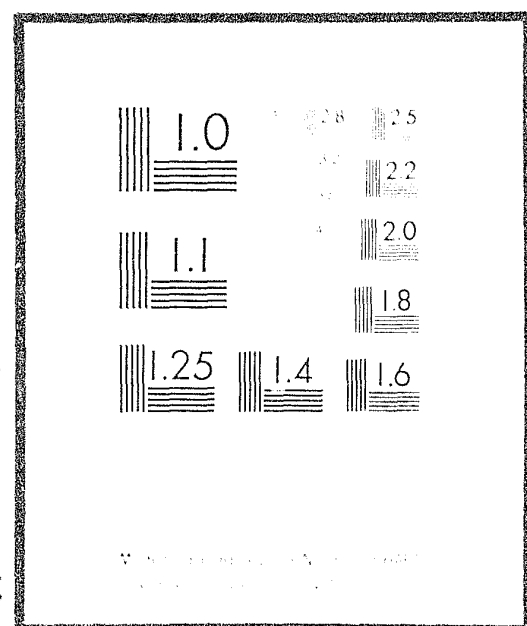


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JUDICIAL COUNCIL
OF CALIFORNIA

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RNA -
A REPORT TO THE JUDICIAL COUNCIL ON

GUIDELINES FOR DETERMINING

THE IMPACT OF

LEGISLATION ON THE COURTS—

JUDICIAL IMPACT ANALYSIS PROJECT —

SECOND YEAR FINDINGS AND RECOMMENDATIONS

NCJR

APR 27 1976

ACQUISITIONS

Prepared by

RALPH ANDERSEN AND ASSOCIATES

Sacramento, California

ACKNOWLEDGEMENT

The preparation of these materials was financially aided through a Federal grant from the Law Enforcement Assistance Administration and the California Office of Criminal Justice Planning under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. The opinions, findings, and conclusions in this publication are those of the author and are not necessarily those of the Law Enforcement Assistance Administration or the California Office of Criminal Justice Planning.

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RALPH ANDERSEN AND ASSOCIATES

June 30, 1975

Mr. Ralph N. Kleps, Director
Administrative Office of the Courts
4200 State Building
455 Golden Gate Avenue
San Francisco, California 94102

Dear Mr. Kleps:

We are pleased to submit our final report summarizing findings and recommendations resulting from the second year of the Judicial Impact Analysis Project.

During the first year of the project, a systematic procedure for determining the total impact of legislation on the courts was developed. Project goals during the second year were aimed at evaluating the system for determining judicial impact, refining the system as appropriate, and making recommendations regarding the desirability and feasibility of analyzing court-related legislation on a continuing basis.

PROJECT EVALUATION

A variety of activities were undertaken by project staff in order to evaluate the system for determining judicial impact. These activities included widespread distribution of the first year report, as well as a series of field visits to court officials and other representatives of state and local government. The evaluation process confirmed that there is a need for a more comprehensive and continuing consideration of the impact of legislative proposals on the courts, and there was general agreement with respect to the following findings that are discussed more fully in Chapter II:

- . There is a need in the legislative process for greater factual input regarding the potential impact of legislative proposals on the courts.
- . Preparation and consideration of judicial impact reports should be a regular part of the legislative process.
- . The Judicial Council is the appropriate group to prepare judicial impact reports.

Mr. Ralph N. Kleps
June 30, 1975
Page two

- . The guidelines for determining the impact of legislation on the courts that were developed during the first project year represent a logical and comprehensive analysis process, and no substantive changes are necessary.
- . The preparation of judicial impact reports must incorporate input from local sources.
- . The judicial impact report process must be one that all involved in the legislative process can depend on.
- . The process should be coordinated with and be of benefit to all of those who are interested in court-related legislation.
- . Judicial impact reports can be helpful to those responsible for implementing legislation, as well as those responsible for adopting it.

THE SYSTEM FOR DETERMINING JUDICIAL IMPACT

The system for determining judicial impact that was developed during the first project year is summarized herein in Chapter III. It is, of course, described in considerable detail in the first project year report, and it is important to emphasize that the second year evaluation did not indicate any need for substantive change. However, the evaluation process did emphasize the importance of developing objective and uniform tools of analysis to be used in conjunction with the preparation of judicial impact reports. Accordingly, a principal goal of the second project year was the development of standard measures of analysis as a supplement to the basic system for determining judicial impact. Standard measures of analysis utilize and build upon data that has previously been prepared by the Judicial Council in conjunction with its weighted caseload and nonjudicial staffing projects, and they represent a factual tool that can be helpful in determining the extent to which a specific legislative proposal will result in case disposition or fiscal impact. Chapter IV describes the development and application of standard measures of analysis in detail.

RECOMMENDATIONS

The final chapter sets forth recommendations to the Judicial Council. The recommendations are the product of experience gained during the two project years, and they also reflect the comments and suggestions of others relative to an ongoing program of judicial impact analysis. Specifically, it is recommended that the Judicial Council:

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- . Endorse the concept that judicial impact reports should be prepared on a regular basis.
- . Assume the responsibility for preparing judicial impact reports.
- . Approve as guidelines for preparing judicial impact reports those tools for analysis developed during the first two project years.
- . Prepare and submit a budget request for 1976-77 to fund an ongoing judicial impact analysis team.
- . Use the third project year as a further transition period.

As in the first year, project staff included Ralph Andersen, Dan Clark, Ron Franceschi, and Marge Allen.

Sincerely,

Ralph Andersen
Ralph Andersen

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Chapter I

PROJECT OVERVIEW

Chapter I

PROJECT OVERVIEW

The Judicial Impact Analysis Project has completed its second year of operation. Broadly, the purpose of the project is to develop a practical system for evaluating the impact of legislation on the court system before it is adopted, and to assess the feasibility of implementing such a system on a continuous basis.

FIRST YEAR ACTIVITIES

During the first project year, the following was accomplished:

- . Organization of an effective project team.
- . Classification of court-related legislation as a means of clarifying how legislation can affect the courts.
- . Documentation of the legislative review process employed by others who follow court-related legislation as a means of identifying present analytic techniques, the extent to which these techniques are utilized, and the principal reasons why various groups and individuals analyze court-related legislation.
- . Development of a conceptual approach for the practical analysis of court-related legislation.
- . Testing of the conceptual approach by preparing analyses of legislation considered at previous and current sessions of the legislature.

- . Preparation of specific guidelines for determining the total impact of legislation on the court system.
- . Development of a format for expressing the judicial impact report in writing.
- . Initial recommendations regarding the desirability and feasibility of preparing judicial impact reports on a continuous basis, and organizational considerations pertaining thereto.

The first year resulted in a final report entitled Guidelines For Determining the Impact of Legislation on the Courts. As the title indicates, the report sets forth a step-by-step process for analyzing legislation related to the courts, and for determining caseload, case disposition, and fiscal impact. As an end product, care was taken to prepare the report in a way that it would serve as a working manual for those interested in or affected by the judicial process. While it summarizes project activities during the first year, the heart of the report describes the development and application of the proposed system for determining judicial impact. As such, the report is helpful and can be utilized on a continuing basis not only by the Judicial Council and the Administrative Office of the Courts, sponsors of the project, but also by legislators, legislative committees, others involved in state and local government, as well as those in the private sector who are interested in the impact of legislation on the court system.

SECOND YEAR ACTIVITIES

The second year of the project was designed to supplement and build upon that which was accomplished during the first year. Overall project goals were to refine the proposed system for determining judicial impact, and to make more specific recommendations regarding implementation of the judicial impact

process on a continuing basis. This was accomplished, in part, by the following activities:

- . Involvement of legislative, court, county, and other appropriate personnel in a process designed to obtain their candid evaluations and suggestions regarding the workability and reliability of the guidelines and system developed for determining the impact of legislation on the courts.
- . Refining the guidelines and system for determining impact on the basis of comments and suggestions received from the formal evaluation process, as well as from experience gained from preparing judicial impact reports.
- . Development of standard measures of analysis as a tool for facilitating the preparation of judicial impact reports and for enhancing their validity.
- . Preparing judicial impact reports for selected legislative proposals.

This report summarizes project activities for the second year. As with the first year, however, care has been taken to prepare the report in a way that it will be useful on a continuing basis to a broad array of groups and individuals who are interested in the impact of legislation on the courts. As such, the report contains (1) a complete restatement of the system for determining the impact of legislation on the courts and (2) a comprehensive review of the development and application of standard measures of analysis as a tool in determining judicial impact.

This report also sets forth a rationale for recommendations resulting from project activities during the second year. Briefly, the recommendations to the California Judicial Council are as follows:

- . Endorse the concept that judicial impact reports should be prepared on a regular basis.
- . Assume the responsibility for preparing judicial impact reports.
- . Approve as guidelines for preparing judicial impact reports those analytic tools developed during the first two project years.
- . Prepare and submit a budget request for 1976-77 to fund an ongoing judicial impact analysis team.
- . Use the third project year as a further transition period.

The basis for each of these recommendations is developed more fully in succeeding sections of this report.

Chapter II

PROJECT EVALUATION

Chapter II

PROJECT EVALUATION

As outlined in the work program for the second year, an initial project activity was to obtain input and evaluation from those who are interested in or affected by court-related legislation. More specifically, the purpose of this element of the project was to solicit candid comments and suggestions regarding the guidelines for determining judicial impact, as well as the desirability and feasibility of implementing such a program on a continuous basis.

The Administrative Office of the Courts emphasized the importance of obtaining a comprehensive evaluation as a means of assuring that project activities were generally known and not conducted in a vacuum. The evaluation process resulted in general agreement on certain points relative to the need for determining the impact of legislation on the courts before it is adopted, and on factors that should be considered when implementing such a program on a continuous basis. These comments are discussed herein and, to a great extent, are the basis for the recommendations that have been made as a part of this report relating to implementation of a continuing program of judicial impact analysis.

