COUNTY (Pop. 152,982)	1 at HANFORD (Pop. 53,967)	Avenal Corcoran	15,505 24,813	Crim,Civ,Traf Crim,Civ,Traf	37 miles/42 min. 19 miles/23 min.

NOTE: In September 2012, the Kings Superior Court closed the following branch courthouse:

		Lemoore	24,531		9 miles/11 min.
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LAKE COUNTY (Pop. 64,665)	1 at LAKEPORT (Pop. 4,753)	Clearlake	15,250	Crim,Civ,Traf	26 miles/34 min.
LASSEN COUNTY (Pop. 34,895)	1 at SUSANVILLE (Pop. 17,974)	<i>None</i>			
LOS ANGELES COUNTY (Pop. 9,818,605)	11 at LOS ANGELES (Pop. 3,792,621)	Alhambra	83,089	Crim,Civ	12 miles/18 min.
		Bellflower	76,616	Crim,Traf	18 miles/24 min.
		Beverly Hills	34,109		11 miles/20 min.
		Burbank	103,340	Crim,Civ,Traf	14 miles/19 min.
		Catalina	3,728		1 hour by boat from Avalon, then 31 min. by road from Long Beach
		Chatsworth	36,557	Civ,Traf,FamL	30 miles/44 min.
		Compton	96,455	Crim,Civ,Prob,Traf	12 miles/21 min.
		2 at Downey	111,772	Crim,Civ,Traf,Juv	13 miles/21 min.
		El Monte	113,475	Crim,Traf	16 miles/22 min.
		Glendale	191,719	Crim,Civ,Traf	12 miles/18 min.
		Long Beach	462,257	Crim,Civ,Traf, FamL	24 miles/31 min.
		Inglewood	109,673	Civ,Traf,Juv	9 miles/18 min.
		2 at Lancaster	156,633	Traf,Juv	69 miles/1 hour 14 min.
		Monterey Park	60,269	Juv	11 miles/15 min.
		Norwalk	105,549	Civ,FamL	18 miles/25 min.
		Pasadena	137,122	Civ,Traf,FamL	13 miles/20 min.
		Pomona South	149,058	Crim,Civ,FamL,Juv	32 miles/38 min.
		San Fernando	23,645	Crim,Civ,FamL	24 miles/30 min.
		Santa Clarita	176,320		35 miles/42 min.
		Santa Monica	89,736	Civ,FamL	14 miles/18 min.
Sylmar	91,725	Juv	26 miles/35 min.		
Torrance	145,438	Crim,Civ,Traf,FamL	17 miles/25 min.		
Van Nuys (2)	136,460	Crim,Civ,Traf,FamL	19 miles/29 min.		
West Covina	106,098	Crim	21 miles/26 min.		

NOTE: In June 2012, the Los Angeles Superior Court closed more than 50 courtrooms at various courthouses throughout the County. In February 2013, the Court closed the Beacon Street Annex branch courthouse in San Pedro. In June 2013, the Court closed the Beverly Hills branch court to all court services except traffic arraignments, reduced court services at its Catalina branch court to one day every other week, and closed the Kenyon Juvenile Justice courthouse and the West Los Angeles branch courthouse, both in Los Angeles.

Also in June 2013, the Los Angeles Superior Court closed the following outlying branch courthouses:

		Huntington Park	58,114		5 miles/13 min.
		Malibu	12,645		32 miles/42 min.
		Pomona North	149,058		32 miles/38 min.
		San Pedro	59,662		21 miles/26 min.
		Whittier	85,331		19 miles/27 min.
MADERA COUNTY (Pop. 150,865)	1 at MADERA (Pop. 61,416)	Bass Lake	537	Crim,Civ,Traf,FamL.Prob	46 miles/1 hour 2 min.
MARIN COUNTY (Pop. 252,400)	1 at SAN RAFAEL (Pop. 57,713)	<i>None</i>			
MARIPOSA COUNTY (Pop. 18,251)	1 at MARIPOSA (Pop. 2,173)	<i>None</i>			
MENDOCINO COUNTY (Pop. 87,841)	1 at UKIAH (Pop. 16,073)	Fort Bragg	7,273	Crim,Civ,Traf,Juv	57 miles, 1 hour 14 min.

