

Handout Materials

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Speakers

Hon. Tani Cantil-Sakauye (Ret.)

Chief Justice Tani Cantil-Sakauye joins ADR Services, Inc. after an impressive judiciary career marked by extraordinary leadership and trailblazing initiatives. As the former leader of California’s judicial branch of government and chair of the Judicial Council, Chief Justice Cantil-Sakauye managed to successfully steer the court through two massive crises — the Great Recession and the COVID-19 pandemic, all the while fostering a culture of collaboration and collegiality on the bench, improving access to justice, and educating the public on the importance of the 3rd branch of government. Chief Justice Cantil-Sakauye made history and became the first woman of color, the first Asian-Filipina American and the second woman to serve as the state’s Chief Justice.

During her twelve remarkable years at the helm of the state’s Supreme Court, Chief Justice Cantil-Sakauye emerged as one of the country’s leading advocates for equal access to justice, transparency, and the reform of state court funding models that unfairly impact low-income individuals. The Chief Justice was a leader in revitalizing civic learning through her Power of Democracy initiative, which was developed to inform the public about how the courts, both federal and state, play a key role in the state government. In an effort to improve transparency, when she became Chief Justice, she opened meetings of the Judicial Council and its advisory bodies that were once closed to the public and made public comment more accessible.

In March 2020, Chief Justice Cantil-Sakauye issued a series of emergency orders to temporarily suspend jury trials, extend statutory deadlines, and allow court proceedings to be conducted remotely. She worked closely with other leaders in the California court system and across the United States to develop and

implement best practices for conducting court proceedings during the pandemic. This has included providing guidance on how to conduct remote hearings, ensuring that court facilities are properly sanitized, and making personal protective equipment available to court employees and visitors.

Chief Justice Cantil-Sakauye currently serves as the President and CEO of Public Policy Institute of California (PPIC), an independent, nonpartisan research think tank for the public interest, which provides data-driven, nonpartisan research that sparks productive conversations to inspire policy solutions for California's challenges. With ADR Services, Inc., she is available for Mediations, Case Evaluations, Consultations, Moot Courts, and Mock Trials.

Case Manager: Joanna Barron

Joannateam1@adrservices.com

Hon. Ming Chin (Ret.)

The Honorable Ming W. Chin joined ADR Services, Inc. in 2021 after a highly decorated and illustrious career marked by exemplary public service, including 24 years as an Associate Justice of the California Supreme Court. He is deeply respected and admired among his peers, not only for his remarkable intellect and strength of character, but also for his great dedication and contributions to the California judiciary and to the legal community at large. As a mediator, arbitrator, referee, and appellate consultant at ADR Services, Inc., Justice Chin continues to service the business and legal communities by resolving complex and divisive matters through alternative dispute resolution.

The Honorable Ming W. Chin was appointed to the California Supreme Court in March 1996. Before being named to the high court, Justice Chin served from 1990 to 1996 on the First District Court of Appeal, Division Three, San Francisco. Prior to his appointment to the Court of Appeal, Justice Chin served on the bench of the Alameda County Superior Court. He began his legal career as a prosecutor in the Alameda County District Attorney's office and later was a partner in an Oakland law firm specializing in business and commercial litigation. Justice Chin earned his bachelor's degree in political science and law degree from the University of San Francisco. After his graduation from law school, Justice Chin served two years as a Captain in the United States Army, including a year in Vietnam, where he was awarded the Army Commendation Medal and the Bronze Star.

Case Manager: Joanna Barron

Joannateam1@adrservices.com

Hon. James Lambden (Ret.) – Moderator

Since becoming a full time neutral with ADR Services, Inc. in 2013, Hon. James Lambden has engaged in complex dispute resolution and has served as mediator, arbitrator, referee, mock arbitrator, and appellate consultant in disputes ranging across the breath of civil disputes. Justice Lambden brings to his ADR practice nearly four decades of experience as a trial lawyer, trial court judge and Associate Justice of the California Court of Appeal. During his 14 years as a trial lawyer, he represented clients throughout the state in cases involving construction, commercial contracts, torts, secured transactions, employment, insurance and real estate. His clients ranged from wind farm start-ups to international corporations such as Merck and Co. His 7 years as a trial judge included more than 4 years presiding over a master civil law and motion calendar averaging 25 to 30 hearings each day. During this assignment he also briefed the presiding judge weekly regarding the settlement prospects of the cases coming up for trial. In his other civil assignments, he managed the Fast Track calendar and successfully settled dozens of cases scheduled for jury trials; and he tried to verdict many others.

Case Manager: Katy Jones

katyteam@adrservices.com



The State Bar of California

OPEN SESSION AGENDA ITEM 60-1 NOVEMBER 2023

DATE: November 16, 2023

TO: Members, Board of Trustees
Sitting as the Regulation and Discipline Committee

FROM: The Committee on Professional Responsibility and Conduct
Brandon Krueger, Chair, Committee on Professional Responsibility and Conduct
Erika Doherty, Program Director, Office of Professional Competence

SUBJECT: Recommendations from Committee on Professional Responsibility and
Conduct on Regulation of Use of Generative AI by Licensees

EXECUTIVE SUMMARY

This memorandum sets forth the Committee on Professional Responsibility and Conduct's (COPRAC) initial recommendations regarding lawyer use of generative AI. In short, COPRAC believes that the existing Rules of Professional Conduct are robust, and the standards of conduct cover the landscape of issues presented by generative AI in its current forms. However, COPRAC recognizes that generative AI is a rapidly evolving technology that presents novel issues that might necessitate new regulation and rules in the future.

As an initial step, COPRAC has developed, and recommends that the Board adopt *Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law* to assist lawyers in navigating their ethical obligations when using generative AI. COPRAC envisions that the Practical Guidance will be a living document that is periodically updated as the technology evolves and matures, and new issues are presented.

COPRAC also recommends that the Board direct State Bar staff to develop attorney education programs that assist lawyers to understand and gain competence regarding the potential risks, benefits and ethical implications of using generative AI; examine the potential impacts of generative AI on law students and bar applicants; and work with the Legislature and California

Supreme Court to consider new or revised regulations regarding the use of generative AI in the practice of law.

BACKGROUND

On May 18, 2023, the chair of the Board of Trustees directed COPRAC, which is charged with studying and providing consultation and assistance to the Board on matters involving professional responsibility, to explore potential regulation of the ethical use of generative AI in the legal profession. The chair directed that, by the Board's November 2023 meeting, COPRAC issue recommendations, which could include practical guidance, an advisory opinion or other resources, changes to the Rules of Professional Conduct or other rules or statutes, or other recommendations to ensure that AI is used competently and in compliance with the professional responsibility obligations of lawyers.

COPRAC undertook an effort to familiarize committee members with the current state of generative AI and to understand its potential implications for the legal profession prior to developing recommendations regarding lawyer use of this evolving technology. COPRAC accomplished this work by forming a working team on generative AI (that included experts in the field on an ad hoc basis) and discussions and considerations at four COPRAC meetings on June 23, July 28, September 15, and October 20, 2023. This work also included:

- Surveying lawyers regarding current and planned uses of generative AI in their practices;
- Researching generative AI capabilities, limitations, and risks, by reviewing various materials, including the principles and guidelines prepared by [MIT's Task Force on Responsible Use of Generative AI for Law](#), and consulting with experts in artificial intelligence and founders of generative AI products;
- Reviewing the current Rules of Professional Conduct, statutory authority, case law, and ethics opinions to evaluate whether these existing authorities address the use of generative AI and to identify potential new ethical issues raised by generative AI; and
- Examining approaches taken by other jurisdictions to regulate the use of generative AI, specifically any regulations directed toward lawyers.

DISCUSSION

The current Rules of Professional Conduct do not expressly address the use of generative AI, creating uncertainty about lawyers' ethical duties regarding such use.¹ However, the rules are intended to apply to lawyers engaged in a variety of practice areas and situations.

¹ Comment [1] to Rule 1.1 (Competence) is the only explicit reference to technology. The comment, adopted March 22, 2021, states, "[t]he duties set forth in this rule include the duty to keep abreast of the changes in the law and its practice, including the benefits and risks associated with relevant technology."

Historically, COPRAC has developed advisory ethics opinions that apply the rules and related authorities to certain situations. These opinions are issued for public input through a public comment process and ultimately approved by the Board of Trustees acting as the Regulation and Discipline Committee. After engaging in extensive study over the past several months, COPRAC believes that the existing rules can be applied to generative AI use at this time, and has prepared *Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law* (Practical Guidance), provided as Attachment A. This document is an interim step to provide guidance on this evolving technology while further rules and regulations are considered. The Practical Guidance sets forth the applicable Rules of Professional Conduct and statutory authority that would regulate the improper use of generative AI, and offers guidance for how a lawyer may comply with these ethics authorities.

The Practical Guidance is based, in part, on the principles and guidelines prepared by [MIT's Task Force on Responsible Use of Generative AI for Law](#), and addresses current concerns about lawyer use of generative AI, many of which apply in varying degrees to lawyer use of other technologies.

COPRAC recognizes that as the technology further develops, additional regulation, including amendments to the Rules of Professional Conduct, may be necessary. However, until there are issues presented by the use of generative AI that are not adequately addressed by existing rules and regulations, this Practical Guidance will remind lawyers of their existing professional responsibility obligations and assist lawyers with applying these obligations to new technology. In addition to recommending that the Board adopt the Practical Guidance, COPRAC intends to further study the following and, if necessary, return with further recommendations to the Board regarding:

- how to balance rules and guidance in the use of generative AI to protect clients and the public against its potential to facilitate efficiency and expanded access to justice;
- how to “supervise” non-human, nonlawyer assistance if the assistance allows for autonomous decision making by generative AI;
- whether the duty of competency should specifically require competency in generative AI (i.e., requirement more than what exists in Rule 1.1, Comment [1]); and
- whether a lawyer should be required to communicate to their client the use of generative AI and in what contexts.

The impact of generative AI on the profession extends well beyond a lawyer’s professional responsibility obligations. In addition to publishing and maintaining the Practical Guidance, COPRAC recommends that the Board take other action regarding generative AI:

Develop Attorney Education Addressing Generative AI

COPRAC recommends that the Board direct the Office of Professional Competence (OPC) to develop a one-hour minimum continuing legal education (MCLE) course that would satisfy the new, one-hour requirement for continuing legal education on technology in the practice of law and that addresses the competent use of generative AI (State Bar rule 2.72(C)(2)(a)(iv)).

COPRAC further recommends that the Board direct OPC to update the mandatory New Attorney Training, which new licensees must complete within their first year of practice, to include technological competence training for lawyers using generative AI. COPRAC believes that education in this area will allow lawyers to utilize generative AI for the benefit of their clients and to expand access to legal services while upholding professional ethics without harm to the public while the technology continues to develop.

Explore Regulatory Changes to Protect the Public

Generative AI products are being developed for a multitude of uses and for a variety of professions. They are also being developed to provide legal assistance to unrepresented persons. While generative AI may be of great benefit in minimizing the justice gap, it could also create harm if self-represented individuals are relying on generative AI outputs that provide false information. COPRAC recommends that the Board take action to:

- Work with the Legislature and the California Supreme Court to determine whether the unauthorized practice of law should be more clearly defined or articulated through statutory or rule changes; and
- Work with the Legislature to determine whether legal generative AI products should be licensed or regulated and, if so, how.

Consider the Impact of Generative AI on Law Students and Bar Applicants

Additionally, COPRAC recommends that the Board consider taking action to address generative AI use by law students by:

- Directing the Committee of Bar Examiners to explore requirements for California-accredited law schools to require courses regarding the competent use of generative AI; and
- Directing the Committee of Bar Examiners to explore regulations or rules related to the bar exam and generative AI.

COPRAC recognizes that the Practical Guidance document and other recommendations are a first step in the regulation of generative AI use by California lawyers, and that the State Bar is one of the first attorney regulatory agencies to address this technology. Through these initial recommendations, COPRAC believes that the State Bar will allow for attorneys and consumers

to gain the benefits of this transformative technology, while promoting responsible use of generative AI in a manner that will prevent public harm.

FISCAL/PERSONNEL IMPACT

None

AMENDMENTS TO RULES

None

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 3. Protect the Public by Regulating the Legal Profession

RECOMMENDATIONS

Should the Board of Trustees, sitting as the Regulation and Discipline Committee, concur in COPRAC's proposed Practical Guidance and further recommendations, passage of the following resolutions is recommended:

RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, approves the publication of the *Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law*, provided as Attachment A; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, directs the State Bar Office of Professional Competence to (1) develop a one-hour minimum continuing legal education (MCLE) course that would satisfy the new, one-hour requirement for continuing legal education on technology in the practice of law and that addresses the competent use of generative AI; and (2) update the New Attorney Training to include technological competence training for lawyers using generative AI; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, directs State Bar staff to

work with the Legislature and the California Supreme Court to determine whether (1) the unauthorized practice of law should be more clearly defined or articulated through statutory or rule changes; and (2) legal generative AI products should be licensed or regulated and, if so, how; and it is

FURTHER RESOLVED, that the Board of Trustees sitting as the Regulation and Discipline Committee, upon recommendation of the State Bar Committee on Professional Responsibility and Conduct, directs the State Bar Office of Admissions and the Committee of Bar Examiners to explore (1) requirements for California-accredited law schools to require courses regarding the competent use of generative AI; and (2) regulations or rules related to the bar exam and generative AI.

ATTACHMENT LIST

- A.** Practical Guidance for the Use of Generative Artificial Intelligence in the Practice of Law

**THE STATE BAR OF CALIFORNIA
STANDING COMMITTEE ON
PROFESSIONAL RESPONSIBILITY AND CONDUCT
PRACTICAL GUIDANCE FOR THE USE OF GENERATIVE ARTIFICIAL INTELLIGENCE IN THE
PRACTICE OF LAW**

EXECUTIVE SUMMARY

Generative AI is a tool that has wide-ranging application for the practice of law and administrative functions of the legal practice for all licensees, regardless of firm size, and all practice areas. Like any technology, generative AI must be used in a manner that conforms to a lawyer’s professional responsibility obligations, including those set forth in the Rules of Professional Conduct and the State Bar Act. A lawyer should understand the risks and benefits of the technology used in connection with providing legal services. How these obligations apply will depend on a host of factors, including the client, the matter, the practice area, the firm size, and the tools themselves, ranging from free and readily available to custom-built, proprietary formats.

Generative AI use presents unique challenges; it uses large volumes of data, there are many competing AI models and products, and, even for those who create generative AI products, there is a lack of clarity as to how it works. In addition, generative AI poses the risk of encouraging greater reliance and trust on its outputs because of its purpose to generate responses and its ability to do so in a manner that projects confidence and effectively emulates human responses. A lawyer should consider these and other risks before using generative AI in providing legal services.

The following Practical Guidance is based on current professional responsibility obligations for lawyers and demonstrates how to behave consistently with such obligations. While this guidance is intended to address issues and concerns with the use of generative AI and products that use generative AI as a component of a larger product, it may apply to other technologies, including more established applications of AI. This Practical Guidance should be read as guiding principles rather than as “best practices.”