APPROACH TO EVALUATION

The evaluation process was accomplished in the following ways:

- . Distribution of the first year report - As indicated previously, the principal end product of the first project year was a final report setting forth Guidelines for Determining the Impact of Legislation on the Courts. This report was distributed, along with a letter from the Director

of the Administrative Office of the Courts, to the following groups and individuals:

- Governor's Office
- Members of the Legislature
- Legislative committee staff
- Representatives of various state agencies and departments
- Members of the Supreme Court
- Appellate court justices
- Superior and municipal court presiding judges
- Superior court administrators
- Municipal court administrators
- County administrators
- County clerks
- Municipal court clerks
- U. S. Chief Justice
- U. S. Court Administrator's Office
- Chief Justices of other states
- State Court Administrators
- Groups and individuals in the private sector

- . Meetings with various groups - Project staff also met with various groups to brief them on the goals of the project and accomplishments to date, and to solicit their reactions and comments relative to the system for determining judicial impact. Those with whom meetings were held include:

- Judicial Council
- Department of Finance
- Office of Legislative Analyst
- Attorney General's Office
- Office of Criminal Justice Planning
- California County Administrators Association
- State Bar of California

- Superior Court Administrators
- District Attorneys Association
- California Probation and Parole Officers Association
- California Trial Lawyers
- Department of Corrections
- Department of Youth Authority
- Department of Motor Vehicles
- County Clerks Association
- American Civil Liberties Union
- League of California Cities
- Legislative Counsel
- County Supervisors Association of California
- Joint Legislative Committee on the Structure of the Judiciary
- Selected legislative committee staff

- . Field visits - a series of field visits were made in order to review project activities with court officials and county officials interested in or affected by court-related legislation. Specific visits were made with judicial and administrative personnel in the following counties:

Alameda
Contra Costa
Orange
San Diego
San Mateo
Santa Barbara
Santa Clara
Sonoma
Ventura
Yolo

- . Other court contacts - Valuable information was received from other court officials through conversations and correspondence as the project progressed during the second

year. Other courts that were contacted in addition to those referenced above, included those in the following counties:

Los Angeles
Fresno
Riverside
Sacramento
San Bernardino
Tuolumne

All of those contacted by the project staff had received a copy of the first year report in advance. They were asked to evaluate the system for determining judicial impact, suggest needed changes, and to comment on other matters relative to the need for a continuing program. All were thoughtful in their comments, and the process of evaluation proved to be helpful by:

- . opening up additional channels of communication between those involved in the legislative process and those affected by it.
- . producing data that was necessary in the analysis of legislation.
- . providing project staff with additional insight into local court processes.
- . resulting in a framework of comments that will be useful for subsequent decision-making.

MAJOR FINDINGS

At no point in the evaluation process was it suggested that there was not a need for a more direct and comprehensive consideration of the potential impact of legislation on the courts. On the contrary, there was general agreement that such a process was needed and would be helpful to groups and individuals in both the public and private sector. The overall comments, however, did provide insight into the parameters of such a program

and, in this regard, there was general agreement with respect to the following:

- . There is a need in the legislative process for greater factual input regarding the potential impact of legislative proposals on the courts.

Numerous court-related proposals are introduced annually in the legislature. A variety of groups review these bills, including various offices within state government, organizations representing local government, and other statewide interest groups. However, none of these groups utilize a system that is designed to determine the total impact of legislation on the courts. In some cases this is due to lack of staff and in other cases it is because the interest of the group does not extend to the broad range of considerations that are of concern to the court system as a whole. The Department of Finance and the Office of Legislative Analyst are concerned with an analysis of the fiscal impact of these bills on state and local government. However, local fiscal impact is only considered if a state-mandated cost is involved, and no attempt is generally made to determine the impact of the proposal on court caseload or case disposition time.

- . Preparation and consideration of judicial impact reports should be a regular part of the legislative process.

Legislative proposals are often introduced without any consideration being given to the impact on the courts. Although attorneys and others connected with court-related legislation may be familiar with the judicial process, many are not familiar

with daily courtroom activities from an operating and finance standpoint. Except for legislative representation by the Judicial Council, there is no authoritative source of information regarding the possible impact of legislative proposals on the courts. Thus, whenever a question arises as to potential impact, the result is likely to be speculation, confusion, or a simple disregard for potential impact. Rather, implementation is viewed as a "technical problem that can be worked out later". Judicial impact reports, it was suggested, could fill this void. However, they must become a regular part of the legislative process if they are to be looked to regularly as the authoritative analysis of potential impact.

- The Judicial Council is the appropriate group to prepare judicial impact reports.

While field visits indicated an awareness of the fact that the Legislative Analyst, Department of Finance, and Attorney General are all involved in the analysis of court-related legislation, all agreed that the Judicial Council was the appropriate group to prepare judicial impact reports. No one presently attempts to determine the total impact of legislation on the courts and, to the extent they do, must call on the Judicial Council for factual data and information. This was emphasized by most of the evaluative comments, but was particularly stressed by the representative of the Legislative Analyst who indicated that they would either have to create a new data base, duplicating that of the Judicial Council, or call directly on Judicial Council staff for information if they were to analyze the caseload, case disposition, and fiscal impact of court-related bills. The

Department of Finance also emphasized that it presently looks to the Judicial Council for factual information on judicial impact, but that it is not staffed to do in-depth analysis of court-related bills unless they involve a state-mandated cost. The Attorney General indicated that while they are interested in court-related legislation, their interests are more narrow. Accordingly, they felt that a more comprehensive analysis, similar to present analyses prepared by the Judicial Council for new judgeship proposals, would result if prepared by the Judicial Council.

The guidelines for determining the impact of legislation on the courts that were developed during the first project year represent a logical and comprehensive analysis process, and no substantive changes are necessary.

Numerous comments were made regarding the thoroughness of the proposed system for determining the impact of legislative proposals on the courts, and there was a consensus that it was appropriate to express and measure the effects of legislation in terms of caseload, case disposition, and fiscal impact. However, it was also emphasized that the guidelines for determining judicial impact represent only an orderly framework for analysis, and that the credibility of any ongoing system would be based not on the guidelines but on a consistent record of objective and well-documented judicial impact reports. This emphasizes the need for, among other things, the development of tools of analysis that can be understood by laymen and helpful in dealing on a factual basis with variations in court workload, organization, and staffing.

- . The preparation of judicial impact reports must incorporate input from local sources.

Both judicial and nonjudicial court officials, as well as representatives of county government, strongly expressed the belief that judicial impact reports should not be prepared in a vacuum, and that they should reflect considerable local input. Effective lines of communication between court and county officials and those involved in the preparation of judicial impact reports must be established to assure that local input will be received on a regular basis. These comments are significant in terms of the subsequent effectiveness of a judicial impact report process. Importantly, they are consistent with the comments received from state legislative officials and others who have emphasized that the analysis process, to be credible, must be well documented with facts that reflect local circumstances and conditions.

- . The judicial impact report process must be one that all involved in the legislative process can depend on.

Most of those involved in the evaluation process compared judicial impact reports to the type of legislative analysis presently carried on by the Legislative Analyst's office. In this regard, they tended to equate effectiveness with regularity, and they emphasized that the impact report process must become routine if those involved in the process are to rely on it as a principal indicator of potential impact. Not only do the reports need to be prepared with regularity, but those commenting felt that they also needed to be distributed widely and in advance of consideration by the legislature.

- . The process should be coordinated with and of benefit to all of those who are interested in court-related legislation.

As indicated, there is widespread interest in the preparation of judicial impact reports, but most of those expressing interest assume that the reports will not become an advocacy tool of the Judicial Council. Rather, legislators, legislative staff, and advocates for various interest groups all see the reports as being helpful to them in terms of determining the factual impact of a particular proposal--but they emphasize the reports can only be helpful if they are available. All emphasize that if the reports are to occupy a central place in legislative considerations, they must be available equally to all.

- . Judicial impact reports can be helpful to those responsible for implementing legislation, as well as those responsible for adopting it.

Court and county government officials both indicated that judicial impact reports would be helpful to them, not only in terms of better understanding the implications of current legislative proposals, but also as a fiscal and administrative planning tool to assist in implementation. All too often, they point out, courts and counties are required to react hastily in terms of implementing legislation that has recently been adopted.

Chapter III

THE SYSTEM FOR DETERMINING THE TOTAL IMPACT OF
LEGISLATION ON THE COURTS

Chapter III

THE SYSTEM FOR DETERMINING THE TOTAL IMPACT OF LEGISLATION ON THE COURTS

A principal end product of the first project year was the development of a system for determining the total impact of legislation on the courts. In developing the system, it was pointed out that:

- . the system provides guidelines for an orderly thought process that can be utilized in the analysis of court-related legislation. More specifically, it sets forth a systematic step-by-step approach for determining the total impact of court-related legislation. The approach is aimed at generally identifying what would happen to the courts if a specific legislative proposal was adopted, and it also emphasizes the importance of measuring the extent to which courts could be affected by the specific proposal.
- . the system has been generally prepared so as to be of value to those interested in the administration of the courts at both state and local government levels. As such, it should not only be useful to the Judicial Council and those involved directly in the legislative process, but judges, court administrators, and county government personnel should also find it helpful.

During the second project year, both the evaluation process and the preparation of judicial impact reports have helped to test the system that was developed in the first year. Comments obtained during the evaluation process indicated on an essentially unanimous basis that the system, as developed, is logical





and complete. Because the comments emphasized the importance of objectivity and factual documentation, however, more emphasis was placed during the second project year on refining the system through the development of standard measures of analysis that can be utilized as a factual tool in the analytical process.

Over 50 judicial impact reports were prepared during the second project year, including revised reports to reflect the impact of amendments, and these also confirmed the basic usefulness and validity of the system that has been developed. The experience gained in preparing judicial impact reports emphasized the importance of making realistic assumptions, but this is more a function of staff experience in analysis than a refinement in the basic system for determining judicial impact.

Thus, standard measures of analysis have been developed during the second project year for use in conjunction with the preparation of judicial impact reports, and they are outlined and discussed in detail in the next section and in the Exhibits. The basic approach to determining judicial impact continues to be the four-step process as summarized on page 33. The purpose of the process is to determine:

- the extent to which a legislative proposal will result in an increase or decrease in the number of cases coming to the courts.
- the extent to which a legislative proposal will have any effect on the time it takes to dispose of a case.
- the extent to which a legislative proposal will result in an increase or decrease in the amount of funds required to operate the courts.