NOTE: On October 30, 2012, the Mendocino Superior Court announced that no jury trials, no proceedings in felony cases, and no proceedings in juvenile cases would be conducted any longer at the Fort Bragg branch court. On November 29, 2012, after hearing and considering objections and input from Coast residents and other Mendocino County residents and public officials about hardships that the announced cutbacks in court services would cause the public, the Court decided not to reduce court services at Fort Bragg and rescinded its October 30 announcement.

MERCED COUNTY (Pop. 255,793)	4 at MERCED (Pop. 78,959)	Los Banos	35,972	Crim,Civ,Traf	36 miles/40 min.
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MODOC COUNTY (Pop. 9,686)	1 at ALTURAS (Pop. 2,827)	<i>None</i>			
MONO COUNTY (Pop. 14,202)	1 at BRIDGEPORT (Pop. 575)	Mammoth Lakes	8,234	Full Service	54 miles/55 min.
MONTEREY COUNTY (Pop. 415,057)	1 at SALINAS (Pop. 150,441)	Monterey	27,810	Civ,FamL,Prob	19 miles/25 min.
		Marina	19,718	Civ,Traf,FamL	10 miles/15 min.

NOTE: On September 23, 2013, the Monterey Superior Court closed the following branch courthouse:

		King City	12,874		47 miles/46 min.
NAPA COUNTY (Pop. 136,484)	2 at NAPA (Pop. 76,915)	<i>None</i>			
NEVADA COUNTY (Pop. 98,764)	1 at NEVADA CITY (Pop. 3,068)	Truckee	16,180	Full Service	52 miles/57 min.
ORANGE COUNTY (Pop. 3,010,232)	4 at SANTA ANA (Pop. 324,528)	Newport Beach	85,287	Crim,Civ,Traf	11 miles/18 min.
		Orange	136,416	FamL,Juv	4 miles/9 min.
		Fullerton	135,161	Crim,Civ,Traf	11 miles/19 min.
		Westminster	89,701	Crim,Traf	8 miles/18 min.

NOTE: On May 6, 2013, the Orange Superior Court closed the following branch courthouse:

		Laguna Hills	30,344		15 miles/19 min.
PLACER COUNTY (Pop. 348,432)	3 at AUBURN (Pop. 13,330)	Roseville	118,788	Full Service	16 miles, 17 min.
		Tahoe City	1,557	Crim,Civ,Traf,FamL	80 miles, 1 hour 20 min.
PLUMAS COUNTY (Pop. 20,007)	1 at QUINCY (Pop. 1,728)	Portola	2,104	Civ,Traf	32 miles/38 min.
		Chester	2,144	Civ,Traf	46 Miles/57 min.

NOTE: On October 1, 2012, the Plumas Superior Court closed the following branch courthouse:

		Greenville	1,129		22 miles/31 min.
RIVERSIDE COUNTY (Pop. 2,189,641)	4 at RIVERSIDE (Pop. 303,871)	Banning	29,603	Crim,Civ,Traf	34 miles/34 min.
		Blythe	20,817	Crim,Civ,Traf,FamL	173 miles/2 hours 32 min.
		Corona	92,882	Traf	13 miles/15 min.
		Hemet	78,657	Civ,Traf,FamL	34 miles/42 min.
		3 at Indio	76,036	Crim,Traf,FamL,Juv,Prob	77 miles/1 hour 11 min.
		Moreno Valley	193,365	Civ,Traf	13 miles/17 min.
		Murrieta	103,466	Crim,Civ,Traf,Juv	36 miles/41 min.
		Palm Springs	44,552	Civ	56 miles/54 min.
		Temecula	100,097	Civ,Prob	40 miles/43 min.

NOTE: On May 20, 2013, the Riverside Superior Court announced that it would close the courthouses or reduce courtroom hours at Blythe and Temecula. On July 10, 2013, after receiving and considering numerous public comments about the impact that closures would have on the public, the Court revised its announcement and announced that effective August 19, 2013, the Blythe branch court will operate three instead of five days per week, and that civil and traffic cases will no longer be heard at the Temecula branch court.