PRACTICAL GUIDANCE

Applicable Authorities	Practical Guidance
<p>Duty of Confidentiality</p> <p>Bus. & Prof. Code, § 6068, subd. (e)</p> <p>Rule 1.6</p> <p>Rule 1.8.2</p>	<p>Generative AI products are able to utilize the information that is input, including prompts and uploaded documents or resources, to train the AI, and might also share the query with third parties or use it for other purposes. Even if the product does not utilize or share inputted information, it may lack reasonable or adequate security.</p> <p>A lawyer must not input any confidential information of the client into any generative AI solution that lacks adequate confidentiality and security protections. A lawyer must anonymize client information and avoid entering details that can be used to identify the client.</p> <p>A lawyer or law firm should consult with IT professionals or cybersecurity experts to ensure that any AI system in which a lawyer would input confidential client information adheres to stringent security, confidentiality, and data retention protocols.</p> <p>A lawyer should review the Terms of Use or other information to determine how the product utilizes inputs. A lawyer who intends to use confidential information in a generative AI product should ensure that the provider does not share inputted information with third parties or utilize the information for its own use in any manner, including to train or improve its product.</p>
<p>Duties of Competence and Diligence</p> <p>Rule 1.1</p> <p>Rule 1.3</p>	<p>It is possible that generative AI outputs could include information that is false, inaccurate, or biased.</p> <p>A lawyer must ensure competent use of the technology, including the associated benefits and risks, and apply diligence and prudence with respect to facts and law.</p>

Applicable Authorities	Practical Guidance
	<p>Before using generative AI, a lawyer should understand to a reasonable degree how the technology works, its limitations, and the applicable terms of use and other policies governing the use and exploitation of client data by the product.</p> <p>Overreliance on AI tools is inconsistent with the active practice of law and application of trained judgment by the lawyer.</p> <p>AI-generated outputs can be used as a starting point but must be carefully scrutinized. They should be critically analyzed for accuracy and bias, supplemented, and improved, if necessary. A lawyer must critically review, validate, and correct both the input and the output of generative AI to ensure the content accurately reflects and supports the interests and priorities of the client in the matter at hand, including as part of advocacy for the client. The duty of competence requires more than the mere detection and elimination of false AI-generated results.</p> <p>A lawyer’s professional judgment cannot be delegated to generative AI and remains the lawyer’s responsibility at all times. A lawyer should take steps to avoid over-reliance on generative AI to such a degree that it hinders critical attorney analysis fostered by traditional research and writing. For example, a lawyer may supplement any AI-generated research with human-performed research and supplement any AI-generated argument with critical, human-performed analysis and review of authorities.</p>
<p>Duty to Comply with the Law</p> <p>Bus. & Prof. Code, § 6068(a)</p> <p>Rule 8.4</p> <p>Rule 1.2.1</p>	<p>A lawyer must comply with the law and cannot counsel a client to engage, or assist a client in conduct that the lawyer knows is a violation of any law, rule, or ruling of a tribunal when using generative AI tools.</p> <p>There are many relevant and applicable legal issues surrounding generative AI, including but not limited to compliance with AI-specific laws, privacy laws, cross-border data transfer laws, intellectual property laws, and cybersecurity concerns. A lawyer should analyze the relevant laws and regulations applicable to the attorney or the client.</p>

Applicable Authorities	Practical Guidance
<p>Duty to Supervise Lawyers and Nonlawyers, Responsibilities of Subordinate Lawyers</p> <p>Rule 5.1 Rule 5.2 Rule 5.3</p>	<p>Managerial and supervisory lawyers should establish clear policies regarding the permissible uses of generative AI and make reasonable efforts to ensure that the firm adopts measures that give reasonable assurance that the firm’s lawyers and non lawyers’ conduct complies with their professional obligations when using generative AI. This includes providing training on the ethical and practical aspects, and pitfalls, of any generative AI use.</p> <p>A subordinate lawyer must not use generative AI at the direction of a supervisory lawyer in a manner that violates the subordinate lawyer’s professional responsibility and obligations.</p>
<p>Communication Regarding Generative AI Use</p> <p>Rule 1.4 Rule 1.2</p>	<p>A lawyer should evaluate their communication obligations throughout the representation based on the facts and circumstances, including the novelty of the technology, risks associated with generative AI use, scope of the representation, and sophistication of the client.</p> <p>The lawyer should consider disclosure to their client that they intend to use generative AI in the representation, including how the technology will be used, and the benefits and risks of such use.</p> <p>A lawyer should review any applicable client instructions or guidelines that may restrict or limit the use of generative AI.</p>
<p>Charging for Work Produced by Generative AI and Generative AI Costs</p> <p>Rule 1.5 Bus. & Prof. Code, §§ 6147–6148</p>	<p>A lawyer may use generative AI to more efficiently create work product and may charge for actual time spent (e.g., crafting or refining generative AI inputs and prompts, or reviewing and editing generative AI outputs). A lawyer must not charge hourly fees for the time saved by using generative AI.</p> <p>Costs associated with generative AI may be charged to the clients in compliance with applicable law.</p> <p>A fee agreement should explain the basis for all fees and costs, including those associated with the use of generative AI.</p>

Applicable Authorities	Practical Guidance
<p>Candor to the Tribunal; and Meritorious Claims and Contentions</p> <p>Rule 3.1</p> <p>Rule 3.3</p>	<p>A lawyer must review all generative AI outputs, including, but not limited to, analysis and citations to authority for accuracy before submission to the court, and correct any errors or misleading statements made to the court.</p> <p>A lawyer should also check for any rules, orders, or other requirements in the relevant jurisdiction that may necessitate the disclosure of the use of generative AI.</p>
<p>Prohibition on Discrimination, Harassment, and Retaliation</p> <p>Rule 8.4.1</p>	<p>Some generative AI is trained on biased information, and a lawyer should be aware of possible biases and the risks they may create when using generative AI (e.g., to screen potential clients or employees).</p> <p>Lawyers should engage in continuous learning about AI biases and their implications in legal practice, and firms should establish policies and mechanisms to identify, report, and address potential AI biases.</p>
<p>Professional Responsibilities Owed to Other Jurisdictions</p> <p>Rule 8.5</p>	<p>A lawyer should analyze the relevant laws and regulations of each jurisdiction in which a lawyer is licensed to ensure compliance with such rules.</p>



JUDICIAL COUNCIL of CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

December 22, 2023

HON. PATRICIA GUERRERO
*Chief Justice of California
Chair of the Judicial Council*

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

HON. BRAD R. HILL
Chair, Executive and Planning Committee

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 305
Sacramento, California 95814

HON. ANN C. MOORMAN
Chair, Judicial Branch Budget Committee

HON. MARLA O. ANDERSON
*Chair, Legislation Committee
Chair, Litigation Management Committee*

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Re: *Report on the Use of Remote Technology in Civil Actions by the Trial Courts*, as required under Code of Civil Procedure section 367.8

*Hon. Maria Lucy Armendariz
Hon. C. Todd Bottke
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Michelle Williams Court
Hon. Charles S. Crompton
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Maureen F. Hallahan
Ms. Rachel W. Hill
Hon. Brian Maienschein
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg*

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Attached is the Judicial Council report required under Code of Civil Procedure section 367.8 on the use of remote technology in proceedings by the trial courts.

If you have any questions related to this report, please contact Mr. Joseph Carozza, Senior Analyst, Executive Office, at 415-865-4627 or joseph.carozza@jud.ca.gov.

ADVISORY MEMBERS

*Ms. Kate Bieker
Hon. Judith K. Dulcich
Hon. Maria D. Hernandez
Mr. Charles Johnson
Mr. Darrel E. Parker
Mr. David H. Yamasaki
Hon. Erica R. Yew*

Sincerely,

Millicent Tidwell
Acting Administrative Director
Judicial Council

MS. MILLICENT TIDWELL
*Acting Administrative Director
Judicial Council*

Ms. Cara L. Jenkins
Ms. Erika Contreras
Ms. Sue Parker
December 22, 2023
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Enclosures

cc: Eric Dang, Counsel, Office of Senate President pro Tempore Toni G. Atkins
Emelyn Rodriguez, General Counsel, Office of Assembly Speaker Robert Rivas
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Mark Jimenez, Principal Program Budget Analyst, Department of Finance
Henry Ng, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Mark McKenzie, Staff Director, Senate Appropriations Committee
Hans Hemann, Principal Consultant, Joint Legislative Budget Committee
Eric Csizar, Consultant, Senate Republican Policy Office
Matt Osterli, Consultant, Senate Republican Fiscal Office
Morgan Branch, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Nora Brackbill, Consultant, Senate Budget and Fiscal Review Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council
Zlatko Theodorovic, Director, Budget Services, Judicial Council
Fran Mueller, Deputy Director, Budget Services, Judicial Council
Jenniffer Herman, Administrative Coordinator, Governmental Affairs, Judicial Council



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455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

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*Ms. Kate Bieker
Hon. Judith K. Dulcich
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Mr. Charles Johnson
Mr. Darrel E. Parker
Mr. David H. Yamasaki
Hon. Erica R. Yew*

MS. MILLICENT TIDWELL
*Acting Administrative Director
Judicial Council*

Report Title: *Report on the Use of Remote Technology in Civil Actions by the Trial Courts*

Statutory citation: Code of Civil Procedure section 367.8

Date of report: December 14, 2023

The Judicial Council has submitted a report to the Legislature in accordance with Code of Civil Procedure section 367.8. The following summary of the report is provided under the requirements of Government Code section 9795.

Code of Civil Procedure section 367.8 requires the Judicial Council to submit a report to the Legislature on or before December 31, 2023, on the use of remote technology in civil actions by the trial courts. The report provides county-specific data that includes (1) the number of proceedings conducted with the use of remote technology; (2) any superior court in which technology issues or problems occurred; (3) the superior courts in which remote technology was used; (4) the types of trial court conferences, hearings, or proceedings in which remote technology was used; (5) the cost of purchasing, leasing, or upgrading remote technology; (6) the types of technology and equipment purchased or leased; and (7) any other information necessary to evaluate the use of remote proceedings by the courts.

Data in the attached report, responsive to section 367.8, was collected from the trial courts, relying on multiple data sources to fulfill the specified requirements, including:

- Survey data,
- Trial court case management system data, and
- Judicial Branch Statistical Information System data.

The full report is available at www.courts.ca.gov/7466.htm. A printed copy of the report may be obtained by calling 415-865-4627.

December 14, 2023

Report on the Use of Remote Technology in Civil Actions by the Trial Courts

Report to the Legislature Required
Under Code of Civil Procedure
Section 367.8



Judicial Council of California

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Patricia Guerrero

*Chief Justice of California and
Chair of the Judicial Council*

Millicent Tidwell

*Acting Administrative Director
Judicial Council*

POLICY AND RESEARCH DIVISION

Shelley Curran

Chief Policy and Research Officer

Joseph Carozza

*Senior Analyst
Primary Author of Report*

Dalton Layne

Judicial Fellow

OPERATIONS AND PROGRAMS DIVISION

Robert Oyung

Interim Chief Operating Officer

BUSINESS MANAGEMENT SERVICES

Leah Rose-Goodwin

Chief Data and Analytics Officer

Kristin Greenaway

Supervising Analyst

Nicholas Armstrong

Senior Analyst

Kyle Capuli

Analyst

Executive Summary

Senate Bill 133 (Stats. 2023, ch. 34, § 5) requires the Judicial Council to submit a report to the Legislature on or before December 31, 2023, on the use of remote technology in civil actions in the trial courts. The report provides county-specific data that includes (1) the number of proceedings conducted with the use of remote technology; (2) any superior court in which technology issues or problems occurred; (3) the superior courts in which remote technology was used; (4) the types of trial court conferences, hearings, or proceedings in which remote technology was used; (5) the cost of purchasing, leasing, or upgrading remote technology; (6) the type of technology and equipment purchased or leased; and (7) any other information necessary to evaluate the use of remote proceedings by the courts. This report fulfills these legislative reporting requirements.

This report includes data on remote appearances in civil cases for a 12-month period, from September 1, 2022, through August 31, 2023.

Background

On April 6, 2020, in response to the COVID-19 pandemic, the Judicial Council of California adopted emergency rule 3 of the California Rules of Court, which generally permitted courts to require that judicial proceedings and court operations be conducted remotely.¹

Subsequently, Senate Bill 241 (Stats. 2021, ch. 214) authorized a party to appear remotely for a court conference, hearing, proceeding, or trial in civil cases through the use of remote technology until July 1, 2023. Assembly Bill 177 (Stats. 2021, ch. 257) required the Judicial Council to submit a report to the Legislature and the Governor by January 1, 2023, regarding the use of remote technology in civil actions by trial courts. The report was submitted by the Judicial Council on December 15, 2022, and is available on the “Legislative Reports” web page of the California Courts website at www.courts.ca.gov/7466.htm.

On June 30, 2023, Governor Newsom signed Senate Bill 133 to extend statutory authorization for a party to appear remotely for a court conference, hearing, proceeding, or trial using remote technology in civil cases. These provisions sunset January 1, 2026. The bill also added Code of Civil Procedure section 367.8, which requires the Judicial Council to submit a report to the Legislature on or before December 31, 2023, and annually thereafter, to assess the impact of technology issues or problems affecting remote proceedings, as included under Code of Civil Procedure sections 367.75 and 367.76, and section 679.5 of the Welfare and Institutions Code. The statute also requires that the report include all purchases and leases of technology or equipment to facilitate remote conferences, hearings, or proceedings.

¹ Emergency rule 3 has since been rescinded.

Reporting Requirements

Code of Civil Procedure section 367.8 requires the Judicial Council to provide county -specific data that includes the following:

- (1) The number of proceedings conducted with the use of remote technology.
- (2) Any superior court in which technology issues or problems occurred.
- (3) The superior courts in which remote technology was used.
- (4) The types of trial court conferences, hearings, or proceedings in which remote technology was used.
- (5) The cost of purchasing, leasing, or upgrading remote technology.
- (6) The type of technology and equipment purchased or leased.
- (7) Any other information necessary to evaluate the use of remote proceedings by the courts.

For the purposes of this reporting requirement, the operational definition of remote technology is as follows: Video, telephone, and/or audio technology used to connect at least one user to a proceeding. Any combination of in-person and remote appearances by parties is treated as a remote proceeding (i.e., both entirely remote and hybrid proceedings are considered remote proceedings).

Requirement 1: The number of proceedings conducted with the use of remote technology

A total of 53 courts submitted data regarding remote proceedings in civil cases.² Table 1 (below) displays the count of remote proceedings by reporting courts. It shows the total count of proceedings, specifies the number of months a court submitted data, and calculates the monthly average of civil remote proceedings based on the total count of proceedings and the number of months reported. The final column displays the percentage of civil filings that each court represents of the total statewide filings, based on three-year average data (fiscal years 2019–20, 2020–21, and 2021–22). The reporting courts represent approximately 93.8 percent of total statewide civil filings.

Table 1. Count of Civil Remote Proceedings by Reporting Courts

Court	Total Remote Civil Proceedings Reported	Number of Months Reported	Monthly Average of Remote Civil Proceedings Reported	Percentage of Statewide Civil Filings
Alameda	23,057	12	1,921	3.1%
Alpine	62	12	5	0.0

² Civil limited, civil unlimited, civil mental health, family law, juvenile delinquency, juvenile dependency, landlord-tenant, probate, and small claims matters.

