

**Business Management Services
Report to the Workload Assessment Advisory Committee
(Action Item)**

Title: Modified Pandemic-Impacted Filings for the 2022 Assessed Judicial Need
Date: 8/25/2022
Contact: Nicholas Armstrong, Research Analyst 415-865-7829
nicholas.armstrong@jud.ca.gov

Issue

The biennial Judicial Needs Assessment (JNA) model uses three-year average filings to estimate judicial workload and to assess judicial need in the trial courts. The 2022 JNA update (due November 2022) includes filings for fiscal years 2018-19, 2019-20, and 2020-21. The FY 2019-20 filings include four months (March to June 2020) when many courts' operations were constrained by shelter-in-place orders and physical distancing protocols. The filings count for those months did not reflect actual court workload. This memo summarizes a recommended approach to address the fiscal year 2019-20 filings for use in the 2022 JNA update.

Background

The Workload Assessment Advisory Committee (WAAC) previously approved a modification to the FY 2019-20 filings data for use in both the FY 2020-21 and FY 2021-22 Resource Assessment Study (RAS) and Workload Formula (WF). The approved approach used the July 2019 through February 2020 filings (8 months), for each court, by casetype, and extrapolated to a full year, adjusting for seasonality patterns observed in FY 2017-18 and FY 2018-19 data.

Analysis

By using adjusted filings for FY 2019-20 for use in the 2022 JNA update, a consistent approach would be applied across all workload models to address pandemic impacted data. This approach means the JNA will use *unadjusted* filings data for FY 2018-19, *adjusted* filings data for FY 2019-20, and *unadjusted* filings data for FY 2020-21 to calculate the 3-year average. This will be the only JNA update to use adjusted FY 2019-20 filings because the next update (2024) will not include FY 2019-20 filings.

FY	Filings Data
2018-19	Unadjusted
2019-20	Adjusted
2020-21	Unadjusted

This approach would retain all the policies and principles of the workload models, such as the use of a three-year average of filings. Additionally, staff reviewed California Government Code

69614—which specifies criteria used to assess judicial need—and found no conflict in using the adjusted filings data for FY 2019-20 (see Attachment A).

At its July 9, 2021 meeting, the Judicial Council received an informational report about use of the approach in the RAS/WF annual update (see Attachment B).

Recommendation

Staff recommend that the three-year average filings for use in the biennial 2022 JNA update (FY 2018-19, FY 2019-20, FY 2020-21) should be modified to replace the last 4 months of 2019-20 filings data, using the same seasonally adjusted extrapolated methodology used in the annual RAS/WF model update. This approach ensures consistency across all workload models.

Attachment A

California Government Code

Sec. 69614

- (a) Upon appropriation by the Legislature in the 2006–07 fiscal year, there shall be 50 additional judges allocated to the various superior courts pursuant to the uniform criteria described in subdivision (b) for determining the need for additional superior court judges.
- (b) The judges shall be allocated, in accordance with the uniform standards for factually determining additional judicial need in each county, as updated and approved by the Judicial Council, pursuant to the Update of Judicial Needs Study, based on the following criteria:
- (1) Court filings data averaged over a period of three years.
 - (2) Workload standards that represent the average amount of time of bench and nonbench work required to resolve each case type.
 - (3) A ranking methodology that provides consideration for courts that have the greatest need relative to their current complement of judicial officers.
- (c) (1) The Judicial Council shall report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using the uniform criteria for allocation of judgeships described in subdivision (b), as updated and applied to the average of the prior three years' filings.
- (2) On or before November 30, 2011, the Judicial Council shall provide to the Legislature a special assessment of the need for new judgeships in the family law and juvenile law assignments for each superior court.
 - (3) The Judicial Council shall report, beginning with the report due to the Legislature on November 1, 2012, on the implementation and effect of subparagraph (C) of paragraph (1) of subdivision (c) of Section 69615.



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

Item No.: 21-121

For business meeting on: July 8–9, 2021

Title

Trial Courts: Resource Assessment Study
Filings Adjustment for FY 2021–22

Agenda Item Type

Information Only

Submitted by

Workload Assessment Advisory Committee
Judge Lorna A. Alksne, Chair
Kristin Greenaway, Supervising Research
Analyst
Office of Court Research

Date of Report

July 9, 2021

Contact

Kristin Greenaway, 415-865-7832
kristin.greenaway@jud.ca.gov

Executive Summary

The Resource Assessment Study (RAS) model uses a three-year average of filings to estimate court workload that is used in the trial court Workload Formula. The 2021–22 Workload Formula includes four months of pandemic-impacted data, which is not reflective of typical court workload as during this period many courts' operations were constrained by pandemic-related closures. The Workload Assessment Advisory Committee (WAAC) has adopted a one-time modification to the filings data for 2021–21 Workload Formula calculations. This modification is consistent with existing policy and is being shared with the Judicial Council as an informational item only.

Relevant Previous Council Action

In 2000, the Judicial Council's Office of Court Research was directed to develop workload measures for case processing trial court staff with the goal of developing a method for allocating resources to the trial courts that takes workload into account. The Judicial Council approved the Resource Assessment Study (RAS) model at its July 20, 2005 meeting (see Link A).¹

¹ At the time, the RAS model was an acronym for Resource Allocation Study model—later revised to Resource Assessment Study model—to better reflect the model's use in assessing, not allocating, workload.