SACRAMENTO COUNTY (Pop. 1,418,788)	5 at SACRAMENTO (Pop. 466,488)	<i>None</i>			
SAN BENITO COUNTY (Pop. 55,269)	1 at HOLLISTER (Pop. 34,928)	<i>None</i>			
SAN BERNARDINO COUNTY (Pop. 2,035,210)	5 at SAN BERNARDINO (Pop. 209,924)	Barstow	22,639	Civ,Traf	70 miles/1 hour 4 min.
		Colton	52,154	MentH	3 miles/6 min.
		Fontana	196,069	Civ	9 miles/17 min.
		Joshua Tree	7,414	Crim,Civ,Traf,FamL	76 miles/1 hour 15 min.
		Rancho Cucamonga	165,269		22 miles/22 min.
		Victorville	115,903	Crim,FamL,Juv	40 miles/37 min.

NOTE: On November 29, 2012, the San Bernardino Superior Court announced the closure of one civil courtroom at the Joshua Tree branch court effective February 4, 2013. On March 4, 2013, the Court announced the closure, effective May 6, 2013, of the Barstow branch courthouse and the following two branch courthouses:

Big Bear	5,019	39 miles/1 hour 3 min.
Needles	4,844	212 miles/3 hours 6 min.

On April 12, 2013, the Court modified its March 4 announcement to state that only three of the four courtrooms at the Barstow branch court would close on May 6.

SAN DIEGO COUNTY (Pop. 3,095,313)	6 at SAN DIEGO (Pop. 1,307,402)	Chula Vista	243,916	Crim,FamL,Juv	8 miles/12 min.
		El Cajon	99,478	Crim,Civ,FamL,Juv	16 miles/18 min.
		Vista	93,834	Full Service	42 miles/41 min.

NOTE: On September 3, 2012, the San Diego Superior Court closed one probate courtroom and one juvenile courtroom at the Vista branch court, closed one civil courtroom at the Central Courthouse and six criminal courtrooms at the Hall of Justice, both in San Diego, and closed the following branch court:

Ramona	20,292	35 miles/45 min.
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On November 19, 2012, the Court closed one civil courtroom at the Chula Vista branch court and closed one civil courtroom at the El Cajon branch court.

SAN FRANCISCO CITY AND COUNTY (Pop. 805,325)	4 at SAN FRANCISCO (Pop. 805,325)	<i>None</i>
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NOTE: On October 3, 2011, the San Francisco Superior Court closed 25 of its civil courtrooms.

SAN JOAQUIN COUNTY (Pop. 685,306)	2 at STOCKTON (Pop. 291,707)	French Camp	3,376	Juv	6 miles/9 min.
		Manteca	67,096	Crim	15 miles/18 min.

NOTE: On October 3, 2011, the San Joaquin Superior Court closed the following branch courthouse:

Tracy 82,922 21 miles/23 min.

On March 4, 2013, the Court closed the following branch courthouse:

Lodi 62,134 17 miles/19 min.

SAN LUIS OBISPO COUNTY (Pop. 269,637)	5 at SAN LUIS OBISPO (45,119)	Paso Robles	29,793	Crim,Civ,Traf,FamL	29 miles/31 min.
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NOTE: On January 3, 2012, the San Luis Obispo Superior Court closed the following branch courthouse:

Grover Beach 13,156 15 miles/17 min.

SAN MATEO COUNTY (Pop. 718,451)	2 at REDWOOD CITY (Pop. 76,815)	San Mateo	97,207	Juv	9 miles/13 min.
		South San Francisco	63,632	Crim	17 miles/21 min.

NOTE: On July 15, 2013, the San Mateo Superior court closed four courtrooms at the South San Francisco branch court.