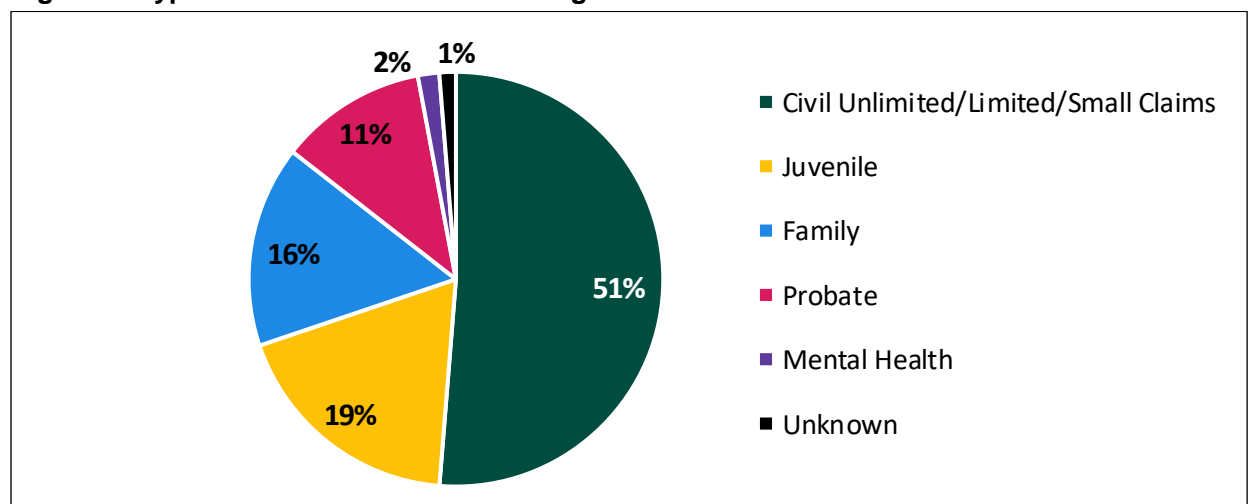
Court	Total Remote Civil Proceedings Reported	Number of Months Reported	Monthly Average of Remote Civil Proceedings Reported	Percentage of Statewide Civil Filings
Amador	973	11	88	0.1
Butte	4,215	12	351	0.5
Calaveras	581	12	48	0.1
Colusa	63	12	5	0.0
Contra Costa	21,854	12	1,821	2.0
Del Norte*	—	—	—	0.1
El Dorado	4,878	12	407	0.4
Fresno	15,179	12	1,265	2.6
Glenn*	—	—	—	0.1
Humboldt	8,543	12	712	0.3
Imperial	1,539	12	128	0.4
Inyo	182	4	46	0.0
Kern	18,236	12	1,520	2.4
Kings	2,929	12	244	0.4
Lake	4,160	12	347	0.2
Lassen	614	12	51	0.1
Los Angeles	1,173,874	12	97,823	32.3
Madera	7,996	12	666	0.5
Marin*	—	—	—	0.4
Mariposa	276	5	55	0.0
Mendocino	656	12	55	0.2
Merced	13,361	12	1,113	0.7
Modoc	12	12	1	0.0
Mono	666	12	56	0.0
Monterey	9,531	12	794	0.8
Napa	5,344	12	445	0.3
Nevada	1,105	12	92	0.2
Orange	93,854	12	7,821	7.0
Placer	18,604	12	1,550	0.8
Plumas*	—	—	—	0.0
Riverside	38,410	12	3,201	6.1
Sacramento*	—	—	—	5.6
San Benito	1,443	12	120	0.1
San Bernardino	27,470	12	2,289	6.6
San Diego	72,875	12	6,073	7.3
San Francisco	13,540	12	1,128	2.1
San Joaquin	7,463	12	622	2.0
San Luis Obispo	11,431	12	953	0.5

Court	Total Remote Civil Proceedings Reported	Number of Months Reported	Monthly Average of Remote Civil Proceedings Reported	Percentage of Statewide Civil Filings
San Mateo	15,804	12	1,317	1.2
Santa Barbara	14,599	12	1,217	0.8
Santa Clara†	1,542	2	771	2.9
Santa Cruz	6,436	11	585	0.4
Shasta	3,803	11	346	0.5
Sierra	282	12	24	0.0
Siskiyou	1,377	12	115	0.1
Solano†	380	6	63	1.1
Sonoma	7,608	12	634	0.9
Stanislaus	7,130	12	594	1.4
Sutter	1,338	12	112	0.3
Tehama	1,661	12	138	0.2
Trinity	392	12	33	0.0
Tulare	6,461	12	538	1.2
Tuolumne	892	12	74	0.1
Ventura	9,688	12	807	1.7
Yolo	4,784	12	399	0.4
Yuba	2,126	12	177	0.2
Total	1,691,279	—	141,762	100.0%‡

* Unable to report data.
† Due to technical issues during data collection, counts underestimated.
‡ Due to rounding, percentages may not add up to the total.

Figure 1 displays the proportion of specific civil case types for reporting courts.

Figure 1. Types of Civil Remote Proceedings Heard



Requirement 2: Any superior court in which technology issues or problems occurred
 Judicial Council staff collected survey feedback data from users of the Zoom virtual meeting platform for remote proceedings, which is widely used throughout California courts. To collect this data, all participants in proceedings using the Zoom platform received a short survey about their remote experience. An initial question asked if the user had a negative or positive experience. If the participants indicated a negative experience, they were encouraged to give more specific information about the issue.

Table 2 shows the percentage of respondents who reported either an audio or visual issue during the remote proceeding. Audio issues included participants who were unable to hear, others who were unable to hear the participant, disruptive noises (static noises, echoes, etc.), or sound cutting in and out. Visual issues included participants who were unable to see things on the screen, others who were unable to see the participant, frozen images, different views not working, and poor lighting.

Table 2. Percentage of Respondents Reporting an Audio or Visual Technical Issue

Court	Total Number of Responses	Percentage Reporting Audio Technical Issues	Percentage Reporting Visual Technical Issues
Alameda	12,509	1.7%	0.7%
Alpine	171	2.9	0.6
Amador	125	6.4	4.0
Butte	337	2.4	1.2
Calaveras	5	20.0	20.0
Colusa	14	14.3	0.0
Contra Costa	3,158	2.0	0.8
Del Norte	76	10.5	6.6
El Dorado	7	0.0	0.0
Fresno	33	0.0	0.0
Humboldt	167	0.6	0.6
Imperial	30	0.0	3.3
Inyo	50	6.0	0.0
Kern	659	3.6	1.7
Kings	24	4.2	0.0
Lake	280	0.0	0.0
Lassen	104	1.0	0.0
Madera	10	10.0	0.0
Marin	2,521	1.8	0.8
Mariposa	725	1.4	0.3
Mendocino	950	2.4	1.2
Merced	1,382	0.7	0.1
Modoc	19	0.0	0.0

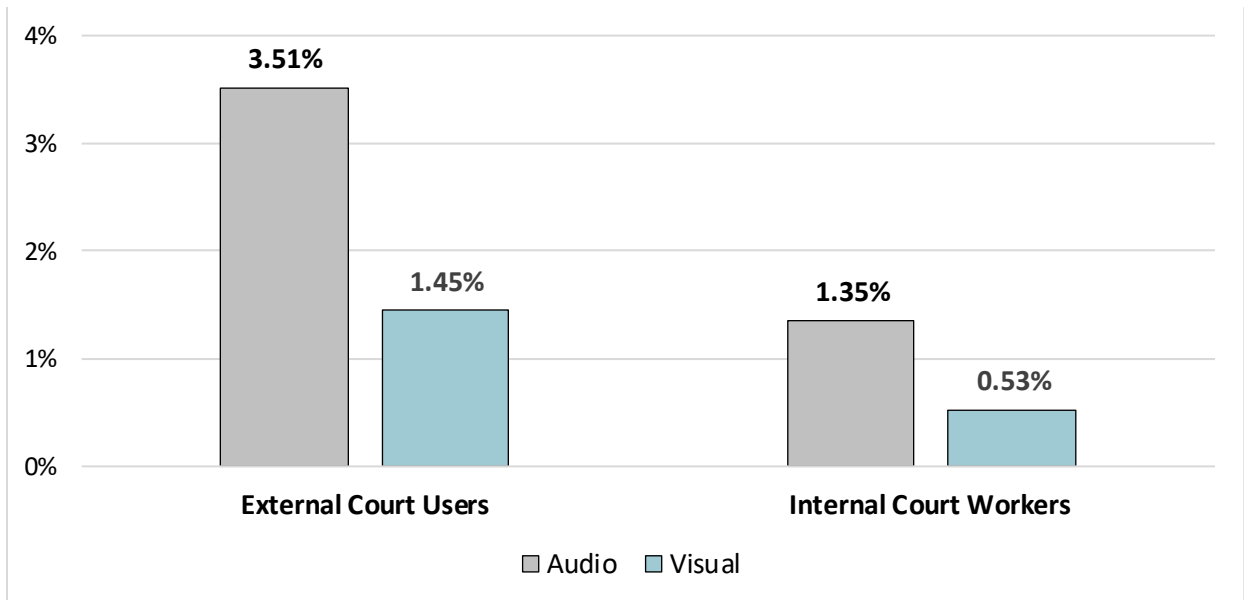
Court	Total Number of Responses	Percentage Reporting Audio Technical Issues	Percentage Reporting Visual Technical Issues
Mono	66	3.0	1.5
Monterey	2,140	2.5	0.9
Napa	111	2.7	0.0
Nevada	588	1.4	1.4
Orange	8,397	1.8	0.9
Placer	66	1.5	1.5
Plumas	15	0.0	0.0
Riverside	4,522	2.5	0.9
Sacramento	7,994	2.3	1.0
San Benito	14	0.0	0.0
San Bernardino	1,533	3.8	0.7
San Diego	23	0.0	0.0
San Francisco	1,226	6.4	2.7
San Joaquin	144	0.7	0.7
San Luis Obispo	1,814	1.3	0.3
San Mateo	2,267	0.7	0.4
Santa Barbara	2,649	0.5	0.4
Santa Clara	59	1.7	1.7
Santa Cruz	1,231	1.4	1.1
Sierra	284	0.7	0.4
Siskiyou	535	2.4	0.7
Solano	1,987	1.1	0.9
Sonoma	28	0.0	0.0
Stanislaus	1,021	1.4	0.8
Sutter	13	0.0	0.0
Tehama	1	0.0	0.0
Trinity	1	0.0	0.0
Tulare	1,180	1.0	0.8
Tuolumne	88	1.1	1.1
Yolo	8	0.0	0.0
Yuba	198	4.0	1.0
Unspecified Court	810	3.2	1.6
Total	64,369	1.9%	0.8%

Of the 64,369 responses to the Zoom experience survey, 28,332 (44 percent) were responses from external court users, and 36,037 (56 percent) were from court workers.³ Figure 2 displays the percentage of external court users and internal court workers who experienced audio

³ Court workers are any individuals with a court email address, including court clerks and judicial officers.

technical issues and visual technical issues. Overall, only 1.9 and 0.8 percent of total respondents reported experiencing an audio or visual technical issue, respectively. External court users reported audio issues 3.51 percent of the time and visual issues 1.45 percent of the time.

Figure 2. Prevalence of Audio and Visual Technical Issues—External Court Users Compared to Internal Court Workers



Requirement 3: The superior courts in which remote technology was used

Fifty-seven courts reported using remote technology between September 1, 2022, and August 31, 2023. This total was reached by combing the responses from Requirement 1 and Requirement 4.

Table 3. Remote Technology Use by Court

County	Used Remote Technology
Alameda	✓
Alpine	✓
Amador	✓
Butte	✓
Calaveras	✓
Colusa	✓
Contra Costa	✓
Del Norte	✓
El Dorado	✓
Fresno	✓
Glenn	✓
Humboldt	✓
Imperial	✓
Inyo	✓

County	Used Remote Technology
Kern	✓
Kings	✓
Lake	✓
Lassen	✓
Los Angeles	✓
Madera	✓
Marin	✓
Mariposa	✓
Mendocino	✓
Merced	✓
Modoc	✓
Mono	✓
Monterey	✓
Napa	✓
Nevada	✓
Orange	✓
Placer	✓
Plumas*	—
Riverside	✓
Sacramento	✓
San Benito	✓
San Bernardino	✓
San Diego	✓
San Francisco	✓
San Joaquin	✓
San Luis Obispo	✓
San Mateo	✓
Santa Barbara	✓
Santa Clara	✓
Santa Cruz	✓
Shasta	✓
Sierra	✓
Siskiyou	✓
Solano	✓
Sonoma	✓
Stanislaus	✓
Sutter	✓
Tehama	✓
Trinity	✓
Tulare	✓

County	Used Remote Technology
Tuolumne	✓
Ventura	✓
Yolo	✓
Yuba	✓
Number of Courts	57
✓ Used remote technology.	
* Data unreported.	

Requirement 4: The types of trial court conferences, hearings, or proceedings in which remote technology was used

The Judicial Council administered a survey to collect data for Requirement 4. Fifty-one courts reported using remote technology in seven civil case types: family, juvenile dependency, juvenile delinquency, limited civil, probate, small claims, and unlimited civil. Courts also reported using remote technology in any proceedings in matters identified in Code of Civil Procedure section 367.76(a)(1). Fifty-one courts reported using remote technology in family and unlimited civil cases, 50 courts reported using remote technology in limited civil and juvenile dependency cases, 49 courts in probate, 43 courts in juvenile delinquency, 42 courts in small claims, and 36 courts for other matters.⁴ Tables 4 and 5 display the case types for which remote technology was used for each responding court.

Table 4. Case Types for Which Remote Technology Was Used: Family, Juvenile Dependency, Juvenile Delinquency, and Limited Civil

County	Family	Juvenile Dependency	Juvenile Delinquency	Limited Civil
Alameda	✓	✓		✓
Alpine	✓	✓		✓
Amador	✓	✓	✓	✓
Butte	✓	✓		✓
Calaveras	✓	✓	✓	✓
Colusa	✓	✓		✓
Contra Costa	✓	✓		✓
Del Norte*	—	—	—	—
El Dorado*	—	—	—	—
Fresno	✓	✓	✓	✓
Glenn*	—	—	—	—
Humboldt*	—	—	—	—
Imperial	✓	✓	✓	✓
Inyo	✓			✓

⁴ Proceedings in matters identified in Code of Civil Procedure section 367.76(a)(1).

County	Family	Juvenile Dependency	Juvenile Delinquency	Limited Civil
Kern	✓	✓	✓	✓
Kings	✓	✓	✓	✓
Lake	✓	✓	✓	✓
Lassen	✓	✓	✓	✓
Los Angeles	✓	✓		✓
Madera	✓	✓	✓	✓
Marin	✓	✓	✓	✓
Mariposa	✓	✓	✓	✓
Mendocino	✓	✓	✓	✓
Merced	✓	✓	✓	✓
Modoc	✓	✓	✓	✓
Mono	✓	✓		✓
Monterey	✓	✓	✓	✓
Napa	✓	✓	✓	✓
Nevada	✓	✓	✓	✓
Orange	✓	✓	✓	✓
Placer	✓	✓	✓	✓
Plumas*	—	—	—	—
Riverside	✓	✓	✓	✓
Sacramento	✓	✓	✓	✓
San Benito	✓	✓	✓	✓
San Bernardino	✓	✓	✓	✓
San Diego	✓	✓	✓	✓
San Francisco	✓	✓	✓	✓
San Joaquin	✓	✓	✓	✓
San Luis Obispo*	—	—	—	—
San Mateo	✓	✓	✓	✓
Santa Barbara	✓	✓	✓	✓
Santa Clara*	—	—	—	—
Santa Cruz	✓	✓	✓	✓
Shasta	✓	✓	✓	✓
Sierra	✓	✓	✓	✓
Siskiyou	✓	✓	✓	✓
Solano	✓	✓	✓	✓
Sonoma	✓	✓	✓	✓
Stanislaus	✓	✓	✓	✓
Sutter	✓	✓	✓	✓
Tehama	✓	✓	✓	
Trinity	✓	✓	✓	✓

County	Family	Juvenile Dependency	Juvenile Delinquency	Limited Civil
Tulare	✓	✓	✓	✓
Tuolumne	✓	✓	✓	✓
Ventura	✓	✓	✓	✓
Yolo	✓	✓	✓	✓
Yuba	✓	✓	✓	✓
Number of Courts	51	50	43	50
✓ Used remote technology. All blank cells indicate remote technology was not used.				
* Data unreported.				

Table 5. Case Types for Which Remote Technology Was Used: Probate, Small Claims, Unlimited Civil, and Other Matters⁵

County	Probate	Small Claims	Unlimited Civil	Other Matters
Alameda	✓	✓	✓	
Alpine	✓	✓	✓	✓
Amador	✓	✓	✓	✓
Butte	✓	✓	✓	✓
Calaveras	✓		✓	
Colusa			✓	
Contra Costa	✓	✓	✓	✓
Del Norte*	—	—	—	—
El Dorado*	—	—	—	—
Fresno	✓	✓	✓	✓
Glenn*	—	—	—	—
Humboldt*	—	—	—	—
Imperial	✓	✓	✓	
Inyo			✓	
Kern	✓	✓	✓	✓
Kings	✓	✓	✓	
Lake	✓	✓	✓	✓
Lassen	✓	✓	✓	✓
Los Angeles	✓	✓	✓	✓
Madera	✓	✓	✓	✓
Marin	✓	✓	✓	✓
Mariposa	✓	✓	✓	
Mendocino	✓	✓	✓	✓

⁵ Proceedings in matters identified in Code of Civil Procedure section 367.76(a)(1).

County	Probate	Small Claims	Unlimited Civil	Other Matters
Merced	✓	✓	✓	✓
Modoc	✓		✓	
Mono	✓	✓	✓	✓
Monterey	✓	✓	✓	✓
Napa	✓	✓	✓	✓
Nevada	✓	✓	✓	✓
Orange	✓	✓	✓	
Placer	✓	✓	✓	✓
Plumas*	—	—	—	—
Riverside	✓	✓	✓	✓
Sacramento	✓	✓	✓	✓
San Benito	✓	✓	✓	✓
San Bernardino	✓	✓	✓	✓
San Diego	✓	✓	✓	
San Francisco	✓		✓	✓
San Joaquin	✓		✓	✓
San Luis Obispo*	—	—	—	—
San Mateo	✓	✓	✓	
Santa Barbara	✓	✓	✓	✓
Santa Clara*	—	—	—	—
Santa Cruz	✓	✓	✓	✓
Shasta	✓	✓	✓	✓
Sierra	✓	✓	✓	✓
Siskiyou	✓	✓	✓	✓
Solano	✓	✓	✓	✓
Sonoma	✓	✓	✓	✓
Stanislaus	✓	✓	✓	✓
Sutter	✓	✓	✓	✓
Tehama	✓		✓	
Trinity	✓		✓	
Tulare	✓		✓	
Tuolumne	✓	✓	✓	✓
Ventura	✓	✓	✓	✓
Yolo	✓	✓	✓	✓
Yuba	✓	✓	✓	
Number of Courts	49	42	51	36

✓ Used remote technology. All blank cells indicate remote technology was not used.