FOUR-STEP PROCESS FOR DETERMINATION OF TOTAL IMPACT OF LEGISLATIVE PROPOSALS ON THE COURTS

	Step One	READ THE BILL AND OBTAIN CERTAIN INFORMATION				
<ul style="list-style-type: none"> Is the latest version of the bill being analyzed? What does the bill provide? Does the bill make technical or substantive changes? What court(s) would be affected? When would the bill become operative? 						
	Step Two	DETERMINE HOW THE BILL WILL AFFECT THE COURTS				
<table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 33%;"> <ul style="list-style-type: none"> COURT PROCEDURE Will the bill add new or modify established procedures for bringing a person to trial? Will the bill add new or modify established procedures for conducting a trial? Will the bill add new or modify established procedures for post-trial sentencing and appeal? Will the jurisdiction of a particular level of court (e.g., municipal, superior) be changed? Will the jurisdiction of courts in general be changed (e.g., as a result of adding or removing matters from the court process)? Will the bill establish new or modify existing authority of judges? </td> <td style="vertical-align: top; width: 33%;"> <ul style="list-style-type: none"> COURT ADMINISTRATION Will the bill affect the duties and/or responsibilities of court personnel? Will the bill authorize or require the hiring of additional court personnel? Will the bill require that certain court-related facilities shall be provided? Will the bill require certain records to be kept and/or furnished to others? Will the bill specify operating hours for the courts? Will the bill revise the organization of the courts? </td> <td style="vertical-align: top; width: 33%;"> <ul style="list-style-type: none"> COURT FINANCING Will new sources of revenue be provided? Will existing sources of revenue be increased, decreased or eliminated? Will the allocation of existing revenue sources be changed? Will the present financing responsibility of the state or counties be changed? </td> </tr> </table>				<ul style="list-style-type: none"> COURT PROCEDURE Will the bill add new or modify established procedures for bringing a person to trial? Will the bill add new or modify established procedures for conducting a trial? Will the bill add new or modify established procedures for post-trial sentencing and appeal? Will the jurisdiction of a particular level of court (e.g., municipal, superior) be changed? Will the jurisdiction of courts in general be changed (e.g., as a result of adding or removing matters from the court process)? Will the bill establish new or modify existing authority of judges? 	<ul style="list-style-type: none"> COURT ADMINISTRATION Will the bill affect the duties and/or responsibilities of court personnel? Will the bill authorize or require the hiring of additional court personnel? Will the bill require that certain court-related facilities shall be provided? Will the bill require certain records to be kept and/or furnished to others? Will the bill specify operating hours for the courts? Will the bill revise the organization of the courts? 	<ul style="list-style-type: none"> COURT FINANCING Will new sources of revenue be provided? Will existing sources of revenue be increased, decreased or eliminated? Will the allocation of existing revenue sources be changed? Will the present financing responsibility of the state or counties be changed?
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	Step Three	DETERMINE THE IMPACT OF THE BILL ON THE COURTS				
<table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top; width: 33%;"> <ul style="list-style-type: none"> CASELOAD IMPACT Will the bill make access to the court easier or more difficult? Will the bill shift a matter from one court to another? Will the bill increase or restrict appeal possibilities? Will the bill expand or restrict matters presently subject to the court process? </td> <td style="vertical-align: top; width: 33%;"> <ul style="list-style-type: none"> CASE DISPOSITION IMPACT Will the bill affect an element of the pre-trial process? Will the bill affect an element of the trial process? Will the bill affect an element of the post-trial process? Will the bill change the responsibility of the court, the judge, or non-judicial personnel? Will the bill increase or decrease court personnel and/or facilities? </td> <td style="vertical-align: top; width: 33%;"> <ul style="list-style-type: none"> FISCAL IMPACT Will the bill require more or less personnel? Will the bill necessitate an increase or permit a decrease in services and supplies? Will the bill necessitate additional capital outlay? Will the bill change the amount of revenue available to operate the court, or the manner in which it is allocated? </td> </tr> </table>				<ul style="list-style-type: none"> CASELOAD IMPACT Will the bill make access to the court easier or more difficult? Will the bill shift a matter from one court to another? Will the bill increase or restrict appeal possibilities? Will the bill expand or restrict matters presently subject to the court process? 	<ul style="list-style-type: none"> CASE DISPOSITION IMPACT Will the bill affect an element of the pre-trial process? Will the bill affect an element of the trial process? Will the bill affect an element of the post-trial process? Will the bill change the responsibility of the court, the judge, or non-judicial personnel? Will the bill increase or decrease court personnel and/or facilities? 	<ul style="list-style-type: none"> FISCAL IMPACT Will the bill require more or less personnel? Will the bill necessitate an increase or permit a decrease in services and supplies? Will the bill necessitate additional capital outlay? Will the bill change the amount of revenue available to operate the court, or the manner in which it is allocated?
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	Step Four	PREPARE A WRITTEN ANALYSIS				
<ul style="list-style-type: none"> JUDICIAL IMPACT REPORT—ANALYSIS Bill type, number and author Date introduced Date last amended General description of provisions Affect on the courts Analysis of total impact 						

As indicated, the systematic approach to the analysis of court-related legislation that is recommended contains four basic steps, as follows:

Step One -- Read the bill and obtain certain information necessary for a thorough understanding of its provisions.

Step Two -- Determine generally how the bill would affect the courts. In other words, would it affect the procedures, administration, and/or financing of the courts.

Step Three - Determine specifically the extent to which the bill would affect the procedures, administration, and/or financing of the courts. In other words determine the caseload impact, the case disposition impact, and/or the fiscal impact of the bill.

Step Four - Present the analysis of total impact in written form.

Together, the steps represent a guide to the analysis of court-related legislation. They set forth an organized thought process that is aimed at determining the total impact of legislation on the courts. Importantly, they are not intended as a substitute for legislative policy considerations. Rather, they are designed to supplement those considerations by providing the data and insight necessary for informed decision-making.

Application of the four-step process is described in detail in the first project year report. It is summarized below:

Step One

Read the Bill and Obtain Certain Information

The purpose of this initial step is to place in perspective those elements of the bill that will be significant in terms of determining total impact. Until certain information is obtained regarding the basic provisions and timing of the bill, it is not possible to determine how the bill might affect the procedures, administration, or financing of the courts, or what its resulting impact might be.

In order to obtain the information that is necessary for a thorough understanding of the provisions of the bill, there are a series of questions that should be asked. These questions are listed below, and the significance of each is discussed in detail in the first project year report:

- . Is the latest version of the bill being analyzed?
- . What does the bill provide?
 - What is the existing law, if any?
 - What changes in existing law does the bill propose?
 - Can the provisions of the bill be interpreted in more than one way?
- . Does the bill make technical or substantive changes?
- . What court(s) would be affected?
- . When will the bill become operative?

Step Two

Determine How the Bill Will Affect the Courts

Prior to determining the total impact of a legislative proposal on the courts, it is helpful to know what would happen to the courts if the bill was passed. In other words, would the provisions of the bill principally affect the procedures, administration, and/or financing of the courts.

This information adds insight and meaning to the analysis of a legislative proposal by setting forth, in addition to a precise assessment of impact, the area or areas of court activity affected. For example, the analysis of a bill imposing an additional hearing in certain cases might indicate that the bill would affect the procedures of the court, and that it would have both a specific case disposition impact (e.g., it would affect court calendars by imposing a delay of 30 days before a case could go to trial) and a fiscal impact (e.g., it would increase costs \$250,000 annually on a statewide basis).

Court Procedures

Legislative proposals affecting court procedures encompass all court-related activities concerning civil and criminal matters. This includes pre-trial, trial and post-trial proceedings. Pre-trial proceedings involve the process of bringing a person to trial, including the use of grand juries. Courtroom proceedings include the use of trial juries, the use of evidence, and how a trial or hearing is to be conducted. Post-trial proceedings include sentencing, awarding of civil remedies and the appeals process. The authority of a judge and what actions he is permitted or required to assume are also procedural matters.

To determine whether a specific legislative proposal affects court procedures, it is helpful to ask a series of questions. These questions are listed below, and the significance of each is discussed in detail in the first project year report.

- . Will the bill add new or modify established procedures for bringing a person to trial?
- . Will the bill add new or modify established procedures for conducting a trial?
- . Will the bill add new or modify established procedures for post-trial sentencing and appeal?

- . Will the jurisdiction of a particular level of court be changed?
- . Will the jurisdiction of courts in general be changed (e.g., as a result of adding or removing matters from the court process)?
- . Will the bill establish new or modify existing authority of judges?

Court Administration

Legislative proposals affecting court administration encompass the business of the courts--clerical processes, the flow of paper, records management, planning and research. They also consider changes in court personnel classification, compensation of judges, their benefits, and qualifications to hold office. Changes in calendar management, facilities and equipment, workload distribution and directives to court personnel to execute specific acts are included. The reorganization of courts in terms of the creation of a new type of court, the addition of a judgeship to a new court or the addition of a judgeship to an existing court are also matters of an administrative nature.

To determine whether a specific legislative proposal affects court administration, it is helpful to ask a series of questions. These questions are listed below, and the significance of each is discussed in detail in the first project year report:

- . Will the bill affect the duties and/or responsibilities of court personnel?
- . Will the bill authorize or require the hiring of additional court personnel?
- . Will the bill provide that certain court-related facilities shall be provided?
- . Will the bill require certain records to be kept and/or furnished to others?

- . Will the bill specify operating hours for the courts?
- . Will the bill revise the organization of the courts?

Court Financing

Legislative proposals affecting court financing encompass the sources and use of revenues available to the court. Revenues from state and local sources include fees, fines, forfeitures, and penalty assessments. Changes in these and other revenue sources and their allocations affect the financing of the courts. Also considered are changes in state responsibility to reimburse local agencies for mandated services, proposals to shift court financing from one level of government to another, and fees charged by individuals or agencies for services utilized by the court.

To determine whether a specific legislative proposal affects court financing, it is helpful to ask a series of questions. These questions are listed below, and the significance of each is discussed in detail in the first project year report:

- . Will new sources of revenue be provided?
- . Will existing sources of revenue be increased, decreased, or eliminated?
- . Will the allocation of existing revenue sources be changed?
- . Will the present financing responsibility of the state or counties be changed?

Step Three

Determine the Impact of the Bill on the Courts

After obtaining a thorough understanding of the

legislative proposal and identifying areas of court activity it will affect, it is important to determine the total impact of that proposal on the courts. In order to determine the total impact of legislation on the procedures, administration and financing of the courts, it is necessary to determine the following:

1. Will the legislative proposal result in an increase or decrease in the number of cases coming to the courts?
2. Will the legislative proposal have any effect on the time that it takes to dispose of a case?
3. Will the legislative proposal result in an increase or a decrease in the amount of funds required to operate the courts?