SANTA BARBARA COUNTY (Pop. 423,895)	2 at SANTA BARBARA (Pop. 88,410)	Lompoc	42,434	Crim,Civ,Traf,FamL	55 miles/56 min.
		3 at Santa Maria	99,553	Full Service	65 miles/1 hour 7 min.
		Solvang	5,245	Civ,Traf	34 miles/39 min.
SANTA CLARA COUNTY (Pop. 1,781,642)	7 at SAN JOSE (Pop. 945,942)	Morgan Hill	37,882	Crim,Civ,Traf,FamL,Juv	23 miles/24 min.
		Palo Alto	64,403	Crim,Civ,Traf	17 miles/22 min.
		Santa Clara	116,468	Traf	4 miles/8 min.
		Sunnyvale	140,095	FamL	12 miles/15 min.
SANTA CRUZ COUNTY (Pop. 262,382)	1 at SANTA CRUZ (Pop. 60,049)	Watsonville	51,199	Civ,Traf,FamL,Juv	18 miles/21 min.
SHASTA COUNTY (Pop. 177,223)	2 at REDDING (Pop. 89,861)	Burney	3,154	Traf	54 miles/58 min.

SIERRA COUNTY (Pop. 3,240)	1 at DOWNIEVILLE (Pop. 282)	Portola (Plumas-Sierra Regional Courthouse)	Traf		51 miles/58 min.
SISKIYOU COUNTY (Pop. 44,900)	1 at YREKA (Pop. 7,765)	Dorris	939	Civ,Juv	67 miles/1 hour 10 min.
		Happy Camp	1,190	Traf	71 miles/1 hour 36 min.
		Weed	2,967	Crim,Traf,Juv	29 miles/28 min.

NOTE: On August 1, 2011, the Siskiyou Superior Court closed the following branch courthouse:

Tulelake	1,010	93 miles/1 hour 37 min.
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On November 7, 2013, the Court announced that the Happy Camp branch courthouse and the Weed branch courthouse will both close January 6, 2014.

SOLANO COUNTY (Pop. 413,344)	2 at FAIRFIELD (Pop. 108,321)	Vallejo	115,942	Full-Service	17 miles/21 min.
SONOMA COUNTY (Pop. 483,878)	4 at SANTA ROSA (Pop. 167,815)	<i>None</i>			
STANISLAUS COUNTY (Pop. 514,453)	4 at MODESTO (Pop. 201,165)	<i>None</i>			

NOTE: The following Stanislaus Superior Court branch courthouses have been closed since December 2012:

Ceres	45,417	5 miles/ 7 min.
Turlock	68,549	14 miles/16 min.

SUTTER COUNTY (Pop. 94,737)	2 at YUBA CITY (Pop. 64,925)	<i>None</i>		
TEHAMA COUNTY (Pop. 63,463)	3 at RED BLUFF (Pop. 14,076)	<i>None</i>		

NOTE: On June 30, 2013, the Tehama Superior Court closed the following branch courthouse:

		Corning	7,663		19 miles/20 min.
TRINITY COUNTY (Pop. 13,786)	1 at WEAVERVILLE (Pop. 3,600)	Hayfork	2,368		30 miles/38 min.
TULARE COUNTY (Pop. 442,179)	4 at VISALIA (Pop. 124,442)	Dinuba Porterville	21,453 54,165		21 miles/28 min. 30 miles/38min.

NOTE: On August 31, 2012, the Tulare Superior Court closed the following branch courthouse:

		Tulare	59,278		16 miles/19 min.
TUOLUMNE COUNTY (Pop. 55,365)	2 at SONORA (Pop. 4,903)	<i>None</i>			
VENTURA COUNTY (Pop. 823,318)	1 at VENTURA (Pop. 106,433)	Oxnard Simi Valley	197,899 124,237	Traf,Juv Civ,traf	8 miles/15 min. 29 miles/41 min.

NOTE: On April 19, 2012, the Ventura Superior Court announced that effective June 25, 2012, there would be no further courtroom operations at the Simi Valley branch courthouse.