* Data unreported.

Requirement 5: The cost of purchasing, leasing, or upgrading remote technology

The Judicial Council administered a survey to collect the cost to purchase, lease, and upgrade remote technology. Collectively, courts reported spending \$14,588,633.70 to purchase, lease, or upgrade remote technology between September 1, 2022, and August 31, 2023. Eleven of the 51 responding courts reported no expenditures for remote technology during this reporting period. Table 6 displays the amount each court spent to purchase, lease, or upgrade remote technology in the reporting period.

Table 6. Amount Spent by Courts to Purchase, Lease, or Upgrade Remote Technology

County	Amount Spent
Alameda	\$673,413.00
Alpine	0.00
Amador	0.00
Butte	129,072.45
Calaveras	0.00
Colusa	0.00
Contra Costa	303,333.07
Del Norte*	—
El Dorado*	—
Fresno	85,769.08
Glenn*	—
Humboldt*	—
Imperial	453,000.00
Inyo	30,000.00
Kern	329,953.73
Kings	0.00
Lake	0.00
Lassen	143,061.13
Los Angeles	5,376,495.00
Madera	0.00
Marin	25,590.62
Mariposa	0.00
Mendocino	8,774.65
Merced	500,426.94
Modoc	38,644.62
Mono	13,704.00
Monterey	300,000.00
Napa	25,000.00
Nevada	0.00
Orange	0.00
Placer	86,000.00
Plumas*	—

County	Amount Spent
Riverside	650,631.00
Sacramento	75,277.00
San Benito	9,126.06
San Bernardino	1,560,000.00
San Diego	69,748.68
San Francisco	450,000.00
San Joaquin	300,000.00
San Luis Obispo*	—
San Mateo	15,000.00
Santa Barbara	119,112.05
Santa Clara*	—
Santa Cruz	908,126.09
Shasta	7,500.00
Sierra	5,000.00
Siskiyou	165,660.65
Solano	146,157.65
Sonoma	55,666.85
Stanislaus	76,500.00
Sutter	319,288.91
Tehama	2,235.00
Trinity	370.00
Tulare	92,000.00
Tuolumne	10,000.00
Ventura	75,716.31
Yolo	953,279.16
Yuba	0.00
Total	\$14,588,633.70
* Data unreported.	

Requirement 6: The type of technology and equipment purchased or leased

Fifty-one courts reported purchasing or leasing hardware, software, and licenses to support remote hearings. Thirty-six courts reported purchasing or leasing hardware, such as computers, televisions, cameras, microphones, speakers, cables, video and audio control systems. Twenty courts percent reported purchasing or leasing software, and 22 courts reported purchasing or leasing licenses. Table 7 displays the types of technology and equipment purchased or leased by the trial courts during the reporting period.

Table 7. Types of Technology and Equipment Purchased or Leased

County	Hardware	Software	Licenses
Alameda	✓	✓	✓
Alpine			
Amador			
Butte	✓	✓	✓
Calaveras			
Colusa			
Contra Costa	✓	✓	✓
Del Norte*	—	—	—
El Dorado*	—	—	—
Fresno	✓		✓
Glenn*	—	—	—
Humboldt*	—	—	—
Imperial	✓	✓	✓
Inyo	✓		
Kern	✓		
Kings			
Lake			
Lassen	✓	✓	✓
Los Angeles	✓	✓	✓
Madera			
Marin	✓		
Mariposa			
Mendocino	✓		
Merced	✓		
Modoc	✓	✓	
Mono	✓		
Monterey	✓	✓	✓
Napa	✓	✓	✓
Nevada			
Orange			
Placer		✓	
Plumas*	—	—	—
Riverside	✓	✓	✓
Sacramento	✓		
San Benito	✓	✓	✓
San Bernardino	✓	✓	
San Diego	✓	✓	✓
San Francisco	✓	✓	
San Joaquin	✓	✓	✓

County	Hardware	Software	Licenses
San Luis Obispo*	—	—	—
San Mateo	✓	✓	✓
Santa Barbara	✓		
Santa Clara*			
Santa Cruz	✓		
Shasta	✓		
Sierra			
Siskiyou	✓		
Solano	✓		
Sonoma	✓		✓
Stanislaus	✓	✓	✓
Sutter	✓	✓	✓
Tehama			✓
Trinity			✓
Tulare	✓		
Tuolumne	✓		✓
Ventura	✓	✓	✓
Yolo	✓		✓
Yuba			
Number of Courts	36	20	22
✓ Purchased or leased technology and equipment type. All blank cells indicate remote technology and equipment were not purchased or leased for that technology type. * Data unreported.			

Requirement 7: Any other information necessary to evaluate the use of remote proceedings by courts

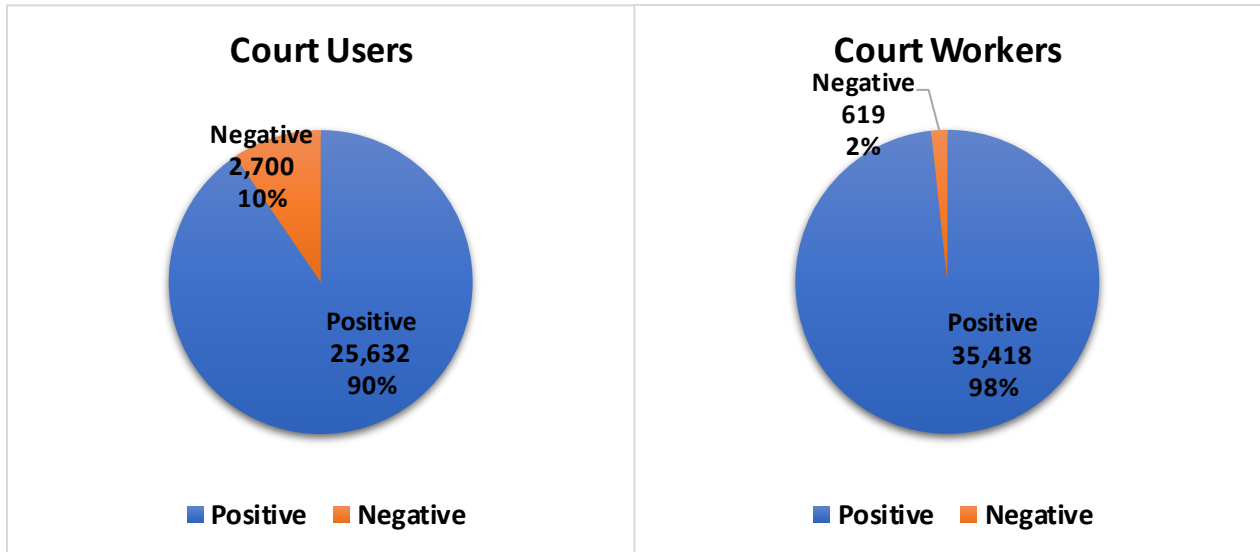
The Judicial Council collects data regarding overall user experience of the Zoom remote technology platform. Between September 1, 2022, and August 31, 2023, the Judicial Council collected 64,369 responses from court users and court workers. Forty-four percent of respondents were court users, and 56 percent were court workers. Respondents were asked whether their experience using remote technology was positive or negative. Those who provided negative feedback were asked to give additional information about their experience. Table 8 displays the total feedback data collected for courts throughout the state using the Zoom platform.

Table 8. Count and Percentages of Positive vs. Negative Remote Proceedings Experiences

Remote Proceedings Experience Response	Court Users	Court Workers	Total
Positive	25,632 (90.5%)	35,418 (98.3%)	61,050 (94.8%)
Negative	2,700 (9.5%)	619 (1.7%)	3,319 (5.2%)
Total	28,332	36,037	64,369

Figure 3 visually depicts the proportion of positive to negative experiences for both court users and court workers. Almost 10 percent of court users surveyed reported a negative experience with their remote proceedings; more than 90 percent reported a positive experience. Similarly, almost 2 percent of internal court workers surveyed reported a negative experience with their remote proceedings; more than 98 percent reported a positive experience.

Figure 3. Positive vs. Negative Experiences Reported by Court Users and Court Workers





JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

Item No.: 23-048

For business meeting on January 20, 2023

Title

Report to the Legislature: Trial Court
Operational Metrics, Year One Report

Agenda Item Type

Information Only

Date of Report

January 12, 2023

Submitted by

Data Analytics Advisory Committee
Hon. Joyce D. Hinrichs, Chair
Judicial Council staff
Ms. Leah Rose-Goodwin, Manager, Business
Management Services

Contact

Ms. Leah Rose-Goodwin, 415-865-7708
leah.rose-goodwin@jud.ca.gov

Executive Summary

The Budget Act of 2022 (Stats. 2022, ch. 43) requires that the Judicial Council annually report to the Legislature on the operations of each trial court and include various specified operational and budgetary metrics. The Data Analytics Advisory Committee determined that the judicial branch should report on a set of metrics that draws on existing data sources for the year one report, which is due February 1, 2023. Over the coming year, the Data Analytics Advisory Committee will consider whether additional metrics would be informative for future reports. *Trial Court Operational Metrics, Year One Report* is included as Attachment A to this report.

Relevant Previous Council Action

The Judicial Council previously adopted trial court case disposition time goals (Cal. Stds. Jud. Admin., standard 2.2).¹ Additionally, the council submits a similar legislative report on standards and measures of judicial administration per Government Code section 77001.5.²

¹ See October 8, 2003, report to the Judicial Council from the Case Management Subcommittee of the Civil and Small Claims Advisory Committee, at item C4, www.courts.ca.gov/documents/min1003.pdf.

² See www.courts.ca.gov/documents/lr-2022-standards-and-measures-that-promote-fair-and-efficient-administration-of-justice_GovCode-77001.5.pdf.

Analysis/Rationale

The Budget Act of 2022 included language requiring the Judicial Council to annually report to the Legislature on trial court operations and specified a set of metrics that “shall include, but are not limited to, all of the following: time to disposition and case clearance rates by case type, backlogs by case type, court hours of operations including public counter hours, staff vacancy rates by classification, fund balance detail from the prior fiscal year, calculated funding level of each court and the percent of funding actually provided to each court, and funding level of each trial court as measured by the Judicial Council-approved workload formula.”³ The Budget Act further specified that the report be submitted no later than February 1 and that it should reflect metrics from the prior fiscal year.

During the pandemic, a small group of court executives provided valuable feedback on court operational metrics to show areas of backlog and other workload impacts resulting from pandemic-related changes in operations. Those discussions evolved as the pandemic shifted into new phases, and they shaped the proposed metrics for the year one report. Underlying all discussions, the group outlined a set of guiding principles for trial court workload measurement:

- Focus on increasing public access to courts;
- Take a wider perspective beyond the pandemic;
- Ensure data points are practical to measure (leverage existing data when appropriate); and
- Consider metrics that directly measure court outcomes.

The group’s discussions form the foundation of the year one report to the Legislature.

Role of the Data Analytics Advisory Committee

The Data Analytics Advisory Committee was formed by rule of court in March 2022 and its membership was appointed in September 2022. The committee’s charge includes, among other things, “develop[ing] and recommend[ing] performance measures, studies, and methodologies to measure and report on court administration, practices, and procedures,” which are all areas within the scope of this report.⁴

As the committee is new and does not yet have an annual agenda, it sought and received dispensation from the Executive and Planning Committee to begin working on this report. The Data Analytics Advisory Committee met on November 7, 2022, to discuss the reporting requirement and to determine a course of action for the year one report, due February 1, 2023. Recognizing that there may be additional metrics and measures that could be included in future reports, the committee agreed to include this report on its annual agenda and to immediately

³ Sen. Bill 154, § 2, item 0250-101-0932, provision 29, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB154

⁴ Cal. Rules of Court, rule 10.68.

commence work to consider additional potential data points for the year two and ongoing reports.

Fiscal Impact and Policy Implications

Since this report relies on metrics and data that are already reported by trial courts to the Judicial Council, there is no fiscal impact other than Judicial Council staff time needed to gather the data and prepare the report. If additional metrics are considered in the future, the costs of such data collection, in terms of trial court time and resources needed to gather and submit the data, will be considered prior to implementation. In terms of policy implications, reporting this data could potentially highlight areas where the Judicial Council may wish to make new policy or revise existing policies.

Attachments and Links

1. Attachment A: *Trial Court Operational Metrics, Year One Report*
Attachment B: *Sample Court Individual Operational Metrics Report*



Trial Court Operational Metrics: Year One Report

REPORT TO THE LEGISLATURE AS
REQUIRED UNDER SENATE BILL 154
(STATS. 2022, CH. 43)

FEBRUARY 2023



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION
BUSINESS MANAGEMENT SERVICES

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OFFICE OF COURT RESEARCH

Leah Rose-Goodwin

Manager

ADMINISTRATIVE DIVISION

John Wordlaw

Chief Administrative Officer

BUDGET SERVICES

Zlatko Theodorovic

Director

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Trial Court Operational Metrics: Year One Report

Background

Senate Bill 154 (Stats. 2022, ch. 43) requires that the Judicial Council annually report to the Legislature on various operational and budgetary metrics in the trial courts. The budget bill language states that the metrics “shall include, but are not limited to, all of the following: time to disposition and case clearance rates by case type, backlogs by case type, court hours of operations including public counter hours, staff vacancy rates by classification, fund balance detail from the prior fiscal year, calculated funding level of each court and the percent of funding actually provided to each court, and funding level of each trial court as measured by the Judicial Council-approved workload formula.”¹ The report is to be submitted annually on or before February 1 and should reflect data and information from the prior fiscal year.

2021–22 Report

This year’s report contains data and information from the end of fiscal year 2021–22, except for hours of operation data, which is current as of November 2022. Additionally, since vacancy rates are reported from the start of the fiscal year, data from the start of fiscal year 2022–23 has been included to illustrate the vacancy rate closer to the end of the 2021-22 fiscal year. The judicial branch is reporting on metrics that are both responsive to the reporting requirement and that are largely already reported by courts. In future years, the branch’s Data Analytics Advisory Committee, charged with “develop[ing] and recommend[ing] performance measures, studies, and methodologies to measure and report on court administration, practices, and procedures,”² will consider whether additional data and information would be informative to include in this report.

Metric 1: Hours of Operation Including Public Counter Hours

Courts provide assistance to the public in a variety of modalities, such as phone, in-person, and self-directed help via court websites. In addition, self-help centers assist members of the public seeking guidance about court processes or help completing a court document. Investments in court technology have allowed courts to expand offerings to include services such as chatbots, the ability to schedule in-person appointments online, and live on-line help. The COVID-19 pandemic accelerated the expansion of these services so that the public could continue to receive needed assistance safely and conveniently.

Further rounding out the service methods that courts offer, drop boxes, e-filing, court-provided computers or terminals for looking up cases, and remote access to online records, cases, and

¹ Sen. Bill 154, § 2, item 0250-101-0932, provision 29.

² Cal. Rules of Court, rule 10.68.

court calendars provide additional means of transacting court business that free up court staff to help those who require in-person assistance.

Court hours of operation are an indicator of when the public may enter a court facility and public counter hours are the times when a clerk’s window or counter is open to help those needing assistance. There are two primary services offered at the public counter: people can file a court document or request general information.

Information on court hours of service was most recently collected by the Judicial Council as of November 1, 2022. Courts with multiple locations were asked to report on the hours of operation and public counter hours for the main court location.

Data reported by courts shows that most courts open at 8:00 a.m. (38 courts) and close at 5:00 p.m. (36 courts), with some courts opening as early as 7:00 or 7:30 a.m. and some closing as late as 5:30 or 6:00 p.m. Most public counter hours start at 8:00 a.m. (31 courts) and end at 4:00 p.m. (24 courts) or earlier (23 courts).