In some cases, legislation may have no impact. In other words, it will pertain to court procedures, court administration, and/or court finance, but its caseload impact, case disposition impact, and/or fiscal impact may be negligible. In these cases, the legislation will most likely be a technical change in law or a proposal that has no real implications except that it represents a basic policy decision that must be made by those involved in the legislative process.

As in the previous two steps, the determination of total impact requires that certain questions be asked. These questions are designed to indicate whether the legislative proposal is likely to result in caseload impact, case disposition impact, and/or fiscal impact. It is then necessary to make certain assumptions and calculations in order to determine the extent to which a particular type of impact may occur.

Caseload Impact

One way to summarize the actual impact of legislative proposals on the courts is to indicate whether they will result in an increase or decrease in the number of cases coming to the courts. This is caseload impact.

In order to determine whether or not a bill is likely to affect court caseload, there are a series of questions that should be asked. These questions are listed below, and the significance of each is discussed in detail in the first project year report:

- . Will the bill make access to the courts easier or more difficult?
- . Will the bill shift a matter from one court to another?
- . Will the bill increase or restrict appeal possibilities?
- . Will the bill expand or restrict matters presently subject to the legislative process?

Case Disposition Impact

The way in which legislative proposals affect the amount of time required by a court to process a case to completion is another way to summarize the impact of legislation on the courts. This is case disposition impact.

In order to determine whether or not a bill is likely to affect case disposition, there are a series of questions that should be asked. These questions are listed below, and the significance of each is discussed in detail in the first project year report:

- . Will the bill affect an element of the pre-trial process?
- . Will the bill affect an element of the trial process?
- . Will the bill affect an element of the post-trial process?
- . Will the bill change the responsibility of the court, the judge, or nonjudicial personnel?

- . Will the bill increase or decrease court personnel and/or facilities?

Fiscal Impact

The impact of legislative proposals on the courts can also be summarized by indicating whether the proposals will result in an increase or decrease in the amount of funds required to operate the courts. This is fiscal impact.

Fiscal impact is clearly not the only criteria for determining the impact of a bill on the courts. Indeed, any assessment of fiscal impact must be offset against the potential improvement that the legislative proposal would make in the judicial process. This serves to underscore the importance of policy considerations by legislative committees, the Assembly and Senate and others, and emphasizes that any determination of total impact on the courts can only be used to supplement the legislative process and to assist by providing the data and insight necessary for informed decision-making.

In order to determine whether or not a bill is likely to affect court funding, there are a series of questions that should be asked. These questions are listed below, and the significance of each is discussed in detail in the first project year report:

- . Will the bill require more or less personnel?
- . Will the bill necessitate an increase or permit a decrease in services and supplies?
- . Will the bill necessitate additional capital outlay?
- . Will the bill change the amount of revenue available to operate the court, or the manner in which it is allocated?

Step Four

Prepare a Written Analysis

The last step in the process of determining the total impact of legislation on the courts is to express the findings in written form. The format on page 43 is used to present the complete judicial impact report analysis of the bill and it varies in length according to the provisions of the bill and the extent of analysis necessary.

CONTACT:
JON D. SMOCK
(916) 448-7524



ADMINISTRATIVE OFFICE OF THE COURTS

100 LIBRARY AND COURTS BUILDING, SACRAMENTO 95814

JUDICIAL IMPACT REPORT . ANALYSIS AND FINDINGS

<i>Bill Number</i>	<i>Date Last Amended</i>	<i>Date of Analysis</i>	<i>Approved</i>

Chapter IV

STANDARD MEASURES OF ANALYSIS

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STANDARD MEASURES OF ANALYSIS

The previous chapter summarized the process for determining the total impact of legislation on the courts. A basic understanding of the process is important because it is the method that is recommended for determining which areas of court activity are likely to be affected by legislation, and whether caseload, case disposition, and/or fiscal impact will result. It is not enough, however, to determine whether and in what areas impact will occur. A judicial impact report, to be meaningful, must express the magnitude or extent of that potential impact. Standard measures of analysis provide a factual tool that can be used to determine the extent of impact when analyzing court-related legislation.

STANDARD MEASURES OF ANALYSIS--THEIR USEFULNESS

When determining the impact of a specific legislative proposal on the courts, assumptions will always be needed in order to determine caseload impact. In other words, someone will have to make an informed judgment regarding whether a legislative proposal will affect court caseload and, if so, whether it will increase or decrease and to what extent. Assumptions may also be needed when analyzing legislation dealing only with services or supplies. For example, a proposal requiring the use of certain forms would result in assumptions regarding the number of forms needed or likely to be used.

However, most legislation affects judicial or nonjudicial personnel in some way, and will usually cause them to spend more or less time doing certain things. This has implications for both the time it takes to dispose of a case (case disposition impact) and the cost of implementation (fiscal impact).

In this regard, standard measures of analysis supplement the system for determining impact that was developed in the first project year by providing a uniform method of calculating case disposition and fiscal impact. More specifically, they provide a factual way of determining the time and cost involved for judicial and nonjudicial employees to implement a specific legislative proposal.

In developing the standard measures of analysis, care has been taken to utilize and supplement existing figures used by the Judicial Council and the legislature when determining, under the weighted caseload program, the need for additional judgeships. They also build upon figures that were prepared for the Judicial Council as part of its nonjudicial staffing study. Perhaps their greatest contribution is that they help to assure a factual and objective assessment of the impact of legislation on the courts, and that they provide a uniform method of assessing impact in a situation where there are abundant variations in organization, workload, and staffing. The use of standard measures of analysis has other benefits, however:

- . Standard measures can provide significant time savings in bill analysis by eliminating the need to repeat numerous calculations.
- . Standard measures assure consistency in computations. In a complicated impact analysis there is always a risk that one factor may be overlooked. If common inputs are used for similar types of measurements then it reduces the possibility of error.
- . Standard measures build confidence in the impact analysis. As standard measures are developed they will be reviewed by others involved in administration of the court system. Familiarity with the techniques used to determine the impact

of a bill will allow representatives of the courts to speak with assurance and be able to answer questions in greater detail about the anticipated impact.

- . Standard measures allow for ease of explanation by the analyst and provide for easier comprehension by the reader. The ability to translate complex impact results into concise summary statements is made possible by the use of standard measures.

It is well to keep in mind that standard measures of analysis also have limitations. Some of the things that standard measures cannot do and are not intended to do are as follows:

- . Standard measures will not replace thoughtful analysis. The complexity of legislation requires that each bill be carefully analyzed. There will always be those bills for which the impact cannot be quantified with the standard measures that are available. Creative analytical skills are necessary to develop other resources when standard measures are not available or do not apply.
- . Standard measures are not intended to be used as a means of evaluating performance or to suggest a set of values. To the extent that the standards can be said to measure anything at all, they provide a more fundamental and rudimentary level of evaluation--the measurement of effort. These initial measurements of effort are made in terms of time and cost. Such information does not purport to measure or determine the adequacy of court performance, or assess court efficiency. It merely measures the efforts expended in time, personnel, materials and equipment for the court system to operate. By carefully recording the

experience of these "efforts expended" over a period of time, certain consistent factors emerge that can be said to represent a factual standard of how courts operate, not how they should operate.

- . Standard measures are not intended to serve as a basis for comparing individual courts. Standard measures are only representative of courts throughout the state in general, and do not address important issues such as desirable levels of service, quality of justice or judicial attitudes.

STANDARD MEASURES OF ANALYSIS--THEIR APPLICATION

The standard measures of analysis described in this chapter consist of time and cost measurements for municipal and superior courts.

Municipal courts comprise about 95% of all lower court activity. The remaining 5% of lower court proceedings are disposed of by the justice courts and are nearly identical to the types of proceedings conducted in municipal courts.

All other trial activity is in the superior courts. The type of business conducted at this level of court is of a different character than that conducted in the lower courts. Criminal matters are more serious, more time consuming and more expensive. Likewise, civil matters are generally of greater consequence and affect a much broader range of activities than in the municipal and justice courts.

TIME MEASUREMENTS

As indicated previously, standard measures of analysis utilize existing figures that have been prepared in conjunction with the Judicial Council's weighted caseload and nonjudicial staffing study.

Judicial Positions

For judicial positions, the figures show, among other things:

- . How much time a municipal or superior court judge has in a year to spend on case-related activity.

This figure is determined by assuming 250 court days per year less 35 days allocated to vacation, illness, workshops, institutes and travel. The remaining 215 days are available for judicial activities. Within these 215 days the judge must of necessity devote some time to court administration, personnel management, budget considerations and other non-case-related court activities. The net result of this reduction of time available for case-related work is expressed in minutes, and is the amount of time a judge has available to spend on case-related matters in a year.

The amount of time that is required for non-case-related activities varies with the size of the court. Allowing for these differences, case-related time for judges in municipal courts varies from 58,500 minutes per year for courts with 1 and 2 judicial positions, to 63,300 minutes per year for courts with 11 or more judicial positions. Similar figures for judges of superior courts vary from 55,800 minutes per year for courts with 1 and 2 judicial positions, to 71,600 minutes annually for courts with 21 or more judicial positions. These minutes represent the amount of time a judge has available to spend in case-related activities in a year.

Exhibit A presents the adopted judge year values for municipal and superior courts of various size, and further calculates a weighted average judge year value for all municipal courts statewide of 61,241 minutes per judicial position, and 68,154 minutes per judicial position for all superior courts statewide. These calculations include the time contributed by full-time court commissioners and referees because they handle matters that would otherwise be handled by an equivalent number of judges.

- . How much judicial time is required on the average for every case that is filed.

This information is presently used in the preparation of judgeship reports as part of the Judicial Council's weighted caseload system, and is available for 11 broad case categories for superior courts and 9 broad case categories for municipal courts. Actual figures regarding the number of actions that take place within a particular case category are adjusted to reflect both average time and frequency of occurrence for each action. Expressed in minutes, the final figure is a total of the sum of the filing weights for all actions in the proceeding. This number is also referred to as the total filing weight, or the weighted caseload value for the given case category. If the total filing weight for a particular case category is 207, for example, the statistical probability is that on the average for every filing in that case category, 207 minutes of judicial time will be required to dispose of the case.

A list of the broad case categories for both superior and municipal courts is included in Exhibit B. Also included are the weighted caseload values as adopted by the Judicial Council for each of the broad case categories. The values are presented for Los Angeles and non-Los Angeles courts, and a composite statewide figure has also been prepared. As indicated, this figure is expressed in minutes and reflects the amount of time a judge will spend on the average for every case that is filed in any of the various broad case categories.