YOLO COUNTY (Pop. 200,849)	5 at WOODLAND (55,468)	<i>None</i>			
YUBA COUNTY (Pop. 72,155)	2 at MARYSVILLE (Pop. 12,072)	<i>None</i>			

#

**Driving Times, Mileages, Roads,¹ and Public Transportation²
From Mendocino Coast Communities to the Ukiah Courthouse**

<u>Community</u>	<u>Driving Time</u>	<u>Distance</u>		<u>Public Transportation³</u>		<u>Latest Bus Back</u>	
		<u>Total</u>	<u>Twisty 2-Lane</u>	<u>Earliest Bus Over Departs</u>	<u>Arrives Ukiah</u>	<u>Departs Ukiah</u>	<u>Arrives Home</u>
Albion	1 hour 12 minutes	53 miles	50 miles	8:35 AM;	10:35 AM	3:05 PM	4:55 PM
Anchor Bay	1 hour 45 minutes	61 miles	41 miles	7:50 AM	10:35 AM	3:05 PM	5:50 PM
Caspar	1 hour 17 minutes	59 miles	33 miles	7:45 AM	10:35 AM	3:05 PM	5:21 PM
Cleone	1 hour 19 minutes	60 miles	36 miles	7:11 AM	10:35 AM	4:06 PM	6:29 PM
Comptche	1 hour 1 minute	30 miles	28 miles		NO SERVICE		
Elk	1 hour 18 minutes	56 miles	52 miles	8:45 AM	10:35 AM	3:05PM	4:55 PM
Fort Bragg	1 hour 14 minutes	57 miles	33 miles	7:30 AM	9:29 AM	4:06 PM	6:00 PM
Gualala	1 hour 51 minutes	64 miles	42 miles	7:45 AM	10:35 AM	3:05 PM	5:55 PM
Little River	1 hour 18 minutes	57 miles	46 miles	8:25 AM	10:35 AM	3:05 PM	5:02 PM
Manchester	1 hour 27 minutes	47 miles	41 miles	8:20 AM	10:35 AM	3:05 PM	5:15 PM
Mendocino	1 hour 22 minutes	63 miles	33 miles	7:55 AM	10:35 AM	3:05 PM	5:10 PM
Navarro	52 minutes	35 miles	31 miles	9:13 AM	10:35 AM	3:05 PM	4:17 PM
Point Arena	1 hour 32 minutes	50 miles	42 miles	8:10 AM	10:35 AM	3:05 PM	5:30 PM
Westport	1 hour 36 minutes	73 miles	50 miles		NO SERVICE		
Average	1 hour 22 minutes	55 miles	40 miles				

¹ Source for all driving times, total mileages and road information: Google Maps.

² Source for all public transportation information: Mendocino Transit Authority website.

³ All Ukiah arrival and departure times are to and from the Ukiah Library, a block from the courthouse. All Ukiah arrival times are too late for court users from the Coast to attend early morning calendars or the commencement or resumption of jury trials. All Ukiah departure times are too late for court users from the Coast to participate in mid- to late-afternoon hearings and trials. Winter storms periodically flood out State Highway 128 along the Navarro River, eliminating bus service to Ukiah from all the above Coast communities except Fort Bragg.

Fact Sheet

Mendocino County's Two Courthouse Locations: The main courthouse is in Ukiah, the county seat, in Mendocino's inland Ukiah Valley. It has seven courtrooms and offers full court services. The other courthouse is in Fort Bragg on the Mendocino Coast. It has one courtroom and offers many but not all core court services. It does not conduct or provide jury trials lasting longer than three days, hearings in juvenile delinquency cases, proceedings in juvenile dependency cases, court services in LPS conservatorship cases, proceedings in domestic violence restraining order cases involving children, nor mediation in family law cases.

Coast Population: Of the County's total 87,841 population, approximately 26,700 or 30%, live on the Coast in two incorporated cities, a dozen towns and villages, and surrounding countryside.

Traveling Conditions: A mountain range and an hour and a half of hard driving separate the Coast from Ukiah. Existing public transportation is inadequate to allow court users from the Coast to be in the Ukiah courthouse earlier than mid-morning or later than mid-afternoon.¹

Persons Affected: These are the troubled minors, the fragile families of neglected children, the stressed divorcing couples arguing over their children, the parent victims of domestic violence, the mentally challenged persons and those who care about them, the many people who have their own productive schedules who are summoned away for jury duty in Ukiah, the numerous law enforcement and civilian witnesses, the parties who are billed for their retained counsel's travel time, and all the others who live on the Coast and are now required to attend court in Ukiah.