Some courts adjusted their public counter hours after finding that many court customers prefer to file court documents or look up case information online rather than come into a courthouse. Correspondingly, staff can be assigned to other areas of the court to help with case processing activities to increase the speed of resolution of court matters for court customers. Customers who prefer to come into a courthouse can still submit documents through a drop box, view documents at public kiosks, or ask for assistance from other court staff any time during normal court hours of operation.

Table 1. Court Hours of Operation and Public Counter Hours

Court	Court Hours of Operation	Public Counter Hours
Alameda	8:00 AM - 4:30 PM	8:30 AM - 3:00 PM
Alpine	8:00 AM - 4:30 PM	8:00 AM - 4:30 PM
Amador	8:00 AM - 5:00 PM	9:00 AM - 3:00 PM
Butte	8:00 AM - 5:00 PM	8:30 AM - 4:00 PM
Calaveras	8:00 AM - 4:00 PM	8:15 AM - 3:00 PM
Colusa	8:30 AM - 5:00 PM	9:00 AM - 4:30 PM
Contra Costa	8:00 AM - 5:00 PM	8:00 AM - 3:00 PM
Del Norte	8:00 AM - 5:00 PM	8:30 AM - 4:30 PM
El Dorado	8:00 AM - 4:30 PM	8:00 AM - 3:00 PM
Fresno	8:00 AM - 5:00 PM	8:00 AM - 4:00 PM
Glenn	8:00 AM - 5:00 PM	8:00 AM - 4:30 PM
Humboldt	9:00 AM - 4:30 PM	9:00 AM - 2:00 PM
Imperial	8:00 AM - 4:00 PM	8:00 AM - 4:00 PM
Inyo	8:30 AM - 4:00 PM	8:30 AM - 4:00 PM
Kern	7:30 AM - 5:00 PM	8:00 AM - 4:00 PM
Kings	7:45 AM - 5:00 PM	8:00 AM - 4:00 PM

Court	Court Hours of Operation	Public Counter Hours
Lake	7:30 AM - 5:00 PM	8:00 AM - 4:00 PM
Lassen	8:00 AM - 5:00 PM	8:30 AM - 4:00 PM
Los Angeles	7:30 AM - 4:30 PM	8:30 AM - 4:30 PM
Madera	8:00 AM - 3:00 PM	8:00 AM - 3:00 PM
Marin	8:00 AM - 4:00 PM	8:00 AM - 4:00 PM
Mariposa	8:00 AM - 5:00 PM	8:00 AM - 3:00 PM
Mendocino	7:30 AM - 5:30 PM	8:30 AM - 3:30 PM
Merced	7:45 AM - 5:00 PM	8:00 AM - 3:00 PM
Modoc	8:30 AM - 5:00 PM	8:30 AM - 3:00 PM
Mono	8:30 AM - 4:00 PM	8:30 AM - 4:00 PM
Monterey	7:30 AM - 5:00 PM	8:00 AM - 4:00 PM
Napa	8:00 AM - 5:00 PM	8:00 AM - 4:00 PM
Nevada	8:00 AM - 5:00 PM	8:00 AM - 2:00 PM
Orange	8:00 AM - 4:30 PM	8:00 AM - 4:00 PM
Placer	8:00 AM - 4:00 PM	8:00 AM - 3:00 PM
Plumas	8:00 AM - 4:00 PM	8:00 AM - 3:00 PM
Riverside	7:30 AM - 4:30 PM	7:30 AM - 4:00 PM
Sacramento	7:00 AM - 5:00 PM	8:30 AM - 4:00 PM
San Benito	8:00 AM - 5:00 PM	8:30 AM - 3:30 PM
San Bernardino	7:30 AM - 5:00 PM	8:00 AM - 4:00 PM
San Diego	7:30 AM - 5:00 PM	8:30 AM - 4:00 PM
San Francisco	8:15 AM - 6:00 PM	8:30 AM - 12:30 PM
San Joaquin	8:00 AM - 4:00 PM	8:00 AM - 4:00 PM
San Luis Obispo	8:00 AM - 5:00 PM	8:30 AM - 12:00 PM
San Mateo	7:30 AM - 5:00 PM	8:00 AM - 4:00 PM
Santa Barbara	8:00 AM - 5:00 PM	8:00 AM - 12:00 PM
Santa Clara	8:00 AM - 5:00 PM	8:30 AM - 3:00 PM
Santa Cruz	8:00 AM - 5:00 PM	8:00 AM - 3:00 PM
Shasta	7:30 AM - 5:00 PM	8:30 AM - 4:00 PM
Sierra	8:00 AM - 5:00 PM	9:00 AM - 5:00 PM
Siskiyou	8:00 AM - 5:00 PM	8:00 AM - 4:00 PM
Solano	7:30 AM - 5:00 PM	8:00 AM - 12:00 PM
Sonoma	8:00 AM - 3:30 PM	8:00 AM - 3:30 PM
Stanislaus	8:00 AM - 4:30 PM	8:15 AM - 4:00 PM
Sutter	8:00 AM - 4:30 PM	8:30 AM - 4:30 PM
Tehama	8:00 AM - 5:00 PM	8:30 AM - 4:30 PM
Trinity	8:00 AM - 5:00 PM	8:00 AM - 4:00 PM
Tulare	8:00 AM - 4:00 PM	8:00 AM - 4:00 PM
Tuolumne	8:00 AM - 5:00 PM	8:00 AM - 3:00 PM
Ventura	8:00 AM - 5:00 PM	8:00 AM - 4:30 PM
Yolo	8:00 AM - 5:00 PM	8:00 AM - 4:00 PM

Court	Court Hours of Operation	Public Counter Hours
Yuba	8:00 AM - 5:00 PM	8:30 AM - 4:30 PM

Metric 2: Time to Disposition by Case Type

Time to disposition, the percent of cases resolved within a certain time frame, is a nationally recognized metric of court caseflow management that helps courts assess the length of time that it takes to bring cases to disposition.³ Standard 2.2 of the California Rules of Court established case disposition time goals for civil and criminal cases.⁴ These data are updated and reported annually in the *Court Statistics Report*, although not all courts are able to report these data mostly due to technical issues resulting from case management system transitions.⁵ As courts finalize their case management systems transitions, more courts will be able to report this data.

Table 2. 2021–22 Criminal Case Processing Time, by County

COUNTY	Felonies Disposed of in Less Than 12 Months (A)	Felonies Disposed of in Less Than __ Days			Misdemeanors Disposed of in Less Than __ Days		
		30 (B)	45 (C)	90 (D)	30 (E)	90 (F)	120 (G)
STATEWIDE	68%	38%	54%	87%	27%	43%	52%
Alameda	47%	31%	42%	56%	48%	79%	89%
Alpine	--	--	--	--	--	--	--
Amador	56%	16%	21%	29%	12%	26%	33%
Butte	73%	8%	21%	57%	11%	36%	45%
Calaveras	63%	21%	29%	48%	12%	41%	49%
Colusa	--	--	--	--	--	--	--
Contra Costa	77%	14%	17%	39%	11%	28%	36%
Del Norte	--	--	--	--	--	--	--
El Dorado	43%	50%	57%	71%	15%	33%	42%
Fresno	56%	8%	17%	34%	27%	46%	53%
Glenn	--	--	--	--	--	--	--

³ See National Center for State Courts, *CourTools*, Time to Disposition (2005), https://www.courttools.org/_data/assets/pdf_file/0011/8201/courttools_trial_measure3_time_to_disposition_pdf.pdf. Also, see the Court Statistics Report (<https://www.courts.ca.gov/documents/2022-Court-Statistics-Report.pdf>) at page 5 for a definition of ‘disposition.’

⁴ The Judicial Council’s Data Analytics Advisory Committee is charged with reviewing and making recommendations on court operational metrics and will be reviewing these standards as part of their annual workplan.

⁵ For the most current version of the *Court Statistics Report*, see www.courts.ca.gov/627.htm. Note that the 2021 and 2022 reports do not include Table 10a, “Criminal Case Processing Time, by County,” because the calculation methodology for felony case processing was updated during this time period and a majority of courts had not yet been certified for data reporting. This metric will be reported in the 2023 report and ongoing. Additionally, courts that are not certified to report data to the Judicial Branch Statistical Information System using the JBSIS data reporting standards are not able to report case processing time data.

COUNTY	Felonies Disposed of in Less Than 12 Months (A)	Felonies Disposed of in Less Than _ Days			Misdemeanors Disposed of in Less Than _ Days		
		30	45	90	30	90	120
		(B)	(C)	(D)	(E)	(F)	(G)
Humboldt	58%	15%	24%	42%	15%	18%	37%
Imperial	--	--	--	--	8%	17%	53%
Inyo	88%	100%	100%	100%	11%	39%	54%
Kern	65%	17%	31%	58%	61%	73%	77%
Kings	69%	11%	19%	32%	5%	20%	28%
Lake	75%	12%	23%	53%	9%	19%	25%
Lassen	43%	40%	52%	67%	10%	25%	32%
Los Angeles	--	--	--	--	--	--	--
Madera	80%	10%	20%	30%	6%	9%	25%
Marin	36%	7%	12%	28%	18%	31%	38%
Mariposa	80%	25%	33%	43%	8%	28%	33%
Mendocino	98%	29%	43%	70%	28%	50%	60%
Merced	69%	19%	30%	51%	10%	22%	27%
Modoc	62%	17%	21%	49%	12%	23%	60%
Mono	40%	17%	27%	44%	4%	23%	33%
Monterey	68%	17%	28%	50%	37%	67%	74%
Napa	--	--	--	--	--	--	--
Nevada	82%	8%	12%	20%	7%	23%	31%
Orange	55%	21%	29%	42%	30%	45%	53%
Placer	83%	11%	18%	35%	11%	14%	34%
Plumas	80%	11%	18%	42%	15%	24%	53%
Riverside	--	--	--	--	--	--	--
Sacramento	--	--	--	--	--	--	--
San Benito	50%	9%	17%	28%	12%	19%	51%
San Bernardino	--	--	--	--	--	--	--
San Diego	--	--	--	--	--	--	--
San Francisco	--	--	--	--	--	--	--
San Joaquin	74%	31%	37%	49%	18%	31%	36%
San Luis Obispo	81%	11%	20%	42%	34%	55%	61%
San Mateo	94%	30%	41%	61%	23%	41%	52%
Santa Barbara	59%	9%	19%	43%	41%	59%	66%
Santa Clara	57%	11%	15%	27%	20%	33%	39%
Santa Cruz	64%	21%	27%	46%	40%	83%	88%
Shasta	64%	36%	47%	67%	29%	53%	62%
Sierra	100%	0%	0%	31%	4%	5%	28%
Siskiyou	67%	100%	100%	100%	10%	21%	31%
Solano	--	--	--	--	--	--	--
Sonoma	66%	9%	15%	37%	13%	32%	41%
Stanislaus	47%	26%	34%	46%	40%	53%	61%
Sutter	55%	35%	43%	59%	25%	44%	51%
Tehama	92%	28%	36%	66%	47%	73%	79%
Trinity	45%	15%	19%	29%	7%	11%	24%
Tulare	72%	11%	18%	34%	17%	23%	44%
Tuolumne	65%	29%	40%	57%	8%	12%	27%
Ventura	56%	34%	40%	53%	46%	62%	67%

COUNTY	Felonies Disposed of in Less Than 12 Months	Felonies Disposed of in Less Than _ Days			Misdemeanors Disposed of in Less Than _ Days		
	(A)	30	45	90	30	90	120
	(A)	(B)	(C)	(D)	(E)	(F)	(G)
Yolo	72%	27%	33%	46%	11%	30%	37%
Yuba	68%	36%	48%	74%	32%	66%	72%

Column Key:

(A) This column consists only of cases in which defendants were held to answer or were certified on guilty pleas. Processing time is based on time from first appearance in limited-jurisdiction court to final disposition in unlimited-jurisdiction court.

(B)–(D) Based on the time from filing of the initial complaint to certified plea, bindover, or dismissal at or before preliminary hearing.

Note:

— The court did not submit a report in this category.

Table 3. 2021–22 Civil Case Processing Time, by County

COUNTY	General Unlimited Civil			Limited Civil			Unlawful Detainers Disposed of in Less Than _ Days		Small Claims Disposed of in Less Than _ Days	
	Disposed of in Less Than _ Months			Disposed of in Less Than _ Months			30	45	70	90
	(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)
STATEWIDE	69%	79%	87%	80%	89%	95%	25%	44%	47%	56%
Alameda	63%	71%	80%	59%	74%	89%	13%	24%	5%	14%
Alpine	--	--	--	--	--	--	--	--	--	--
Amador	74%	82%	85%	83%	94%	97%	35%	59%	53%	59%
Butte	76%	83%	90%	76%	85%	93%	30%	56%	50%	59%
Calaveras	76%	80%	84%	78%	92%	94%	25%	55%	66%	85%
Colusa	91%	91%	91%	85%	93%	93%	44%	63%	47%	53%
Contra Costa	67%	79%	86%	50%	77%	93%	26%	44%	23%	36%
Del Norte	--	--	--	--	--	--	--	--	--	--
El Dorado	76%	84%	90%	71%	84%	92%	43%	65%	29%	41%
Fresno	66%	77%	86%	68%	77%	85%	38%	60%	58%	62%
Glenn	74%	79%	86%	79%	87%	93%	23%	31%	36%	50%
Humboldt	80%	87%	90%	79%	90%	94%	15%	28%	7%	41%
Imperial	77%	88%	94%	82%	96%	98%	27%	59%	79%	86%
Inyo	83%	91%	93%	85%	94%	99%	67%	100%	77%	77%
Kern	63%	74%	84%	90%	94%	97%	20%	43%	73%	84%
Kings	69%	80%	86%	80%	86%	90%	29%	56%	55%	67%
Lake	83%	89%	93%	82%	92%	97%	34%	63%	48%	61%
Lassen	64%	77%	79%	74%	83%	88%	39%	48%	74%	85%
Los Angeles	--	--	--	--	--	--	--	--	--	--
Madera	75%	83%	89%	52%	67%	83%	20%	42%	61%	72%
Marin	69%	79%	87%	72%	91%	96%	33%	52%	51%	61%
Mariposa	75%	83%	83%	77%	85%	88%	24%	41%	22%	44%
Mendocino	79%	84%	90%	70%	80%	87%	48%	69%	75%	86%
Merced	72%	79%	85%	71%	80%	86%	21%	45%	53%	66%
Modoc	84%	90%	94%	76%	93%	96%	31%	46%	48%	62%

COUNTY	General Unlimited Civil			Limited Civil			Unlawful Detainers Disposed of in Less Than _ Days		Small Claims Disposed of in Less Than _ Days	
	Disposed of in Less Than _ Months			Disposed of in Less Than _ Months			Than _ Days		Than _ Days	
	12 (A)	18 (B)	24 (C)	12 (D)	18 (E)	24 (F)	30 (G)	45 (H)	70 (I)	90 (J)
Mono	63%	79%	85%	88%	100%	100%	6%	25%	49%	60%
Monterey	72%	82%	89%	68%	86%	91%	31%	53%	66%	74%
Napa	74%	86%	92%	79%	88%	92%	42%	56%	70%	78%
Nevada	85%	91%	93%	93%	98%	98%	22%	44%	43%	56%
Orange	60%	72%	86%	70%	81%	96%	21%	41%	66%	74%
Placer	66%	80%	88%	72%	81%	88%	29%	46%	31%	36%
Plumas	84%	91%	94%	91%	93%	97%	40%	53%	50%	75%
Riverside	--	--	--	--	--	--	--	--	--	--
Sacramento	100%	100%	100%	100%	100%	100%	15%	30%	46%	64%
San Benito	71%	81%	89%	79%	85%	91%	37%	56%	31%	41%
San Bernardino	64%	76%	85%	76%	96%	99%	16%	36%	54%	64%
San Diego	--	--	--	75%	84%	91%	24%	36%	24%	31%
San Francisco	53%	66%	76%	74%	87%	94%	25%	38%	45%	60%
San Joaquin	61%	72%	82%	68%	79%	86%	17%	41%	56%	65%
San Luis Obispo	67%	78%	86%	75%	94%	97%	12%	22%	36%	42%
San Mateo	68%	81%	87%	75%	84%	89%	33%	53%	5%	6%
Santa Barbara	66%	78%	85%	76%	84%	89%	39%	58%	42%	61%
Santa Clara	57%	71%	79%	49%	73%	82%	32%	51%	58%	70%
Santa Cruz	75%	84%	90%	84%	94%	98%	28%	49%	49%	59%
Shasta	77%	87%	93%	77%	97%	100%	26%	51%	68%	75%
Sierra	95%	95%	95%	92%	92%	92%	0%	20%	0%	0%
Siskiyou	82%	88%	93%	86%	95%	97%	33%	46%	63%	78%
Solano	72%	83%	90%	76%	89%	97%	24%	41%	48%	65%
Sonoma	71%	82%	90%	81%	93%	98%	39%	64%	4%	5%
Stanislaus	69%	79%	85%	77%	95%	98%	36%	62%	71%	80%
Sutter	74%	83%	88%	76%	89%	92%	28%	63%	71%	84%
Tehama	81%	89%	94%	74%	82%	88%	37%	53%	50%	69%
Trinity	80%	93%	99%	93%	95%	98%	46%	61%	60%	60%
Tulare	79%	91%	95%	78%	88%	92%	48%	75%	57%	72%
Tuolumne	85%	94%	96%	85%	97%	98%	10%	27%	47%	54%
Ventura	100%	100%	100%	100%	100%	100%	22%	47%	82%	88%
Yolo	68%	81%	87%	81%	94%	96%	36%	58%	66%	77%
Yuba	74%	82%	88%	78%	91%	94%	29%	51%	73%	85%

Column Key:

(G), (H) Includes limited unlawful detainers only.