- . How much judicial time it takes on the average to complete any one of the principal actions within a broad case category.

Each of the broad case categories referenced above consists of a series of actions which can lead to disposition of a case such as arraignment, pre-trial hearing, court trial or jury trial. As part of the weighted caseload system, an average time has been

computed for the principal actions within each broad case category. Exhibit C, for example, lists the various actions that can take place within a criminal proceeding as one broad case category. The average time for each action is listed, and is expressed in minutes. For comparative purposes, the total filing weight for a criminal proceedings is also listed and indicates that, on the average, each criminal proceeding that is filed takes 207 minutes of a judge's time. As opposed to the average time for each action, the total figure is weighted to take into account the fact that some criminal proceedings are disposed of at the first step in the process, while others result in court or jury trials that consume more time.

Nonjudicial Positions

In contrast to approximately 1,000 judicial personnel in the superior and municipal courts, there are approximately 7,000 non-judicial personnel with no consistency of staffing patterns among the courts. Patterned to some extent after the judicial weighted caseload system, the Judicial Council has prepared figures that, for the first time, quantify nonjudicial staffing patterns. Among other things, these figures show:

- . How much time a nonjudicial employee has in a year to spend on case-related activity.

This figure is determined by assuming 365 days per year less 138 days for weekends, holidays, vacation, illness, conferences and staff meetings. The remaining 227 days are available for case-related activity. Expressed in minutes, the average time available per nonjudicial employee for case-related activity has been calculated by multiplying the average time per day available per clerk for case-related matters by the number of days available per year. Included in the value is an adjustment for indirect time required for court administration, stenographic and secretarial assistance, etc. The calculation for the superior court clerk year also includes an allowance for the time spent by county clerk employees on non-court-related matters.

The available case-related time for each nonjudicial employee in the municipal courts varies from 93,000 minutes per year for courts with 1 to 40 judicial positions to 90,000 minutes annually for the Los Angeles Municipal Court. Available case-related time for each nonjudicial superior court employee is established at 66,000 minutes for courts with 1-5 judicial positions, and 82,200 minutes for the Los Angeles Superior Court. Exhibit D presents the clerk year values for municipal and superior courts of various sizes, and further calculates an average statewide figure of 92,425 minutes per nonjudicial position for municipal courts and 80,538 minutes per nonjudicial position for superior courts.

- . How much nonjudicial time is required on the average for every case that is filed.

Developed in conjunction with the Judicial Council's non-judicial staffing study, this information is available for 8 broad case categories for municipal and superior courts. Actual figures regarding the number of actions that take place within a particular case category are adjusted to reflect both average time and frequency of occurrence for each action. The resulting figure is a filing weight which is the average time for an action multiplied by the frequency of that action. Expressed in minutes, the final figure is a total of the sum of the filing weights for all actions in the proceeding. This number is also referred to as the total filing weight, or the weighted caseload value for the given case category. If the total filing weight for a particular case category is 1,040, for example; the statistical probability is that on the average for every filing in that case category, 1,040 minutes of nonjudicial staff time will be required to dispose of the case. These calculations do not include time provided by court reporters or bailiffs.

A list of the broad case categories for both municipal and superior courts is included in Exhibit E. Also included are the weighted caseload values prepared in conjunction with the nonjudicial staffing study for each of the broad case categories. The values are

presented for Los Angeles and non-Los Angeles courts, and a composite statewide figure has also been prepared. As indicated, the figure is expressed in minutes and reflects the amount of time a nonjudicial employee will spend on the average for every case that is filed in any of the various broad case categories.

- . How much nonjudicial time it takes on the average to complete any one of the principal actions within a broad case category.

Each of the broad case categories referenced above consists of a series of actions performed by nonjudicial staff in processing a case to completion. As part of the nonjudicial staffing study, an average time has been computed for the principal actions within each broad case category. Exhibit F, for example, lists the various actions that can take place within a criminal proceeding as one broad case category. The average time for each action is listed, and is expressed in minutes. For comparative purposes, the total filing weight for a criminal proceeding is also listed and indicates, on the average, each criminal proceeding that is filed takes 1,040 minutes of nonjudicial time. As opposed to the average time for each action, the total figure is weighted to take into account the fact that some criminal proceedings are disposed of at the first step in the process, while others result in court or jury trials that consume more time.

COST MEASUREMENTS

Standard time figures for both judicial and nonjudicial positions are computed on the basis of a case-related minute, and these standard times are helpful in determining case disposition impact. To determine fiscal impact, it is necessary to develop standard cost figures for judicial and nonjudicial positions on the same case-related minute basis. By so doing, it is not only possible to determine the time involved, but also the value of that time. The initial goal in preparing standard cost figures is to develop a total average cost for a judicial and nonjudicial position. It

is then possible to project other cost information that is equally helpful in the analysis of legislation. To develop an average cost for a judicial and nonjudicial position, it is necessary to:

. Set forth basic cost categories.

Cost categories have been developed on the basis of statutory salary amounts for judicial positions, and on a detailed review of current budgets for the 29 survey courts used as a base for the nonjudicial staffing study. Costs are categorized on the basis of:

- personnel
- services and supplies
- indirect

. Compute costs on a case-related minute basis for judicial and nonjudicial positions.

Judicial and nonjudicial standard times are most often expressed on the basis of case-related minutes. Because the amount of case-related time available to a judicial or nonjudicial position is known, it is possible to forecast the overall increase or decrease in judicial or nonjudicial staffing that will be required if a particular legislative proposal is adopted. In order to make a comparable estimate of fiscal impact, cost figures must obviously be expressed on the same basis and can be easily extended to an hourly, daily or annual basis.

PERSONNEL COSTS

Judicial Positions

Judicial personnel costs are based on statutory salaries prescribed for municipal and superior court judges as of September 1, 1974. Salaries for full-time court commissioners and referees were also obtained from the statutes and verified with local courts when necessary. The inclusion of compensation figures for these quasi-judicial personnel is based on the assumption that these

court officers are available to handle matters which would otherwise require the full time effort of an equivalent number of judges. Where salary ranges are in effect for commissioners and referees, the beginning step was used. Benefits for all judicial positions are calculated at 18.5% for municipal court personnel and 18.8% for superior court personnel in accordance with findings in the Judicial Council nonjudicial staffing study completed in 1973.

The annual salary of a municipal court judge as of September 1, 1974 was \$36,700 plus benefits calculated at 18.5% for a total annual compensation of \$43,490. The annual salary of a superior court judge as of September 1, 1974 was \$40,322 plus benefits calculated at 18.8% for a total annual compensation of \$47,903.

When the compensation of the other judicial positions (court commissioners and referees) are computed and distributed on the basis of court size, the average total compensation of a judicial position varies with the size of court as displayed in Exhibit G. The average annual total compensation for a municipal court judicial position is \$42,825 and for a superior court judicial position the average annual total compensation is \$46,046.

It is possible to express annual compensation amounts for judicial positions on a case-related basis by utilizing the standard judge year values outlined previously. These values indicate how many minutes of case-related time a judge has available annually. When applied to judicial compensation, the annual amount can be translated into a cost per case-related minute, hour, or day. These figures are also summarized in Exhibit G, and indicate that on a statewide basis the average cost of a judicial position for a municipal court is \$0.6993 per case-related minute and for a superior court is \$0.6756 per case-related minute.

Nonjudicial Positions

In determining standard costs for nonjudicial positions, it

is important to recognize that legislation can affect the cost of nonjudicial positions in two ways:

- . it can increase or decrease the workload of non-judicial employees while resulting in no change in judicial workload.
- . it can increase or decrease judicial workload which, in turn, affects the workload of non-judicial employees who are part of the court process.

For example, a bill might require nonjudicial personnel to show new jurors a movie regarding their responsibilities. If standard time or other figures indicate that an additional 15 minutes per jury would be required to fully implement the provisions of the bill, the determination of fiscal impact requires that a cost per minute for nonjudicial time be established.

Similarly, if a bill were to require an additional judicial hearing in a specific type of proceeding, it would not only be necessary to calculate judicial time and costs, but it would also be necessary to calculate the additional time and cost of nonjudicial employees who accompany the judge in the courtroom as well as those who prepare and process the necessary documents preparatory to the matter being heard by the judge.

Nonjudicial personnel costs have been computed on the basis of actual 1973-74 rates, adjusted 10.2% to allow for a cost of living increase between June 1973 and June 1974. As with judicial positions, benefit rates are those reported in the nonjudicial staffing study--18.5% for municipal court personnel, and 18.8% for superior court personnel. The courts from which nonjudicial and other cost data was gathered are the same 29 courts that were surveyed in both the 1974 judicial and nonjudicial staffing studies conducted by the Judicial Council. These 15 municipal and 14 superior courts are, as follows:

MUNICIPAL COURTS

Culver (Los Angeles Co.)
Desert (Riverside Co.)
Los Angeles
Mt. Diablo (Contra Costa Co.)
North County (San Diego Co.)
North Orange
Northern San Mateo
San Bernardino
San Diego
San Jose-Milpitas
San Leandro-Hayward
Santa Barbara-Goleta
Santa Cruz
Sonoma County
Ventura

SUPERIOR COURTS

Alameda
Contra Costa
Los Angeles
Orange
Riverside
San Bernardino
San Diego
San Mateo
Santa Barbara
Santa Clara
Sonoma
Tuolumne
Ventura
Yolo

The average annual cost of a nonjudicial position is calculated by adding all nonjudicial salaries for each of the groups of courts separately that comprise the 29 survey courts and then dividing the gross total of each size category by the number of authorized positions. Salaried court reporters and bailiffs are not included in the totals. The average salaries are then increased 10.2% to provide for the cost of living increase, followed by the application of the appropriate fringe benefit percentage--18.5% for municipal courts and 18.8% for superior courts. Average nonjudicial employee costs appear in Exhibit H for various size courts. The statewide average of all municipal courts is \$0.1108 per minute, and for superior courts it is \$0.1430 per minute.

SERVICES AND SUPPLIES

Services and supplies is an important category in the development of costs on a case-related basis for both judicial and nonjudicial positions. With the availability of additional cost information, it may ultimately be possible to identify the precise amount of

services and supplies required to accomplish each judicial or nonjudicial activity. At present, however, the development of standard measures for services and supplies is based on the assumption that each judicial and nonjudicial position in the municipal and superior courts shares in the need for these items on the basis of the number of case-related minutes expended in a year.