The Additional Funding Need: Coast branch filings, including the criminal, civil, family law, and juvenile cases now being transferred from there and heard in Ukiah, can probably be processed to completion with a minimum of seven FTE non-judicial positions.² The Coast branch court has four. To provide full core court services, the Coast branch court needs three additional staff positions.

Other Courts That May Qualify for Adjustment: These include El Dorado Superior Court (South Lake Tahoe branch,) Kern Superior (Ridgecrest,) Los Angeles Superior (Lancaster,) Riverside Superior (Blythe and Indio,) San Bernardino Superior (Barstow,) and Santa Barbara Superior (Santa Maria and possibly Lompoc.)³

¹ See "Driving Times, Mileages, Roads, and Public Transportation from Mendocino Coast Communities to the Ukiah Courthouse," attached.

² Nine California full service Superior Courts, each requiring an average of 13 FTE non-judicial staff, each serve an average of half the population served by the Mendocino Coast Court. See "Small Court Populations and the Non-Judicial Staff Allocated to Serve them," attached.

³ See the accompanying document "California Courthouse Locations 2014."

**Small Court Populations and the Non-Judicial Staff
Allocated to Serve Them
(corrected February 28, 2014)**

Nine California counties with full service superior courts have fewer people living in them than the 26,702 ¹ people who live on the Mendocino Coast.

Those counties, their populations, and their superior courts' authorized non-judicial staff are as follows:

<u>Area Served</u>	<u>Population</u> ²	<u>Non-Judicial Staff (FTE)</u> ³
Alpine County	1,175	4
Colusa County	21,419	17.5
Inyo County	18,546	22
Mariposa County	18,251	13.8
Modoc County	9,686	13
Mono County	14,202	17.5
Plumas County	20,007	13
Sierra County	3,240	6
Trinity County	13,786	17.4
9-County Average	13,368	13.8
Mendocino Coast	26,702	4

¹ Mendocino County Superior Court letter to Court Facilities Working Group, dated August 23, 2012, at page 15.

² Source for all population figures except Mendocino Coast: U.S. Census 2010.

³ Each court's Schedule 7A, dated effective July 1, 2013.

**THE REMOTE ACCESS-FUNDING FACTOR
IDENTIFIED BY THE MENDOCINO SUPERIOR COURT
IS UNIQUE TO 8 COUNTIES AT MOST**

Of California's 58 counties, at most 8 may be eligible to qualify: **El Dorado** (its South Lake Tahoe branch court, 1 hour 10 minutes from the county seat, has a population of 21,403); **Kern** (Ridgecrest, 1 hour 49 minutes, pop. 27,626); **Los Angeles** (Lancaster, 1 hour 14 minutes, pop. 156,633); **Mendocino** (Fort Bragg, 1 hour 14 minutes, pop. 7,273, serving the Mendocino Coast, 1 hour 22 minutes, pop. 26,700); **Nevada** Truckee, 57 minutes, pop. 16,180); **Riverside** (Blythe, 2 hours 32 minutes, pop. 20,817; Indio, 1 hour 11 minutes, pop. 76,036; Palm Springs, 54 minutes, pop. 44,552); **San Bernardino** (Barstow, 1 hour 4 minutes, pop. 22,639); and **Santa Barbara** (Lompoc, 56 minutes, pop. 42,434; and Santa Maria, 1 hour 7 minutes, pop. 99,553).

22 counties would not qualify because they have no branch court at all: **Alpine, Amador, Calaveras, Colusa, Del Norte, Fresno, Humboldt, Lassen, Marin, Mariposa, Modoc, Napa, Sacramento, San Benito, San Francisco, Sonoma, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, and Yuba.**