Note:

— The court did not submit a report in this category.

Metric 3: Caseload Clearance by Case Type

Caseload clearance is another nationally recognized court workload metric, used to generally assess whether courts are able to keep up with incoming workload and to identify areas of potential backlog. Clearance rates are calculated by dividing dispositions by filings for a given period of time. A clearance rate of 100 percent would indicate that the number of cases disposed equals the number of cases that come into the court system (as filings). Caseload clearance by court and case type has been reported in the *Court Statistics Report* for many years.

While clearance rates vary by court and case type, the overall average branchwide clearance rate across all case types for fiscal year 2021-22 was XX%. Prior to the pandemic (2018-19), the clearance rate was 71%.

Metric 4: Backlog by Case Type

During the pandemic, clearance data was used as the basis for estimating the pandemic-related backlog when court case processing was affected by physical distancing requirements and other capacity limitations that lengthened the time it took to dispose cases. Patterns in trial court filings and dispositions from March 2020 to June 2022 (the most recent period for which the data are validated) help to understand court workload during that period. On average, before the pandemic, there were about 500,000 total filings per month in California courts. Filings (see figure 1, red line) dropped by nearly half in April 2020 at the start of the pandemic. Starting in June 2020, some case types moved back toward pre-pandemic levels while others remained lower than their pre-pandemic filing rates. There was a dip in winter 2020–21 corresponding to new shelter-in-place restrictions as the number of COVID-19 cases surged. Filings increased in spring 2021, possibly a sign of previously suppressed demand corresponding to increased access to vaccines, schools reopening, and more movement of people.

Case dispositions should, in general, follow the same trajectory as filings. Pending caseloads at the courts occur because the individual needs and complexities of each individual case will drive case processing time required; cases will not always take equal time to process. Periods in which filings exceed dispositions can be an indicator of backlog. Statewide dispositions are shown in figure 1 below as the green line. The gap between the red and green lines is an indicator of the backlog that developed due to physical distancing requirements and other capacity limits that slowed case processing, particularly in the early part of the pandemic.

Figure 1. Statewide Filings and Dispositions, March 2020 to June 2022



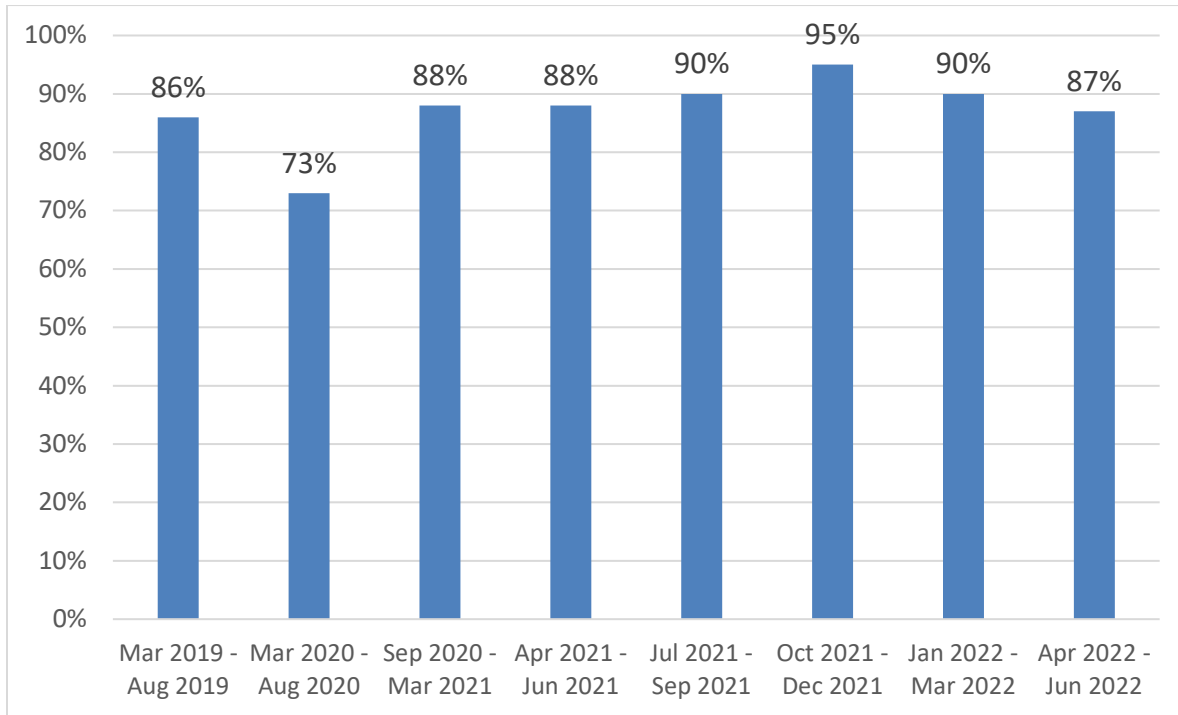
For purposes of measuring pandemic-era backlog, caseload clearance rates by case type were compared across two time periods: a pre-pandemic period that was defined as March 2019 to August 2019 and a pandemic period, which was initially defined as March to August 2020 but was expanded to include additional months as the pandemic period lengthened (currently defined as March 2020 to June 2022). Pandemic backlog is a portion of the overall pending caseload. Pending caseload, or backlog, is measured by multiplying the difference between the two clearance rates by pandemic filings to estimate the number of pending cases by case type. If the clearance percentage difference is a positive number, cases are processing at a higher rate than before the pandemic and there is no backlog for that case type.

These calculations have been updated quarterly with new data to better understand court workload changes over the course of the pandemic and so that courts could anticipate and plan for changes in court workload and shift resources accordingly.⁶ Figure two shows the statewide average clearance rate, across all casetypes, for various periods since March 2019. The pre-pandemic clearance rate, measured from March to August 2019, was 86%; at the onset of the pandemic, March to August 2020, the clearance rate dropped to 73% as courts realigned business practices to operate safely under state and local health and safety guidelines. In fall 2020, the clearance rate increased to 88% and has remained approximately at or above that level. The overall pandemic period clearance rate, accounting for all filings and dispositions from March

⁶ The data collected for backlog data reporting was collected at a different time interval and via a different collection process than the data reported in the *Court Statistics Report*. The data reported for each process reflects each court’s best effort to supply complete and accurate data when requested for statewide reporting.

2020 to June 2022, is 86% (see table 4), which happens to be the same as the pre-pandemic (March 2019 to August 2019) clearance rate.⁷

Figure 2. Statewide Clearance Rates, Various Periods, March 2019 to June 2022



As the state shifts into a post-pandemic phase, it will be important to review the backlog calculation methodology to make sure it accurately reflects court workload. Moving further away from the pandemic onset, the branch will need to consider whether 2019 is the correct comparison point for present-period caseload clearance.

Examples from the following table illustrate the backlog calculations. For example, estates/trust cases had a 2019 clearance rate of about 77 percent and a pandemic period clearance rate of around 74 percent; cases were clearing at a slower rate during the pandemic. Multiplying the clearance percent difference of 3 percent by total pandemic period filings estimates the statewide backlog for this case type: about 3,099 filings. Infractions cases are an example of a case type with no statewide backlog during this period. In the pre-pandemic period, infractions cases cleared at a rate of 83 percent and in the pandemic period, the clearance rate was slightly better (85 percent). This suggests that courts were able to clear infractions cases more quickly during the pandemic period, most likely due to lower filings volumes, and there are no pending cases (backlog) for infractions as a result.

⁷ Court-specific reports are included in the appendix; note that clearance rates and pending caseload (backlog) may differ from statewide calculations.

Table 4. Pre-pandemic and Pandemic Clearance Rates, by Case Type and Statewide Backlog

	Mar to Aug 2019 (Pre pandemic)			Mar 2020 to June 2022 (All pandemic)			Backlog		
	Average Monthly Filings	Average Monthly Dispos.	2019 Clearance Rate	Average Monthly Filings	Average Monthly Dispos.	Pandemic Clearance Rate	Clear. % Diff.	Pandemic filings	Backlog (filings)
Certification	4,510	3,811	84%	4,637	4,373	94%	10%	115,925	-
Child Support	7,262	7,132	98%	6,013	5,612	93%	-5%	150,333	7,346
Civil - Limited	36,582	30,828	84%	25,997	27,666	106%	22%	649,927	-
Civil - Unlimited	20,176	17,749	88%	20,067	17,128	85%	-3%	501,676	13,128
Conservatorship/ Guardianship	1,529	1,110	73%	1,321	1,060	80%	8%	33,018	-
Dissolution	11,175	10,038	90%	10,221	8,226	80%	-9%	255,536	23,875
Domestic Violence	7,070	5,161	73%	6,388	4,858	76%	3%	159,707	-
Estates/Trusts	3,110	2,399	77%	3,608	2,659	74%	-3%	90,191	3,099
Felony	16,629	13,806	83%	17,215	11,509	67%	-16%	430,380	69,597
Infractions	335,176	278,711	83%	235,063	200,483	85%	2%	5,876,580	-
Juvenile Delinquency	2,329	2,132	92%	1,464	1,494	102%	10%	36,608	-
Juvenile Dependency	3,480	3,141	90%	3,109	3,060	98%	8%	77,719	-
Mental Health	3,557	3,480	98%	3,454	3,180	92%	-6%	86,341	4,985
Misd - Non traffic	36,613	35,695	97%	27,210	23,000	85%	-13%	680,260	88,193
Misd - Traffic	23,142	22,197	96%	18,650	15,422	83%	-13%	466,254	61,681
Other Family Petition	3,399	2,373	70%	2,966	2,154	73%	3%	74,158	-
Parentage	2,215	1,483	67%	1,711	945	55%	-12%	42,765	5,012
Small Claims	12,862	13,505	105%	5,911	6,790	115%	10%	147,773	-
Unlawful Detainer	10,507	10,782	103%	4,777	4,230	89%	-14%	119,420	16,798
Total Average	541,320	465,529	86%	399,783	343,849	86%			293,712

Metric 5: Staff Vacancy Rates by Classification

Trial courts annually report on budgeted and filled positions using the Schedule 7A.⁸ These data are reported by classification⁹ and are designated as filled or vacant as of July 1 of each reporting year. Schedule 7A data were used to calculate the vacancy rate by classification; since the data are reported as of a point in time—July 1, 2021—the data will not reflect changes in the number of filled positions that were made after that date. Although this year’s report on trial court operational metrics largely focuses on data for the most recent, complete fiscal year (2021-22), the 2022-23 data, reported as of July 1, 2022, was recently compiled and has been included here to give a more contemporary representation of trial court vacancy information. A comparison of the two reporting years shows that the number of total positions has increased by 3%, and the

⁸ The Schedule 7A is a statewide salary and positions reporting document. Each court’s Schedule 7A is posted on the “Trial Courts Budget Reports” page of the California Courts website at www.courts.ca.gov/48362.htm.

⁹ Classifications are based on model classification codes used in the Schedule 7A; classification may not be the same as job title or working title.

vacancy rate has increased by 1%. For this report, data for every classification are shown (see table 5); future reports may consolidate some classifications for ease of use.

Table 5. Statewide Vacancy Data by Classification

Classification	2021-22 Schedule 7A (data as of July 1, 2021)			2022-23 Schedule 7A (data as of July 1, 2022)			Difference in Vacancy Rate
	Total FTE	Filled FTE	Vacancy Rate	Total FTE	Filled FTE	Vacancy Rate	
Accountant-Auditor	59.9	48.0	20%	61.1	54.1	11%	-9%
Accounting Clerk	103.4	87.4	15%	105.5	88.5	16%	1%
Accounting Technician	96.0	79.5	17%	90.5	72.5	20%	3%
Administrative Analyst	175.7	153.7	13%	196.1	162.1	17%	4%
Administrative Support Staff (temporary, part-time, intern or student worker)	95.5	61.8	35%	130.9	94.4	28%	-7%
Administrative Technician	22.7	19.7	13%	24.7	19.7	20%	7%
Alternative Dispute Resolution Program Administrator	1.0	1.0	0%	2.0	2.0	0%	0%
Assistant Court Executive Officer	41.5	37.0	11%	40.8	36.0	12%	1%
Attorney	401.2	367.2	8%	481.0	417.4	13%	5%
Calendar Administrator	9.3	9.3	0%	9.8	9.8	0%	0%
Calendar Clerk	14.4	14.4	0%	12.8	12.8	0%	0%
Child Services Provider	4.5	4.5	0%	8.0	7.0	13%	13%
Commissioner	234.1	215.1	8%	239.5	232.6	3%	-5%
Communications Technician	21.0	21.0	0%	21.0	21.0	0%	0%
Court Administrative/ Operations Manager	343.8	312.3	9%	372.5	337.9	9%	0%
Court Administrative/ Operations Supervisor	73.0	70.0	4%	76.0	66.0	13%	9%
Court Attendant	237.7	213.0	10%	263.8	221.4	16%	6%
Court Clerk	664.2	571.1	14%	609.3	566.7	7%	-7%
Court Division Director/ Branch Administrator	236.3	221.5	6%	240.4	216.5	10%	4%
Court Executive Officer	58.0	57.3	1%	57.2	56.0	2%	1%
Court Interpreter Pro Tempore	35.8	23.7	34%	35.7	28.7	20%	-14%
Court Law Librarian	3.0	2.0	33%	3.0	3.0	0%	-33%
Court Program Manager	201.8	185.8	8%	207.8	191.8	8%	0%
Court Program/Project Specialist	55.2	49.2	11%	96.1	74.1	23%	12%
Court Program/Project Supervisor	24.0	23.0	4%	27.0	25.0	7%	3%
Court Records Clerk	124.0	103.0	17%	130.5	90.5	31%	14%
Court Records Supervisor	11.9	9.0	24%	10.8	10.0	7%	-17%