Cost data for this item was obtained from the 29 survey courts referenced previously, and is based on 1973-74 annual budget amounts increased 10.2% to provide an estimate for 1974-75. The resulting amount has been adjusted to exclude the cost of per diem court reporters.

To develop a standard cost for services and supplies, it is necessary to compute such costs on the basis of a case-related minute. For municipal courts, this initially required totaling the case-related minutes available for all judicial and nonjudicial positions in the 15 survey municipal courts, and dividing this total into the total amount for services and supplies. A similar calculation was made for superior courts. Once the cost of services and supplies was expressed on the basis of a case-related minute, it was also necessary to relate this figure to judicial and nonjudicial positions. For municipal courts, this required the application of the cost per case-related minute to the total case-related minutes available in each of the three size groupings of judicial positions in the surveyed municipal courts. These totals were then divided by the number of positions to develop a services and supplies cost per judicial and nonjudicial position within the various size groupings of court. A similar calculation was made for superior courts. A cost per case-related minute, hour and day for each of the court sizes was calculated and finally a statewide weighted average for services and supplies costs per judicial and nonjudicial positions in all superior courts and municipal courts was calculated.

Exhibit I relates the cost of services and supplies to each judicial position. In the municipal courts the average cost is \$0.0537 per case-related minute, while it is \$0.1079 in the superior courts. Exhibit J relates the cost of services and supplies to each nonjudicial position and indicates that the average cost in municipal courts is \$0.0532 per case-related minute and \$0.1079 per case-related minute in the superior courts.

INDIRECT COSTS

The final standard measure of analysis related to costs is the development of indirect cost rates that can be applied to the case-related minute, hour or day costs constructed previously.

The indirect cost rates developed in this report result from countywide cost allocation plans and indirect cost plans gathered from each of the 29 survey courts. These plans are developed in compliance with federal and state regulations to permit reimbursement for indirect services utilized on federal grant projects within the county. Development of these rates allows for the inclusion of two important cost elements in the standard measures of analysis costing process. First, it allows for a share of centralized county services that are used by the courts to be reflected as a cost to the courts and, secondly, it provides a method of spreading the cost of major items such as equipment, furnishings, buildings and land over a reasonable number of years thereby leveling the impact of these costs and avoiding the distortion that would result if the total cost of such major items was included in the year the item was acquired.

The indirect cost rate is developed by totaling all allowable indirect costs for the county, breaking out the courts' share and dividing this amount by the total expended by the court for salaries and benefits and services and supplies. This computation is made for judicial costs and nonjudicial costs for the municipal and superior survey courts. Average rates are then developed for the different groupings of courts based on size.

A statewide weighted average indirect cost rate has been developed for all municipal courts and superior courts. Exhibit K displays the judicial indirect cost rate for municipal and superior courts of varying size. Exhibit L displays the nonjudicial indirect cost rate for municipal and superior courts. A statewide average judicial indirect cost rate of 21.99% has been calculated for municipal courts and 18.38% for superior courts. The statewide average nonjudicial indirect cost rate for municipal courts is calculated to be 20.17% and for superior courts 17.68%.

COST SUMMARIES AND APPLICATION

Once costs have been determined for the preceding expenditure categories, it is possible to develop several kinds of cost summaries that can be applied to the analysis of court-related legislation. These summaries are illustrated as Table III on the following page, and a description of each follows.

Average Cost of Judicial and Nonjudicial Positions

This summary displayed as Exhibits M and N combines the results of the expenditure data developed thus far in Chapter IV. The average cost of salaries and benefits for a judicial and nonjudicial position is combined with the average cost of services and supplies to produce an average total direct cost for each judicial and nonjudicial position in the municipal and superior courts. To this direct cost is added the indirect cost factor for each type of position. The final result for the municipal court is an average annual statewide cost for each judicial position of \$56,254, and an average annual statewide cost for each nonjudicial position of \$18,272.

For the superior court the average annual statewide cost of a judicial position is \$63,215 and the average annual statewide cost of a nonjudicial position is \$23,777. In bill analysis it is likely that the cost of judicial and nonjudicial positions will be applied on a cost per case-related minute basis as illustrated in the next two exhibits. The cost of a judicial case-related

Table III
APPLICATION OF STANDARD COST MEASUREMENTS
TO THE ANALYSIS OF COURT-RELATED LEGISLATION

All that a court does and all that it spends pertains to the adjudication of cases. In this regard, it is possible to summarize standard costs in one of several ways, depending on the legislative proposal.

Cost Categories
. Personnel Costs
. Services and Supplies
. Indirect Costs

Average Costs of A Judicial Position:

- . Gives the average cost of each judicial position per year, per day, per hour and per minute.
- . These costs are used when analyzing a legislative proposal that would have a minor impact on judicial case-related time or the equivalent of less than one judicial position in most courts.

Average Costs of A Nonjudicial Position:

- . Gives the average cost of each nonjudicial position per year, per day, per hour and per minute.
- . These costs are used when analyzing a legislative proposal that would increase or decrease nonjudicial case-related time.

Average Costs Related to Courtroom Operations:

- . Summarizes the average cost of operating a courtroom on a yearly, daily, hourly and per minute basis.
- . These costs are used when analyzing a legislative proposal that would have a major impact on judicial case-related time, or the equivalent of one or more judicial positions in most courts.

Total Court Costs Apportioned Among Judicial Positions Only:

- . Divides the total costs of courts among all judicial positions on a yearly, daily, hourly and per minute basis.
- . These costs are used when analyzing a legislative proposal that would require the creation or elimination of judicial positions in sufficient numbers to affect a fully staffed court.

Total Court Costs Apportioned Among Nonjudicial Positions Only:

- . Divides the total costs of courts among all nonjudicial positions on a yearly, daily, hourly and per minute basis.
- . These costs are used when analyzing a legislative proposal that would require the creation or elimination of nonjudicial positions in sufficient numbers to affect a fully staffed court.

minute in the municipal court is \$0.9186 and \$0.1977 for a non-judicial case-related minute. In the superior courts the cost of a judicial case-related minute is \$0.9275 and the cost of a non-judicial case-related minute is \$0.2953.

The ability to express standard times and costs for various judicial and nonjudicial activities is significant in terms of determining the total impact of legislation on the courts. Exhibit O is intended as an example of how the availability of costs per judicial position can be helpful when preparing judicial impact reports. The example pertains to a criminal filing in superior court, and it demonstrates how the application of standard times and costs can be used to determine:

- . the average cost for each principal action within a broad case category on a per filing basis. This figure is simply the standard time per action (expressed in minutes) times the total cost of a judicial position (expressed in minutes).
- . the average total judicial cost of one complete filing. This figure combines the cost of each action within a broad case category, which is computed on a weighted caseload basis, into one total per filing cost.

Exhibit P serves as an example of how the availability of costs per nonjudicial position can be helpful when preparing judicial impact reports. The example pertains again to a criminal filing in superior court, and it demonstrates how the application of standard time and cost figures can be used to determine:

- . the average cost for each principal action within a broad case category on a per filing basis. This figure is simply the standard time per action (expressed in minutes) times the total cost of a non-judicial position (expressed in minutes).

- . the average total nonjudicial cost of one completed filing. This figure combines the cost of each action with a broad case category, which is computed on a weighted caseload basis, into one total per filing cost.

Note that nonjudicial actions as part of a broad case category are different than the principal judicial actions within the same case category. This simply reflects the differences in duties and responsibilities between the two positions.

Average Costs Related to Courtroom Operations

Exhibits Q and R utilize the costs that have been developed for the total average cost of a judicial position in municipal and superior court and add thereto the costs of a courtroom clerk, court reporter and bailiff to produce an average minimum cost for courtroom operations in municipal and superior courts.

For bills that have a minor impact on judicial time, it is appropriate to compute only judicial costs because it is likely that the added or reduced time will be absorbed within the existing judicial structure. But bills that have a major impact on judicial time requirements in various courts should be analyzed in terms of the costs of not only the judicial position but also the minimum courtroom staffing costs that will correspond to the additional judicial positions.

The average costs of a judicial position are repeated from Exhibit M for superior and municipal courts respectively.

The average courtroom clerk cost is based on a weighted average of the salary and benefits of all courtroom clerks employed in the 29 survey courts as reported in the nonjudicial staffing study with a cost of living adjustment for 1974-75. To the basic employee cost is added the average cost of services and supplies

for nonjudicial positions and then the appropriate indirect cost rate is applied. The total annual cost of a courtroom clerk in the municipal court is \$20,810 and the total annual cost of a courtroom clerk in the superior court is \$26,243.

The average cost of a court reporter is based on the salaries of full-time reporters in the 29 survey courts as designated in the nonjudicial staffing study. For those municipal courts utilizing court reporters on a per diem basis, there were no costs reported in the nonjudicial staffing study. Supplemental studies conducted by the Judicial Council were used to develop an equivalent annual salary based on prevailing per diem rates and the average time devoted annually to the reporting of proceedings in the municipal courts. The average annual cost of a court reporter is calculated to be \$11,747 in the municipal courts and \$20,353 in the superior courts.

The final cost in the minimum staffing requirements of a courtroom is the bailiff position. Salaries of positions performing the bailiffing function in the 29 survey courts were gathered from salary ordinances and telephone inquiries. The weighted average of the cost of a bailiff in the municipal courts is \$13,680 and \$14,052 in the superior courts.

The various cost elements of an average courtroom total \$102,491 for municipal courts and \$123,863 for superior courts.

Total Court Costs Apportioned Among Judicial Positions Only and Nonjudicial Positions Only

Another way to view court costs is to arrange all preceding costs on the basis of how much each judicial position would cost if the total court system were equally divided among existing judicial positions. Similarly, how much would each nonjudicial position cost if the total court system were equally divided among existing nonjudicial positions.

This methodology is important in recognizing the ultimate dollars behind each judicial or nonjudicial position. It is helpful in visualizing total fiscal impact that would result from legislative proposals designed to add or delete entire courts from the judicial system.

The apportionment of costs among only judicial positions results in a total annual cost per judicial position in the municipal courts of \$186,720 and in the superior courts of \$186,457. This does not include the cost of court reporters and bailiffs which have also been excluded from previous court calculations except where specifically designated as in the average cost of courtroom operations. Total annual costs when apportioned among only nonjudicial positions total \$26,151 in the municipal courts and \$35,974 in the superior courts. These amounts as well as the corresponding amounts per minute, per hour, and per day are presented in Exhibit S and Exhibit T.