In February 2013, the council approved an updated version of RAS caseweights and other model parameters derived from a 2010 time study (see Link B). In that same year, the council approved a recommendation to adopt a new funding model, the Workload-based Allocation and Funding Methodology (WAFM) that would use the RAS model as the basis for its workload-based funding model (see Link C). This funding model is now referred to as the Workload Formula.

In July 2017, the council approved an updated version of RAS with caseweights and other model parameters derived from a 2016 time study and directed the Workload Assessment Advisory Committee (WAAC) to conduct any necessary interim analyses or make any technical adjustments needed prior to the next workload study update (see Link D).

Analysis/Rationale

The RAS model is a weighted caseload model used to estimate resource need in the trial courts. It measures case complexity through the development of caseweights: the amount of time, in minutes, needed to process a case from filing through disposition, including any postdisposition activity. These weights are applied to filings (workload driver) to estimate each court's unique workload. Currently, the RAS Model includes caseweights for 22 separate case types using the average of the three most recent years of data and includes any updates to model parameters, such as updated ratios and the like.

This year, consideration had to be given to the filings data used in the RAS model given the impacts the pandemic has had on the workload of the trial courts—beginning in March 2020 (see Attachment A). Filings for fiscal year (FY) 2021–22 will include four months of pandemic-impacted data as part of the most recent three-year average filings (FY 2017–18, FY 2018–19, FY 2019–20), specially the last four months of FY 2019–20 (March through June 2020).

The Workload Assessment Advisory Committee considered a number of possible methods of addressing the impact of the pandemic on court workload measurement. In the immediate weeks and months following the statewide shelter-in-place orders implemented in March 2020, courts had to make various adjustments to operations in adherence to public health orders. This included implementing physical distancing in courts, adopting technologies for remote hearings, and, in some cases, instituting temporary court closures. In the initial months of the pandemic, some courts were immediately impacted whereas others were affected at later dates as the pandemic spread throughout the state.

All of the above issues affected courts' ability to receive and process case filings, although the effects were neither felt nor experienced in the same manner nor at the same time. In addition to filings, court case processing workload was similarly affected. Cases were continued or rescheduled to accommodate litigant needs and/or in keeping with social distancing protocols, among other reasons. While case filings may have dropped during the initial pandemic period, the universal experience from courts is that case processing workload in the courts remained robust. For example, case disposition activity remained high and litigants continued to receive services from self-help centers via remote technology.

The Workload Assessment Advisory Committee considered all of these issues and determined that the most equitable way to move forward with the calculations for the 2021–22 Workload Formula was to *not* use actual March through June 2020 data but to replace those months with extrapolated data that is more representative of the expected trend in filings, by court and by month. Other options were considered, such as using the actual reported filings during that period or making adjustments to the weights that are used to measure court workload. Regarding the former, the committee felt that using actual filings would understate court workload given all of the changes and adjustments courts had to make to case processing practices in order to implement physical distancing. On the other hand, making adjustments to the caseweights would be time consuming to execute and it may not be possible to capture the full range of court workload adjustments made in response to the pandemic, given that courts had different local public health ordinances to follow, various physical plant/site limitations, and varying levels of technological advancement.

The committee’s approved approach is to use the July 2019 through February 2020 filings (eight months), for each court, by case type, and extrapolate to a full year, adjusted for seasonality patterns observed based on the averages of FY 2017–18 and FY 2018–19 data. In making its recommendation, the committee emphasized an approach that would retain all of the policies and principles of the RAS model, such as the use of a three-year average of filings and periodic updates to model parameters such as the supervisor-manager ratio.

Fiscal Impact and Policy Implications

This filings adjustment is intended to reflect typical court workload by replacing the pandemic-impacted months with filings data extrapolated from filings immediately preceding the pandemic-impacted months. If approved, this adjustment will be implemented for the FY 2021–22 RAS to estimate FTEs in the trial courts, which is the basis for trial court budget allocations in the Workload Formula. The impact of this approach on Workload Formula allocations in each court depends on a number of factors, including the amount of available funding for trial courts and Judicial Council policy regarding workload-based allocations. The committee will continue to monitor filings data through the pandemic period to plan for future Workload Formula estimates.

Attachments and Links

1. Attachment A: *Adjustment for Pandemic-Related Filings for FY 2021–22 RAS Need* (Apr. 23, 2020)
2. Link A: Judicial Council of Cal., *Fiscal Year 2005–2006 Trial Court Budget Allocations* (July 20, 2005), www.courts.ca.gov/documents/0705item1.pdf
3. Link B: Judicial Council of Cal., *Trial Courts: Update of the Resource Assessment Study Model* (Feb. 8, 2013), www.courts.ca.gov/documents/jc-20130226-itemM.pdf
4. Link C: Judicial Council of Cal., *Trial Court Budget Working Group: Recommendation of New Budget Development and Allocation Methodology* (Apr. 24, 2013), www.courts.ca.gov/documents/jc-20130426-itemP.pdf

5. Link D: Judicial Council of Cal., Trial Courts: Update of Resource Assessment Study Model (July 28, 2017), <https://jcc.legistar.com/View.ashx?M=F&ID=5338582&GUID=FA2962D0-141A-40D4-B9CA-CB5C2467A49C>