Classification	2021-22 Schedule 7A (data as of July 1, 2021)			2022-23 Schedule 7A (data as of July 1, 2022)			Difference in Vacancy Rate
	Total FTE	Filled FTE	Vacancy Rate	Total FTE	Filled FTE	Vacancy Rate	
Court Reporter	1,408.9	1,264.7	10%	1,426.1	1,136.9	20%	10%
Courtroom Clerk	2,624.2	2,386.9	9%	2,641.1	2,426.6	8%	-1%
Custodian	87.3	78.3	10%	87.6	83.6	5%	-5%
Data Entry Operator	1.0	1.0	0%	-	-	-	-
Deputy Marshal	28.5	28.5	0%	31.5	31.5	0%	0%
Detention Release Officer	11.0	10.0	9%	13.0	10.0	23%	14%
Examiner	93.6	87.4	7%	100.2	98.0	2%	-5%
Exhibit Custodian	42.0	38.0	10%	44.0	37.0	16%	6%
Facilities Coordinator	10.0	8.0	20%	13.0	8.0	38%	18%
Family Law Facilitator	52.2	49.9	4%	52.2	49.4	5%	1%
Financial Analyst	43.0	40.0	7%	50.0	34.0	32%	25%
Graphic Arts Specialist	8.0	6.0	25%	7.0	5.0	29%	4%
Hearing Officer	8.1	8.0	2%	8.0	8.0	0%	-2%
Human Resource Analyst	81.1	72.2	11%	81.0	73.3	10%	-1%
Human Resource Technician	54.0	50.0	7%	57.2	49.7	13%	6%
Information Systems Analyst	251.6	231.9	8%	261.4	228.4	13%	5%
Information Systems Engineer	64.0	58.0	9%	71.0	65.0	8%	-1%
Information Systems Specialist	25.0	22.0	12%	23.0	22.0	4%	-8%
Information Systems Technician	129.2	125.2	3%	136.7	127.0	7%	4%
Interpreter	228.1	186.1	18%	226.0	177.6	21%	3%
Interpreter Coordinator	20.8	19.8	5%	21.9	21.0	4%	-1%
Interpreter Supervisor	13.0	13.0	0%	15.2	14.0	8%	8%
Investigator	161.4	150.4	7%	199.3	171.5	14%	7%
Jury Commissioner	19.3	19.3	0%	19.3	19.3	0%	0%
Jury Services Assistant	34.2	28.2	18%	31.0	24.2	22%	4%
Law Clerk	72.0	58.0	19%	44.0	33.0	25%	6%
Law Library Technician	3.5	3.5	0%	4.5	4.5	0%	0%
Legal Process Clerk	3,241.3	2,901.2	10%	3,289.0	2,834.9	14%	4%
Legal Process Supervisor	348.5	328.0	6%	355.4	336.0	5%	-1%
Legal/Judicial Secretary	150.9	133.8	11%	152.9	133.6	13%	2%
Maintenance Worker	35.0	33.0	6%	37.0	36.0	3%	-3%
Managing Attorney	21.8	21.8	0%	26.0	25.0	4%	4%
Marshal	2.0	2.0	0%	2.0	2.0	0%	0%
Materials Services Assistant	43.0	41.0	5%	45.0	39.0	13%	8%

Classification	2021-22 Schedule 7A (data as of July 1, 2021)			2022-23 Schedule 7A (data as of July 1, 2022)			Difference in Vacancy Rate
	Total FTE	Filled FTE	Vacancy Rate	Total FTE	Filled FTE	Vacancy Rate	
Materials Services Supervisor	2.0	2.0	0%	2.1	1.1	47%	47%
Media Services Technician	1.0	-	100%	-	-	-	-
Mediator/Counselor	211.0	184.4	13%	219.7	189.6	14%	1%
Mental Health Behavioral Counselor	29.8	28.8	3%	30.2	29.2	3%	0%
Mental Health/Behavioral Counselor Supervisor	4.0	4.0	0%	3.0	3.0	0%	0%
Office Assistant	142.4	91.8	36%	69.2	61.2	12%	-24%
Paralegal	163.4	154.8	5%	173.1	160.3	7%	2%
Payroll Supervisor	1.0	1.0	0%	1.0	1.0	0%	0%
Payroll Technician	12.0	12.0	0%	9.0	9.0	0%	0%
Printing/Production Equipment Operator	2.0	2.0	0%	2.0	2.0	0%	0%
Public Information Officer	7.0	7.0	0%	7.0	6.0	14%	14%
Purchasing Agent	16.0	13.0	19%	16.0	15.0	6%	-13%
Purchasing Supervisor	9.0	9.0	0%	11.0	8.0	27%	27%
Purchasing Technician	15.0	14.0	7%	14.8	14.0	5%	-2%
Referee	20.0	17.0	15%	27.7	26.7	4%	-11%
Revenue Collection Specialist	184.0	164.0	11%	183.3	159.3	13%	2%
SB371 Interpreter	533.0	438.2	18%	539.7	420.6	22%	4%
Secretary	23.1	23.1	0%	40.6	36.1	11%	11%
Senior Accountant-Auditor	33.0	29.0	12%	33.0	31.0	6%	-6%
Senior Accounting Clerk	63.0	53.0	16%	67.0	60.0	10%	-6%
Senior Accounting Technician	30.8	25.8	16%	35.0	29.0	17%	1%
Senior Administrative Analyst	105.9	94.4	11%	109.9	90.0	18%	7%
Senior Attorney	153.8	151.8	1%	166.2	158.2	5%	4%
Senior Court Attendant	1.0	-	100%	1.0	0.0	100%	0%
Senior Court Clerk	147.2	141.2	4%	202.2	191.2	5%	1%
Senior Court Records Clerk	17.0	14.0	18%	20.0	17.0	15%	-3%
Senior Court Reporter	13.0	12.0	8%	16.0	15.0	6%	-2%
Senior Courtroom Clerk	175.3	166.3	5%	220.7	207.7	6%	1%
Senior Custodian	3.0	3.0	0%	4.0	3.0	25%	25%
Senior Data Entry Operator	8.0	8.0	0%	8.0	8.0	0%	0%
Sr. Detention Release Officer	2.0	2.0	0%	2.0	-	100%	100%
Senior Examiner	15.0	15.0	0%	19.0	18.0	5%	5%
Senior Exhibit Custodian	6.0	6.0	0%	5.0	5.0	0%	0%

Classification	2021-22 Schedule 7A (data as of July 1, 2021)			2022-23 Schedule 7A (data as of July 1, 2022)			Difference in Vacancy Rate
	Total FTE	Filled FTE	Vacancy Rate	Total FTE	Filled FTE	Vacancy Rate	
Senior Financial Analyst	17.0	15.0	12%	20.0	16.0	20%	8%
Sr. Human Resources Analyst	70.3	66.3	6%	83.1	68.4	18%	12%
Senior Human Resource Technician	13.0	13.0	0%	16.0	15.0	6%	6%
Senior Information Systems Analyst	145.0	138.0	5%	152.7	134.2	12%	7%
Senior Information Systems Technician	33.0	28.0	15%	35.8	32.0	11%	-4%
Senior Investigator	1.5	1.0	33%	1.5	1.5	0%	-33%
Senior Legal Process Clerk	2,075.0	1,824.0	12%	2,126.8	1,869.8	12%	0%
Senior Legal/Judicial Secretary	58.0	56.0	3%	59.0	58.0	2%	-1%
Senior Maintenance Worker	4.0	4.0	0%	3.0	3.0	0%	0%
Senior Materials Services Assistant	5.0	5.0	0%	5.0	5.0	0%	0%
Sr. Media Services Technician	2.0	2.0	0%	2.5	2.0	19%	19%
Senior Mediator/Counselor	78.3	67.8	13%	95.3	63.3	34%	21%
Senior Microfilm Technician	1.0	1.0	0%	1.0	1.0	0%	0%
Senior Office Assistant	186.0	137.0	26%	194.8	144.0	26%	0%
Senior Paralegal	15.0	13.0	13%	15.0	15.0	0%	-13%
Senior Printing/Production Equipment Operator	2.0	1.0	50%	2.0	2.0	0%	-50%
Senior Revenue Collection Specialist	23.0	19.0	17%	23.0	22.0	4%	-13%
Senior Secretary	60.0	54.0	10%	58.0	56.0	3%	-7%
Sr. Support Services Assistant	2.0	1.0	50%	3.0	2.0	33%	-17%
Skilled Trades Worker	13.0	12.0	8%	13.0	12.0	8%	0%
Supv. Accountant-Auditor	14.8	13.8	7%	13.9	12.0	13%	6%
Supervising Accounting Clerk	11.0	11.0	0%	12.0	12.0	0%	0%
Supv. Accounting Technician	4.0	4.0	0%	4.0	4.0	0%	0%
Supv. Administrative Analyst	5.0	5.0	0%	8.0	8.0	0%	0%
Supervising Attorney	31.6	29.6	6%	31.6	30.6	3%	-3%
Supervising Court Attendant	4.0	4.0	0%	4.0	4.0	0%	0%
Supervising Court Clerk	202.0	185.0	8%	196.0	191.0	3%	-5%
Supervising Court Reporter	20.8	18.8	10%	21.8	19.8	9%	-1%
Supervising Courtroom Clerk	71.0	69.0	3%	79.0	75.0	5%	2%

Classification	2021-22 Schedule 7A (data as of July 1, 2021)			2022-23 Schedule 7A (data as of July 1, 2022)			Difference in Vacancy Rate
	Total FTE	Filled FTE	Vacancy Rate	Total FTE	Filled FTE	Vacancy Rate	
Supervising Custodian	9.0	9.0	0%	10.0	10.0	0%	0%
Supervising Detention Release Officer	1.0	1.0	0%	1.0	1.0	0%	0%
Supervising Examiner	3.5	2.0	43%	4.5	3.0	33%	-10%
Supervising Financial Analyst	7.5	5.8	23%	6.8	6.8	0%	-23%
Supervising Human Resources Analyst	8.7	8.7	0%	7.4	7.4	0%	0%
Supervising Information Systems Analyst	37.0	34.0	8%	38.0	34.0	11%	3%
Supervising Information Systems Technician	8.0	6.0	25%	12.0	8.0	33%	8%
Supervising Investigator	8.5	7.0	18%	11.0	10.0	9%	-9%
Supv. Maintenance Worker	9.0	9.0	0%	8.0	7.0	13%	13%
Supv. Mediator/Counselor	22.5	20.5	9%	24.5	21.5	12%	3%
Supervising Office Assistant	1.0	1.0	0%	1.0	1.0	0%	0%
Supervising Revenue Collection Specialist	16.0	16.0	0%	16.0	14.0	13%	13%
Supervising Secretary	5.0	5.0	0%	5.0	4.0	20%	20%
Support Services Assistant	64.8	58.8	9%	69.5	63.5	9%	0%
Support Services Supervisor	6.0	6.0	0%	17.2	15.0	13%	13%
Total Statewide	18,291.0	16,340.4	11%	18,902.0	16,546.0	12%	1%

Funding Metrics:

Metric 6: Calculated Funding Level of Each Court

Metric 7: Funding Level of Each Trial Court as Measured by Judicial Council–Approved Workload Formula

Metric 8: Percent of Funding Actually Provided to Each Court

The Budget Act of 2021 appropriated \$3.617 billion for trial court operations. The Judicial Council allocated the majority of this funding to the trial courts according to its approved allocation methodology, known as the Workload Formula. The Workload Formula determines the need for trial court staff and funding based on workload measures.

For 2021-22, the council approved a Workload Formula allocation of \$2.215 billion. When compared to the 2021-22 measured workload need of \$2.754 billion, the allocation represented a statewide funding percentage of 80.4 percent.

Other funding allocated to the trial courts included \$1.336 billion for judges' compensation, dependency counsel, court interpreters' program, and various other programs. The remaining \$65.7 million was available to reimburse courts for the AB 1058 child support commissioner program, California collaborative and drug court projects, and other various grants.

Table 6 displays the calculated funding level of each court allocation, the funding level of each court measured by the Judicial Council-approved Workload Formula, and the percent of funding actually provided to each court.

Table 6. Calculated Funding Level of Each Court, Funding Level as Measured by Workload Formula, Percent of Funding Provided

Court	Metric 6: Calculated Funding Level of each Court (Workload Formula Allocation)	Metric 7: Funding level of each trial court as measured by the Workload Formula (Workload Formula "Need")	Metric 8: The percent of funding actually provided to each court (Workload Formula Percentage)
	A	B	C (A / B)
Alameda	\$82,853,797	\$91,263,264	90.8%
Alpine	800,000	436,233	183.4%
Amador	3,811,969	4,104,927	92.9%
Butte	12,686,526	15,499,673	81.9%
Calaveras	3,113,405	3,034,383	102.6%
Colusa	2,371,498	2,415,621	98.2%
Contra Costa	50,550,945	59,635,536	84.8%
Del Norte	3,488,058	3,448,591	101.1%
El Dorado	8,921,043	10,324,368	86.4%
Fresno	58,549,644	75,332,816	77.7%
Glenn	2,795,390	2,676,801	104.4%
Humboldt	7,919,693	9,021,637	87.8%
Imperial	10,492,754	9,738,693	107.7%
Inyo	2,343,914	2,271,352	103.2%
Kern	62,809,351	73,668,735	85.3%
Kings	9,599,952	11,675,695	82.2%
Lake	4,286,900	5,493,217	78.0%
Lassen	2,553,568	2,263,344	112.8%
Los Angeles	614,047,038	819,680,292	74.9%
Madera	9,513,674	13,010,199	73.1%
Marin	13,986,764	15,094,820	92.7%
Mariposa	1,639,792	1,798,556	91.2%
Mendocino	7,063,064	7,538,191	93.7%

Court	Metric 6: Calculated Funding Level of each Court (Workload Formula Allocation)	Metric 7: Funding level of each trial court as measured by the Workload Formula (Workload Formula "Need")	Metric 8: The percent of funding actually provided to each court (Workload Formula Percentage)
	A	B	C (A / B)
Merced	15,107,823	18,692,196	80.8%
Modoc	1,276,377	1,219,811	104.6%
Mono	2,338,492	1,974,169	118.5%
Monterey	23,012,580	27,857,633	82.6%
Napa	8,786,945	10,602,266	82.9%
Nevada	5,522,629	7,272,182	75.9%
Orange	161,041,188	206,095,347	78.1%
Placer	20,407,354	25,911,569	78.8%
Plumas	1,763,098	1,680,815	104.9%
Riverside	124,855,721	148,174,515	84.3%
Sacramento	91,994,611	124,969,095	73.6%
San Benito	4,348,381	4,030,123	107.9%
San Bernardino	115,829,476	150,737,725	76.8%
San Diego	165,997,651	191,973,298	86.5%
San Francisco	63,735,563	62,252,778	102.4%
San Joaquin	41,675,837	56,687,245	73.5%
San Luis Obispo	16,448,537	20,537,274	80.1%
San Mateo	42,484,708	48,051,532	88.4%
Santa Barbara	26,277,821	30,835,347	85.2%
Santa Clara	85,784,634	104,543,924	82.1%
Santa Cruz	15,428,108	18,583,838	83.0%
Shasta	14,068,286	16,930,842	83.1%
Sierra	800,000	405,754	197.2%
Siskiyou	3,441,097	4,512,234	76.3%
Solano	27,405,940	32,364,148	84.7%
Sonoma	26,972,793	32,871,831	82.1%
Stanislaus	28,393,203	35,282,048	80.5%
Sutter	6,738,836	9,183,121	73.4%
Tehama	5,447,312	6,309,266	86.3%
Trinity	1,916,942	1,957,377	97.9%
Tulare	25,654,309	33,580,726	76.4%
Tuolumne	4,447,375	4,989,741	89.1%
Ventura	40,816,162	50,901,752	80.2%
Yolo	12,849,462	17,607,955	73.0%
Yuba	5,898,802	5,150,429	114.5%

Court	Metric 6: Calculated Funding Level of each Court (Workload Formula Allocation)	Metric 7: Funding level of each trial court as measured by the Workload Formula (Workload Formula "Need")	Metric 8: The percent of funding actually provided to each court (Workload Formula Percentage)
	A	B	C (A / B)
Total¹⁰	\$2,215,166,791	\$2,754,156,851	80.4%

Individual funding percentages for the trial courts ranged from 73.0 percent to 197.2 percent. Courts that have funding percentages that exceed 100 percent are generally the smallest courts. Alpine and Sierra, the two smallest courts based on workload measures, receive a set allocation amount determined for operations. For 2021-22, this amount was set at \$800,000. Other small courts, those with two authorized judicial positions, have been prioritized for new funding through the Workload Formula methodology to fund up to a minimum of 100 percent of measured workload need.¹¹ Courts may exceed 100 percent of workload need due to other factors such as consumer price index funding.

Determining Workload Formula Need

The calculated funding level of each court, or Workload Formula need, is measured by the Judicial Council-approved weighted caseload study, the Resource Assessment Study (RAS). The methodology for weighted caseload was developed by the National Center for State Courts and is based on the principle that funding should be linked to workload. In addition to California, weighted caseload models are used in at least 25 other states.

California’s RAS model calculates 22 different caseweights. It uses an average number of processing minutes per case type, taking into account differences in workload complexity and time to process, and multiplies those weighting factors by the number of filings in each case type in each court. The total number of minutes for all case types in a court, based on each court’s unique case mix, comprises the ‘workload’ for each court. This workload is then used to calculate how many trial court staff are needed to process these cases.

Once the number of staff has been calculated, this information is converted into dollars by using an average salary cost, adjustments for cost-of-labor differentials based on United States Bureau

¹⁰ Variance in total is due to rounding.