Other counties would not qualify because they have no branch court that serves a remote population. There appear to be 20 such counties, none with a population served by branch court farther away than 45 minutes from the county seat: **Alameda** (its farthest branch court, at Fremont, is 31 minutes from the county seat); **Butte** (Chico, 25 minutes away); **Contra Costa** (Richmond, 24 minutes); **Glenn** (Orland, 17 minutes); **Inyo** (Bishop, 40 minutes); **Kings** (Avenal, 42 minutes); **Lake** (Clearlake, 34 minutes); **Merced** (Los Banos, 40 minutes); **Monterey** (Monterey, 25 minutes); **Orange** (Fullerton, 19 minutes); **San Diego** (Vista, 41 minutes); **San Joaquin** (Manteca, 18 minutes); **San Luis Obispo** Paso Robles, 31 minutes); **San Mateo** (South San Francisco, 21 minutes); **Santa Clara** (Morgan Hill, 24 minutes); **Santa Cruz** (Watsonville, 21 minutes); **Solano** (Vallejo, 21 minutes); **Trinity** (Hayfork, 38 minutes); **Tulare** (Porterville, 38 minutes); and **Ventura** (Simi Valley, 41 minutes).

Other counties would not qualify because the remote population served by their branch court is too small to justify a full-service branch court. There appear to be 8 such counties (*unless the population their branch court serves is much greater than the population of the city where the branch court is located*): **Imperial** (at Winterhaven, 53 minutes from the county seat, pop. 394); **Madera** (Bass Lake, 1 hour 2 minutes, pop. 537); **Mono** (Mammoth Lakes, 55 minutes away from the county seat, has an arguably large population of 8,234, but the county seat itself, Bridgeport, has a population of only 575); **Placer** (Tahoe City, 1 hour 20 minutes, pop. 1,557); **Plumas** (Chester, 57 minutes, pop. 2,144); **Shasta** (Burney, 58 minutes, population 3,154); **Sierra** (Portola in Plumas County, 58 minutes, pop. 2,104); **Siskiyou** (Dorris, 1 hour 10 minutes, pop. 939).

CALIFORNIA COMMISSION ON ACCESS TO JUSTICE

c/o State Bar of California – 180 Howard Street – San Francisco, CA 94105 – (415) 538-2352 – (415) 538-2524/fax

March 19, 2014

The Honorable Laurie M. Earl
Superior Court of Sacramento County
720 Ninth Street, Department 26
Sacramento, CA 95814

RE: Recommendations to the Trial Court Budget Advisory Committee

Dear Judge Earl:

The California Commission on Access to Justice is pleased to submit recommendations to the Trial Court Budget Advisory Committee regarding access to justice and the impact of lengthy distances and/or amounts of time that litigants and witnesses must spend traveling in order to access courts.

Our recommendations include factors to consider when deciding on court closures, openings, or other matters that impact the distance and amount of time individuals must travel in order to access a court, as well as recommendations to help mitigate some of the access-related concerns that arise from having to travel long distances or lengthy amounts of time to court.

The Commission has been researching, discussing, and writing about access issues for over fifteen years. We have been particularly concerned about court issues that impact low income Californians. As part of these efforts, the Commission has considered many of the access to justice consequences of long distances and/or travel time to courts.

While court closures have impacted many communities, Californians living in geographically large counties or rural areas are more likely to face significant distance or travel issues. In rural areas, issues with traveling to courts are compounded by the fact that a larger percentage of rural Californians are low income, elderly, living with disabilities, or are military veterans. A larger percentage of rural residents experience certain harms that courts can help to address: there are more workplace injuries in rural areas and more severe injuries from domestic violence. Rural youth may have more need for court access: they use drugs and alcohol at a younger age and they have less access to educational accommodations for disabilities in rural schools (see [Improving Civil Justice in Rural California](#) at 21-22.)

To maintain accessibility to California courts, the Commission hopes that you will consider the following factors and possible practices when deciding on court closures, openings, or other matters that impact the distance and amount of time individuals must travel in order to access a court.

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The Honorable Laurie M. Earl
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**RECOMMENDED FACTORS TO CONSIDER WHEN DECIDING ON COURT CLOSURES,
OPENINGS, OR OTHER MATTERS THAT MAY IMPACT THE DISTANCE OR TIME SPENT
TRAVELING TO COURT**

Amount of travel time necessary to access a court.

Long distances to courts, as well as the slow speeds required to negotiate winding or poorly paved roads, may mean diminished access to justice. Studies show that people who live more than 25 miles from legal services offices are six times less likely to avail themselves of those services (see, e.g., [Spain, L.R. Public Interest Law](#) at 368.) There is likely a similar measurable drop off in court use. Studies indicate that juries are less diverse where some in the pool live very far from the courts, because difficulty in getting to the court is an excusable hardship. (13 Nat'l Black L.J. 238)

Level of poverty in area served by court.