COST RECONCILIATION

If the appropriate annual amounts set forth in Exhibits S and T are applied against the 428 judicial positions or the 3,056 nonjudicial positions in the municipal courts, the resultant total annual cost amounts to \$79,915,000. If the corresponding amounts are applied against the 573 judicial positions and the 2,970 nonjudicial positions in the superior courts, the total annual cost of these courts is \$106,840,000. The total of both levels of courts is \$186,755,000 annually based on 1974-75 cost data. These amounts exclude the costs of court reporters, municipal court marshalls, and superior court bailiffs. If these amounts are included, it brings the total estimated 1974-75 cost of superior and municipal courts to \$217,400,000.

During the first year of the Judicial Impact Analysis Project, another cost estimate was prepared based upon expenditures of all trial courts. This estimate consisted of \$176,087,000 in county

expenditures and \$13,312,000 in state expenditures for a total of \$189,389,000. These amounts appeared on pages 28 and 29 of the 1973-74 project report, Guidelines for Determining the Impact of Legislation on the Courts. This cost estimate was based on actual 1972-73 expenditures as determined by the project staff from county budgets, the State Budget and prior Judicial Council studies. Reconciliation of the 1972-73 costs with the estimated 1974-75 costs presented in the current study is as follows:

	<u>1972-73 Estimate Adjusted to 1974-75</u>
1972-73 county expenditures for trial court operations	\$176,087,000
Less estimated cost of justice courts	(8,250,000)
Add state contribution to judges' retirement fund and superior court judges' salaries	13,312,000
Add 10% average cost increase per year for 1973-74 and 1974-75	<u>36,250,000</u>
1972-73 estimate adjusted to 1974-75	\$217,399,000
Rounded off	<u>\$217,400,000</u>

MUNICIPAL COURT AND SUPERIOR COURT
AVERAGE JUDGE YEAR VALUE CALCULATED
FROM JUDGE YEARS APPROVED BY
JUDICIAL COUNCIL NOVEMBER, 1974

<u>MUNICIPAL COURTS</u>				
<u>Court Size</u>	<u>Judicial Positions Statewide</u>		<u>Approved Judge Year Values</u>	<u>Total Judicial Case-Related Minutes</u>
1 and 2 Judicial Positions	42	x	58,500	= 2,457,000
3 to 10 Judicial Positions	206	x	60,000	= 12,360,000
11 or more Judicial Positions	<u>180</u>	x	63,300	= <u>11,394,000</u>
	428*			26,211,000
Municipal Court Average Judge Year Value <u>61,241</u> minutes (26,211,000 ÷ 428)				
<u>SUPERIOR COURTS</u>				
<u>Court Size</u>	<u>Judicial Positions Statewide</u>		<u>Approved Judge Year Values</u>	<u>Total Judicial Case-Related Minutes</u>
1 and 2 Judicial Positions	40	x	55,800	= 2,232,000
3 to 10 Judicial Positions	90	x	61,100	= 5,499,000
11 to 20 Judicial Positions	75	x	66,300	= 4,972,500
21 or more Judicial Positions	<u>368</u>	x	71,600	= <u>26,348,800</u>
	573*			39,052,300
Superior Court Average Judge Year Value <u>68,154</u> minutes (39,052,300 ÷ 573)				

*Includes full time court commissioners and referees. Authorized judgeships totaled 384 in municipal courts and 478 in superior courts as of June 30, 1974.

MUNICIPAL COURT AND SUPERIOR COURTCALCULATION OF STATEWIDE COMPOSITE JUDICIAL WEIGHTED CASELOAD VALUESMUNICIPAL COURTSWeighted Caseload Value^{1/}

<u>Proceeding</u>	<u>Los Angeles</u>	<u>All Other</u>	<u>Estimated Statewide Composite</u>
Felony Preliminary	52.2	52.6	52.5
Selected Traffic	12.3	20.8	18.8
Other Traffic	1.20	1.24	1.23
Intoxication	2.0	6.8	5.3
Other Misdemeanors	18.4	17.0	17.3
Civil	9.1	10.2	9.9
Small Claims	7.5	5.4	5.7
Juvenile Traffic	--	3.1	3.1
Parking	.0132	.0156	.0152

SUPERIOR COURTSWeighted Caseload Value^{1/}

<u>Proceeding</u>	<u>Los Angeles</u>	<u>All Other</u>	<u>Estimated Statewide Composite</u>
Criminal	226	192	207
Juvenile Delinquency	96	64	74
Juvenile Dependency	141	59	74
Mental Health	65	40	46
Family Law	36	32	33
Probate	20	20	20
Personal Injury and Property Damages	88	112	102
Eminent Domain	99	146	124
Civil Complaints	183	118	139
Civil Petitions	14	15	15
Appeals	125	66	89

^{1/}Minutes of case-related time per filing. The estimated statewide composite is a weighted average of 1972-73 filings applied to the Los Angeles and remainder of the state caseload values approved by the Judicial Council in November, 1974.

APPLICATION OF COMPOSITE JUDICIAL WEIGHTEDCASELOAD VALUE TO SUPERIOR COURTCRIMINAL PROCEEDING

<u>Activity</u>	<u>Number of Actions</u>	<u>Average Time Min/Action</u>	<u>Frequency (Actions/ Filings)</u>	<u>Composite Filing Weight</u>
Plead Not Guilty, Con- tinuance, Calendar Call, Sentencing and Probation Hearings, Diversion Hearings, Other Pre-Trial Motions, Trial Confirmation Conference	442,168	9.7811	7.2348	70.8
Plead Guilty	40,255	13.5806	.6582	8.9
Dismissal - Transfers	8,606	20.4241	.1408	2.9
Section 895 Motion	5,276	39.1769	.0863	3.4
Section 1538.5 Motion	7,359	59.7655	.1204	7.2
Court Trials - Regular, Transcript and Transcript and Testimony	8,157	71.2011	.1335	9.5
Select Jury and Jury Trial	4,099	1536.4467	.0671	103.1
Habeas Corpus Hearing	3,697	21.8727	.0605	1.3
Total Filing Weight				207.1
Rounded Value				207

MUNICIPAL COURT AND SUPERIOR COURTAVERAGE CLERK YEAR VALUECALCULATED FROM CLERK YEARS APPROVED BYJUDICIAL COUNCIL NOVEMBER, 1974MUNICIPAL COURTS

<u>Court Size</u>	<u>Judicial Positions Statewide</u>		<u>Approved Clerk Year Values</u>		<u>Total Nonjudicial Case-Related Minutes</u>
1-40 Judicial Positions	346	x	93,000	=	32,178,000
Los Angeles	82	x	90,000	=	7,380,000
	428*				39,558,000
Municipal Court Average Clerk Year Value <u>92,425</u> minutes (39,558,000 ÷ 428)					

SUPERIOR COURTS

<u>Court Size</u>	<u>Judicial Positions Statewide</u>		<u>Approved Clerk Year Values</u>		<u>Total Nonjudicial Case-Related Minutes</u>
1-5 Judicial Positions	68	x	66,000	=	4,488,000
6-20 Judicial Positions	137	x	78,000	=	10,686,000
21-40 Judicial Positions	151	x	87,000	=	13,137,000
Los Angeles	217	x	82,200	=	17,837,400
	573*				46,148,400
Superior Court Average Clerk Year Value <u>80,538</u> minutes (46,148,400 ÷ 573)					

*Includes full time court commissioners and referees. Authorized judgeships totaled 384 in municipal courts and 478 in superior courts as of June 30, 1974

MUNICIPAL COURT AND SUPERIOR COURTCALCULATION OF STATEWIDE COMPOSITENONJUDICIAL WEIGHTED CASELOAD VALUESMUNICIPAL COURT STAFF

<u>Type Proceeding</u>	<u>Weighted Caseload Value^{1/}</u>		
	<u>Los Angeles Municipal Court</u>	<u>All Other Municipal Courts</u>	<u>Estimated Statewide Composite</u>
Illegal Parking	3.2	7.2 ^{2/}	6.5
Traffic	18.5	34.8	31.1
Selected Traffic	104.2	160.8	147.7
Misdemeanor Citation and Complaint	115.1	149.5	142.5
Intoxication	33.4	57.8	49.9
Felony Complaint	171.2	203.4	197.0
Civil	121.1	141.0	135.4
Small Claims	61.1	70.2	68.9

SUPERIOR COURT/COUNTY CLERK STAFF

<u>Type Proceeding</u>	<u>Weighted Caseload Value^{1/}</u>		
	<u>Los Angeles Superior Court</u>	<u>All Other Superior Courts</u>	<u>Estimated Statewide Composite</u>
Criminal	1,190	893	1,040
Juvenile Delinquency and Dependency	329	222	253
Probate, Conservatorship and Guardianship	654	388	472
Family Law	331	253	278
Other Civil Complaints or Petitions	409	389	398
Mental Health	811	653	691
Appeals	1,559	1,734	1,667
Juvenile Traffic	22	34	30

^{1/}Minutes of case-related time per filing. The estimated statewide composite is a weighted average of 1972-73 filings applied to the Los Angeles and remainder of the state caseload values approved by the Judicial Council in November, 1974.

^{2/}Municipal courts partially processing illegal parking citations would utilize a lower value appropriate for their mode of operation. In the participating courts, the values for partial processing varied between 2.7 and 3.7 minutes per filing.