Judicial Council report (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=F&ID=9503183&GUID=6AEC14FF-C7BD-455E-9B5B-86E521702022>; Judicial Council minutes (July 9, 2021), <https://jcc.legistar.com/View.ashx?M=M&ID=803683&GUID=7A91FDD5-4839-4018-9831-79E23D4383BF>.

¹¹ Includes Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lassen, Mariposa, Modoc, Mono, Plumas, San Benito, and Trinity.

of Labor Statistics data, retirement and health costs, operating expenditures and equipment costs, and other adjustments to account for court size.

The RAS model is updated each year to reflect the most recent three-year average of filings data. The Workload Formula for 2021-22 was based on the three-year average filings data for 2017-18 through 2019-20. The filings data for 2019-20 was further adjusted to account for the early impact of the COVID-19 pandemic.

Metric 9: Year End Fund Balance Detail for 2021-22

Government Code section 68502.5(c)(2)(A) requires the Judicial Council to finalize allocations to trial courts in January of each fiscal year after review of available trial court reserves as of June 30 of the prior fiscal year. For 2021-22, the trial courts had a balance of \$132.8 million which was used for specific purposes.

The \$132.8 million comprises several categories: 1) a three percent fund balance cap of \$79.5 million, 2) funds held on behalf (FHOB) of the trial courts requests totaling \$12.4 million, and 3) court-funded requests (CFR) totaling \$39.4 million. The remaining balance of \$1.5 million is retained in the Trial Court Trust Fund (TCTF). Table 7 displays the court-specific information for each of these categories.

Table 7. Fund Balance Detail for 2021-22

Court	Fund Balance Subject to Cap ¹²	Funds Held on Behalf of Courts	Court Funded Requests ¹³	Retained in TCTF
	A	B	C	D
Alameda	\$3,122,215	\$0	\$13,736	\$0
Alpine	461	0	0	0
Amador	1,044,742	902,484	0	0
Butte	586,395	88,188	158,000	0
Calaveras	171,343	0	0	56,256
Colusa	457,059	168,065	7,00	192,800
Contra Costa	1,929,910	0	226,907	0
Del Norte	13,562	0	20,833	0
El Dorado	824,874	504,978	15,951	5,580
Fresno	1,371,121	0	0	0
Glenn	229,319	111,000	0	6,280
Humboldt	183,363	0	0	0
Imperial	332,530	0	13,500	4,406

¹² Variance in total is due to rounding.

¹³ Court Funded Requests are funded through court operational budgets.

Court	Fund Balance Subject to Cap ¹²	Funds Held on Behalf of Courts	Court Funded Requests ¹³	Retained in TCTF
	A	B	C	D
Inyo	9,140	0	0	0
Kern	2,240,120	0	2,558,341	0
Kings	1,011,969	629,230	195,611	0
Lake	664,571	510,940	62,600	0
Lassen	73,471	0	0	0
Los Angeles	20,201,869	0	26,912,066	0
Madera	356,337	0	0	1,265
Marin	66,828	0	0	0
Mariposa	123,026	53,753	127,140	0
Mendocino	122,391	0	0	0
Merced	535,202	0	64,413	0
Modoc	93,224	0	0	36,530
Mono	469,974	135,000	169,753	247,681
Monterey	1,403,320	552,953	0	15,000
Napa	111,696	0	0	1,958
Nevada	112,576	0	0	0
Orange	2,640,511	0	250,000	0
Placer	1,366,016	575,000	150,000	29,507
Plumas	52,684	0	0	5,653
Riverside	5,249,782	0	1,296,398	0
Sacramento	7,200,950	3,946,130	1,129,947	0
San Benito	848,307	709,532	0	0
San Bernardino	1,907,705	0	1,048,734	0
San Diego	3,240,777	0	1,113,382	0
San Francisco	198,805	0	0	0
San Joaquin	1,738,350	212,917	313,446	0
San Luis Obispo	1,072,669	471,740	0	0
San Mateo	2,595,305	973,054	440,256	0
Santa Barbara	738,543	0	223,322	0
Santa Clara	2,041,068	0	129,485	0
Santa Cruz	515,631	0	0	1,008
Shasta	722,028	0	0	0
Sierra	65,921	29,604	0	0
Siskiyou	79,694	0	0	0
Solano	943,264	0	0	1,866
Sonoma	1,815,874	0	194,516	890,985
Stanislaus	1,753,187	739,168	2,568,029	152

Court	Fund Balance Subject to Cap ¹²	Funds Held on Behalf of Courts	Court Funded Requests ¹³	Retained in TCTF
	A	B	C	D
Sutter	873,699	604,590	0	6
Tehama	704,429	495,697	0	0
Trinity	36,212	0	0	0
Tulare	821,799	0	0	0
Tuolumne	194,250	0	0	8,741
Ventura	1,440,978	0	0	0
Yolo	536,941	0	0	0
Yuba	194,437	0	315,569	0
Total¹⁴	\$79,479,426	\$12,414,023	\$39,433,242	\$1,505,670

Three Percent Fund Balance Cap – \$79.5 million

In 2021-22, trial courts retained \$79.5 million under the allowable three percent fund balance cap. Government Code section 77203(b) authorizes the amount of unexpended funds that a trial court may carry over to the next fiscal year to provide a designated reserve. Effective June 30, 2020, a trial court can carry over unexpended funds in an amount not to exceed three percent of the court’s operating budget from the prior fiscal year. This process excludes encumbrances, prepayments, and other excluded funds in the allowable fund balance.

In 2019-20, the amount of funding that a court could carry over was increased from one percent to three percent in recognition of the need for trial courts to have adequate reserve funding to support operational needs and address emergency expenditures.

Funds Held on Behalf of the Trial Courts – \$12.4 million

In 2021-22, the Judicial Council approved a total of \$12.4 million in requests for FHOB of the trial courts. Under this process, courts can request that a reduction in their TCTF allocations be retained in the TCTF as restricted fund balance for the benefit of those courts.¹⁵ The funds are then allocated back to the courts by the Judicial Council for the purposes stated in their approved requests. Allowable FHOB requests can include, but are not limited to:

1. Projects that extend beyond the original planned three-year process such as delayed deployment of information systems;
2. Technology improvements or infrastructure such as a new case management system;

¹⁴ Judicial Council report (January 20, 2023), xxx; Judicial Council minutes (January 20, 2023), xxx.

¹⁵ <https://jcc.legistar.com/View.ashx?M=F&ID=10830769&GUID=305F68B7-26CF-4E57-B29D-BD15D8B1CB6D>

3. Facilities maintenance or repair allowed under rule 10.810 of the California Rule of Court;
4. Court efficiencies such as online and smart forms for court users; and
5. Other court infrastructure projects such as vehicle replacement or copy machine replacement.

Court-Funded Requests – \$39.4 million

In 2021-22, approved CFR requests for the trial courts totaled \$39.4 million. The CFR process allows trial courts to make a court-funded facilities request to assist in paying for certain facilities' costs through a reduction in courts' TCTF allocations.¹⁶ This process allows the trial courts to plan for necessary facilities needs that may not otherwise be funded due to insufficient trial court facilities resources.

Allowable costs under the CFR process include specific facility modifications, such as tenant improvements and audio/video modifications; allowable court operations costs under rule 10.810 of the California Rule of Court such as interior painting, replacement/maintenance of flooring and furniture, facilities maintenance or repair; and lease-related costs.

Approval of CFRs is delegated to the director of the Judicial Council's Facilities Program by the Trial Court Facility Modification Advisory Committee. Requests that increase ongoing operational costs to the Judicial Council beyond the initial outlay for the project are presented to the Trial Court Facility Modification Advisory Committee for approval. Approved requests are reported to the Judicial Council on a quarterly basis.

Retained in the Trial Court Trust Fund – \$1.5 million

After calculation of the final three percent fund balance cap and approved FHOB and CFR requests, \$1.5 million was retained in the TCTF as unrestricted fund balance, as required by Government Code section 68502.5(c)(2)(A).

¹⁶ <https://jcc.legistar.com/View.ashx?M=F&ID=4625695&GUID=15BB7747-C300-48DA-AA81-5546168A1991>

ABC Superior Court

FY 2021 - 22 Operational Metrics Report

Metric 1: Hours of Operation Including Public Counter Hours

Court hours of operation are an indicator of when the public may enter a court facility and public counter hours are the times when a clerk's window or counter is open to help those needing assistance. There are two primary services offered at the public counter: people can file a court document or look up a case. Information on court hours of service is current as of November 1, 2022. Courts with multiple locations were asked to report on the hours of operation and public counter hours for the main court location

Court Hours of Operation	08:00 AM - 04:30 PM
Public Counter Hours	08:30 AM - 03:00 PM

Metric 2: Time to Disposition by Case Type

Time to disposition, the percent of cases resolved within a certain time frame, is a nationally recognized metric of court caseload management that helps courts assess the length of time that it takes to bring cases to disposition. Standard 2.2 of the California Rules of Court established case disposition time goals for civil and criminal cases. Not all courts are able to report these data mostly due to technical issues resulting from case management system transitions. As courts finalize their case management systems transitions, more courts will be able to report this data.

Casetype	Timeframe	Percent
Unlimited Civil	Percent disposed of in less than 12 months	0%
	Percent disposed of in less than 18 months	0%
	Percent disposed of in less than 24 months	0%
Limited Civil	Percent disposed of in less than 12 months	0%
	Percent disposed of in less than 18 months	0%
	Percent disposed of in less than 24 months	0%
Unlawful Detainers	Percent disposed of in Less than 30 Days	0%
	Percent disposed of in Less than 45 Days	0%
Small Claims	Percent disposed of in Less than 70 Days	0%
	Percent disposed of in Less than 90 Days	0%
Felony	Percent disposed of in Less than 12 months	0%
	Percent disposed of in Less than 30 days	0%
	Percent disposed of in Less than 45 days	0%
	Percent disposed of in Less than 90 days	0%
Misdemeanors	Percent disposed of in Less than 30 days	0%
	Percent disposed of in Less than 90 days	0%
	Percent disposed of in Less than 120 days	0%

Metric 3: Caseload Clearance by Case Type

Caseload clearance is another nationally recognized court workload metric, used to assess whether courts are able to keep up with incoming workload and to identify areas of potential backlog. Clearance rates are calculated by dividing dispositions by filings for a given period of time. A clearance rate of 100 percent would indicate that the number of cases disposed equals the number of cases that come into the court system (as filings).

Metric 4: Backlog by Case Type

To measure pandemic-era backlog, caseload clearance rates were compared across a pre-pandemic period (March to August 2019) and a pandemic period, which was initially defined as March to August 2020 but was expanded to include additional months as the pandemic period lengthened (currently defined as March 2020 to June 2022). Backlog is measured by multiplying the difference between the two clearance rates by pandemic filings to estimate the backlog by case type. If the clearance percentage difference is a positive number, cases are processing at a higher rate than before the pandemic and there is no backlog for that case type.

Casetype	March to August 2019 (Prepandemic)		March 2020 to June 2022 (Pandemic)		Prepandemic Clearance	Pandemic Clearance	Clearance Difference	Total Pandemic Filings	Est. Backlog (filings)
	Avg. Filings/Mth	Avg. Dis/Mth	Avg. Filings/Mth	Avg. Dis/Mth					
Certification	300	323	278	261	108%	94%	-14%	7,788	1,090
Child Support	234	227	147	124	97%	84%	-13%	4,127	521
Civil - Limited	621	574	499	553	93%	111%	18%	13,981	-
Civil - Unlimited	300	323	278	261	108%	94%	-14%	7,788	1,090
Cons./Guardianship	234	227	147	124	97%	84%	-13%	4,127	521
Dissolution	621	574	499	553	93%	111%	18%	13,981	-
Domestic Violence	300	323	278	261	108%	94%	-14%	7,788	1,090
Estates/Trusts	234	227	147	124	97%	84%	-13%	4,127	521
Felony	621	574	499	553	93%	111%	18%	13,981	-
Infractions	300	323	278	261	108%	94%	-14%	7,788	1,090
Juvenile Delinquency	234	227	147	124	97%	84%	-13%	4,127	521
Juvenile Dependency	621	574	499	553	93%	111%	18%	13,981	-
Mental Health	300	323	278	261	108%	94%	-14%	7,788	1,090
Misd - Non traffic	234	227	147	124	97%	84%	-13%	4,127	521
Misd - Traffic	621	574	499	553	93%	111%	18%	13,981	-
Other Family Petition	300	323	278	261	108%	94%	-14%	7,788	1,090
Parentage	234	227	147	124	97%	84%	-13%	4,127	521
Small Claims	621	574	499	553	93%	111%	18%	13,981	-
Unlawful Detainer	300	323	278	261	108%	94%	-14%	7,788	1,090

Metric 5: Staff Vacancy Rates by Classification

Trial courts annually report on budgeted and filled positions using the Schedule 7A.¹ These data are reported by classification and are designated as filled or vacant as of July 1 of each reporting year. Schedule 7A data were used to calculate the vacancy rate by classification; since the data are reported as of a point in time—July 1, 2021—the data will not reflect changes in the number of filled positions that were made after that date. Although this year’s report largely focuses on data for the most recent, complete fiscal year (2021-22), the 2022-23 data, reported as of July 1, 2022, was recently compiled and has been included here to give a more contemporary representation of trial court vacancy information. For this report, data for every classification are shown (see table 5); future reports may consolidate some classifications for ease of use.

Classification	2021-22 Schedule 7A (data as of July 1, 2021)			2022-23 Schedule 7A (data as of July 1, 2022)			Difference in Vacancy Rate
	Total FTE	Filled FTE	Vacancy Rate	Total FTE	Filled FTE	Vacancy Rate	
Accountant-Auditor	18	11	39%	16.0	16.0	0%	-39%
Administrative Analyst	10	9	10%	13.0	8.0	38%	28%
Administrative Support Staff (temporary, part-time, intern or student worker)	8.8	8.3	7%	9.9	6.9	30%	24%
Assistant Court Executive Officer	18	11	39%	16.0	16.0	0%	-39%
Attorney	10	9	10%	13.0	8.0	38%	28%
Commissioner	8.8	8.3	7%	9.9	6.9	30%	24%
Communications Technician	18	11	39%	16.0	16.0	0%	-39%
Court Administrative/ Operations Manager	10	9	10%	13.0	8.0	38%	28%
Court Attendant	8.8	8.3	7%	9.9	6.9	30%	24%
Court Division Director/Branch Administrator	18	11	39%	16.0	16.0	0%	-39%
Court Executive Officer	10	9	10%	13.0	8.0	38%	28%
Court Interpreter Pro Tempore	8.8	8.3	7%	9.9	6.9	30%	24%

¹ Each court’s Schedule 7A is posted on the “Trial Courts Budget Reports” page of the California Courts website at www.courts.ca.gov/48362.htm.

Funding Metrics:

Metric 6: Calculated Funding Level of Each Court

Metric 7: Funding Level of Each Trial Court as Measured by Judicial Council–Approved Workload Formula

Metric 8: Percent of Funding Actually Provided to Each Court

The Budget Act of 2021 appropriated \$3.617 billion for trial court operations. The Judicial Council allocated the majority of this funding to the trial courts according to its approved allocation methodology, known as the Workload Formula. The Workload Formula determines the need for trial court staff and funding based on workload measures.

For 2021-22, the council approved a Workload Formula allocation of \$2.215 billion. When compared to the 2021-22 measured workload need of \$2.754 billion, the allocation represented a statewide funding percentage of 80.4 percent.

Metric 6: Calculated Funding Level of each Court (Workload Formula Allocation)	\$80,000,000
Metric 7: Funding level of each trial court as measured by the Workload Formula (Workload Formula "Need")	\$100,000,000
Metric 8: The percent of funding actually provided to each court (Workload Formula Percentage)	80%

Metric 9: Year End Fund Balance Detail for 2021-22

Government Code section 68502.5(c)(2)(A) requires the Judicial Council to finalize allocations to trial courts in January of each fiscal year after review of available trial court reserves as of June 30 of the prior fiscal year. For 2021-22, the trial courts had a year-end fund balance of \$132.8 million, which was used for specific purposes.

The year-end fund balance comprises several categories: 1) a three percent fund balance cap; 2) funds held on behalf (FHOB) of the trial courts requests; and 3) court-funded requests (CFR). The remaining balance is retained in the Trial Court Trust Fund (TCTF).

Fund Balance Subject to Cap	\$ 1,000
Funds Held on Behalf of Courts	-
Court Funded Requests	1,000
Retained in TCTF	-