Residents of areas with lower average income levels have fewer resources to expend toward reaching court. Longer travel times to court require more missed work, more salary loss, greater child care costs, and larger fuel costs, all of which are a greater hardship for low income households.

Proximity and frequency of public transportation.

Public transportation is uneven throughout the state and often scheduled to accommodate working commuters. Transit schedules and availability have a substantial impact on the ability of many to access courts. Many Californians do not have easy access to public transit: in rural areas it is often both scarce and infrequent, and even in large urban areas, transit schedules may make it difficult to arrive at court for the morning calendar without staying overnight near the courthouse.

Community costs associated with distant courts.

Police officers and incarcerated defendants also travel longer distances when courts are closed. This means less time spent policing and more costs for transportation and security, all of which impact state and local budgets.

Education level of residents in area served by court.

Residents of poorer communities have less education and less access to broadband than residents of prosperous communities, so the resources that are available through walk-in self-help centers that adjoin courts are particularly important to poor communities. Households earning less than \$40,000 have access to broadband at half the rate of households earning more than \$80,000: 47% of the former have access, compared to 94% of the latter group (see [Improving Civil Justice in Rural California](#) at 23). Similarly, California high school graduates earn one half of what California college graduates earn (see <http://www.cpec.ca.gov/FiscalData/MedianIncomeGraph.asp>)

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**RECOMMENDED PRACTICES TO HELP MITIGATE ACCESS CONCERNS ASSOCIATED
WITH LONG DISTANCE AND/OR LENGTHY TRAVEL TIME TO COURT**

The Access Commission recommends consideration of the following practices to help ameliorate some of the issues that arise from long distance and/or lengthy travel time to access a court:

- **Minimizing court appearances** – To the extent possible, court calendars should be set to minimize trips to the courthouse, with motions and court sessions calendared to minimize travel for judges and for the public.
- **Non-traditional court hours** – Court hours that account for travel needs, including public transportation and work schedules are helpful. Courts can open later where travel times are greater. For example, courts close at 7:00 p.m. on the days that they are open in Montana, to maximize what can be done in the day. Other courts, including in Inyo County, have used night courts. Inyo County’s monthly night court for child support cases is reported to have resulted in far fewer no-shows.
- **Using community resources for filing** – Satellite self-help centers and other community-based assistance centers can reduce the need for proximity to physical courthouses, in some instances. For example, the self-help center at the Superior Court in Fresno County has worked with advocates at a domestic violence shelter in Reedley to allow clients to fax their petitions for restraining orders to Fresno, where the judge can sign the temporary restraining orders and the court can then fax them to local law enforcement.
- **Venue flexibility** – Where distances are vast, some states allow the public to go to the closest court, even in instances where it is in the next county.
- **Remote appearances** – Some court appearances can be conducted telephonically or by video conference. California courts use [Courtcall](#) or other services for routine, non-evidentiary, pre-trial hearings. Because Courtcall charges for its services, courts should consider making these services available at no charge for lower income persons. Additionally, some traffic courts are doing arraignments by video conference, obviating the need for travel to a more distant court.
- **Satellite collaborative courts** – Some states with large rural areas maintain satellite drug courts because the volume of cases is high and “specialty” courts require locally-based, immediate response. Research indicates that collaborative courts save court resources in the long run.

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- **Traveling judges** – In a few western states (Montana and Wyoming, for example), courts are open only several days per month. Judges travel to the courts, on a prescheduled circuit, so that the public can travel shorter distances.
- **Shared clerical work through the internet** – Some states send clerical work from the busier courthouses to the smaller courthouses, enabling the smaller courthouses to retain enough staff to stay open.

Thank you for the opportunity to provide input on the issue of lengthy distances and travel time to access courts. We look forward to continued dialogue on these issues and hope that the factors and recommendations discussed in this letter are helpful to the important work of your committee.

Sincerely,



Ronald B. Robie

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