APPLICATION OF COMPOSITE NONJUDICIAL

WEIGHTED CASELOAD VALUE TO SUPERIOR

COURT CRIMINAL PROCEEDING

Activity	Number of Actions	Average Time Min/Action	Frequency (Actions/ Filings)	Composite Filing Weight
Case Initiation, Document Acceptance and Counter Activities (Per Defendant Accused)	61,117	73.1639	1.0000	73.1639
Preparation of Finished Minutes, Court Orders, Judgments and Warrants (Per Document Prepared)	577,969	13.1395	9.4568	124.2576
Recordkeeping, Case File and Register of Actions Maintenance (Per Court Appearance)	65,921	162.9990	1.0786	175.8107
Notification of Court Actions (Per Notice)	112,207	16.6000	1.8359	30.4759
Calendaring Activities (Per Setting)	387,236	12.3525	6.3360	78.2654
Own Recognizance Investigation and Processing (Per Investigation)	38,183	208.3730	0.6248	130.1915
Courtroom Activities	65,921	246.6063	1.0786	265.9896
Jury Services (Per Jury Selected & Sworn)	5,306	1157.8365	0.0868	100.5002
Legal Research				8.6381
Direct Supervision				52.8119
Total Filing Weight				1040.1
Rounded Value				1040

MUNICIPAL COURT AND SUPERIOR COURT

AVERAGE JUDICIAL CASE-RELATED

PERSONNEL COSTS

MUNICIPAL COURTS

Court Size	Judge Year ^{1/} (Cost)	Judge Year (Minutes)	Cost Per Case Related Minute	Cost Per Case Related Hour	Cost Per Case Related Day
1 & 2 Judicial Positions	\$43,353	÷ 58,500	\$0.7411	\$ 44.47	\$202
3 to 10 Judicial Positions	\$42,998	÷ 60,000	\$0.7166	\$ 43.00	\$200
11 or more Judicial Positions	\$42,504	÷ 63,300	\$0.6715	\$ 40.29	\$198
Weighted Average (All Courts)	\$42,825	÷ 61,241	\$0.6993	\$ 41.96	\$199

SUPERIOR COURTS

Court Size	Judge Year ^{1/} (Cost)	Judge Year (Minutes)	Cost Per Case Related Minute	Cost Per Case Related Hour	Cost Per Case Related Day
1 & 2 Judicial Positions	\$47,903	÷ 55,800	\$0.8585	\$ 51.51	\$223
3 to 10 Judicial Positions	\$44,595	÷ 61,100	\$0.7299	\$ 43.79	\$207
11 to 20 Judicial Positions	\$46,539	÷ 66,300	\$0.7019	\$ 42.11	\$216
21 or more Judicial Positions	\$46,098	÷ 71,600	\$0.6438	\$ 38.63	\$214
Weighted Average (All Courts)	\$46,046	÷ 68,154	\$0.6756	\$ 40.54	\$214

^{1/} The total annual compensation of each municipal court judge (\$36,700 plus benefits or \$43,490) and each superior court judge (\$40,322 plus benefits or \$47,903) varies somewhat because the compensation of full time commissioners and referees is included in each court size grouping so as to achieve an average annual personnel cost per judicial position.

Note: An estimated 215 days per year are available for court-related activity for each judicial position in municipal and superior courts.

MUNICIPAL COURT AND SUPERIOR COURTAVERAGE NONJUDICIAL CASE RELATEDPERSONNEL COSTSMUNICIPAL COURTS

<u>Court Size</u>	<u>Average Annual Cost</u>	<u>Clerk Year Case Related Minutes</u>	<u>Cost Per Case Related Minute</u>	<u>Cost Per Case Related Hour</u>	<u>Cost Per Case Related Day</u>
1-40 Judicial Positions	\$10,103	93,000	\$ 0.1086	\$ 6.52	\$45
Los Angeles	\$10,824	90,000	\$ 0.1203	\$ 7.22	\$48
Weighted Average (All Courts)	\$10,242	92,425	\$ 0.1108	\$ 6.65	\$45

SUPERIOR COURTS

<u>Court Size</u>	<u>Average Annual Cost</u>	<u>Clerk Year Case Related Minutes</u>	<u>Cost Per Case Related Minute</u>	<u>Cost Per Case Related Hour</u>	<u>Cost Per Case Related Day</u>
1-5 Judicial Positions	\$ 9,349	66,000	\$ 0.1417	\$ 8.50	\$41
6-20 Judicial Positions	\$11,081	78,000	\$ 0.1421	\$ 8.53	\$49
21-40 Judicial Positions	\$11,654	87,000	\$ 0.1340	\$ 8.04	\$51
Los Angeles	\$12,372	82,200	\$ 0.1505	\$ 9.03	\$55
Weighted Average (All Courts)	\$11,515	80,538	\$ 0.1430	\$ 8.58	\$51

Note: Court reporters and bailiffs are excluded.

Note: An estimated 227 days per year are available for court related activity for each nonjudicial position in municipal and superior courts.

MUNICIPAL COURT AND SUPERIOR COURTAVERAGE SERVICES AND SUPPLIES COSTSPER JUDICIAL POSITIONMUNICIPAL COURTS

<u>Court Size</u>	<u>Annual S and S Cost Per Judicial Position</u>	<u>Judicial Year Case Related Minutes</u>	<u>Cost Per Case Related Minute</u>	<u>Cost Per Case Related Hour</u>	<u>Cost Per Case Related Day</u>
1-2 Judicial Positions	\$ 3,141	58,500	\$ 0.0537	\$ 3.22	\$15
3-10 Judicial Positions	\$ 3,222	60,000	\$ 0.0537	\$ 3.22	\$15
11 or more Judicial Positions	\$ 3,399	63,300	\$ 0.0537	\$ 3.22	\$16
Weighted Average (All Courts)	\$ 3,289	61,241	\$ 0.0537	\$ 3.22	\$15

SUPERIOR COURTS

<u>Court Size</u>	<u>Annual S and S Cost Per Judicial Position</u>	<u>Judicial Year Case Related Minutes</u>	<u>Cost Per Case Related Minute</u>	<u>Cost Per Case Related Hour</u>	<u>Cost Per Case Related Day</u>
1-2 Judicial Positions	\$ 6,021	55,800	\$ 0.1079	\$ 6.47	\$28
3-10 Judicial Positions	\$ 6,593	61,100	\$ 0.1079	\$ 6.47	\$31
11-20 Judicial Positions	\$ 7,154	66,300	\$ 0.1079	\$ 6.47	\$33
21 or more Judicial Positions	\$ 7,776	71,600	\$ 0.1079	\$ 6.47	\$36
Weighted Average (All Courts)	\$ 7,354	68,154	\$ 0.1079	\$ 6.47	\$34

Note: An estimated 215 days per year are available for court related activity for each judicial position in municipal and superior courts.

MUNICIPAL COURT AND SUPERIOR COURT
AVERAGE SERVICES AND SUPPLIES COSTS
PER NONJUDICIAL POSITION

MUNICIPAL COURTS

<u>Court Size</u>	<u>Annual S and S Cost Per Nonjudicial Position</u>	<u>Clerk Year Case Related Minutes</u>	<u>Cost Per Case Related Minute</u>	<u>Cost Per Case Related Hour</u>	<u>Cost Per Case Related Day</u>
1-40 Judicial Positions	\$ 4,994	93,000	\$ 0.0531	\$ 3.22	\$22
Los Angeles	\$ 4,833	90,000	\$ 0.0537	\$ 3.22	\$21
Weighted Average (All Courts)	\$ 4,963	92,425	\$ 0.0532	\$ 3.22	\$22

SUPERIOR COURTS

<u>Court Size</u>	<u>Annual S and S Cost Per Nonjudicial Position</u>	<u>Clerk Year Case Related Minutes</u>	<u>Cost Per Case Related Minute</u>	<u>Cost Per Case Related Hour</u>	<u>Cost Per Case Related Day</u>
1-5 Judicial Positions	\$ 7,121	66,000	\$ 0.1079	\$ 6.47	\$31
6-20 Judicial Positions	\$ 8,416	78,000	\$ 0.1079	\$ 6.47	\$37
21-40 Judicial Positions	\$ 9,387	87,000	\$ 0.1079	\$ 6.47	\$41
Los Angeles	\$ 8,869	82,200	\$ 0.1079	\$ 6.47	\$39
Weighted Average (All Courts)	\$ 8,690	80,538	\$ 0.1079	\$ 6.47	\$38

Note: Per diem fees for court reporters are excluded.

Note: An estimated 227 days per year are available for court related activity for each nonjudicial position in municipal and superior courts.

MUNICIPAL COURT AND SUPERIOR COURT
AVERAGE JUDICIAL INDIRECT COST RATES

MUNICIPAL COURTS

<u>Court Size</u>	<u>Indirect Cost Rate</u>
1-2 Judicial Positions	32.29%
3-10 Judicial Positions	16.15%
11 or more Judicial Positions	26.27%
Weighted Average (All Courts)	21.99%

SUPERIOR COURTS

<u>Court Size</u>	<u>Indirect Cost Rate</u>
1-2 Judicial Positions	10.04%
3-10 Judicial Positions	17.45%
11-20 Judicial Positions	9.54%
21 or more Judicial Positions	21.32%
Weighted Average (All Courts)	18.38%

MUNICIPAL COURT AND SUPERIOR COURT
AVERAGE NONJUDICIAL INDIRECT COST RATES

MUNICIPAL COURTS

<u>Court Size</u>	<u>Indirect Cost Rate</u>
1-40 Judicial Positions	17.64%
Los Angeles	30.86%
Weighted Average (All Courts)	20.17%

SUPERIOR COURTS

<u>Court Size</u>	<u>Indirect Cost Rate</u>
1-5 Judicial Positions	10.04%
6-20 Judicial Positions	12.03%
21-40 Judicial Positions	20.36%
Los Angeles	21.78%
Weighted Average (All Courts)	17.68%

MUNICIPAL COURTS AND SUPERIOR COURTS

SUMMARY OF AVERAGE COSTS

OF JUDICIAL POSITION

MUNICIPAL COURTS

<u>Cost Category</u>	<u>Average Annual Cost Per Judicial Position</u>	<u>Average Cost Per Case Related Minute</u>	<u>Average Cost Per Case Related Hour</u>	<u>Average Cost Per Case Related Day</u>
Judicial Position	\$ 42,825	\$0.6993	\$ 41.96	\$199
Services and Supplies	\$ 3,289	\$0.0537	\$ 3.22	\$ 15
Subtotal	\$ 46,114	\$0.7530	\$ 45.18	\$214
Indirect Costs at 21.99%	\$ 10,140	\$0.1656	\$ 9.94	\$ 47
Total Cost per Judicial Position	\$ 56,254	\$0.9186	\$ 55.12	\$261

SUPERIOR COURTS

<u>Cost Category</u>	<u>Average Annual Cost Per Judicial Position</u>	<u>Average Cost Per Case Related Minute</u>	<u>Average Cost Per Case Related Hour</u>	<u>Average Cost Per Case Related Day</u>
Judicial Position	\$ 46,046	\$0.6756	\$ 40.54	\$214
Services and Supplies	\$ 7,354	\$0.1079	\$ 6.47	\$ 34
Subtotal	\$ 53,400	\$0.7835	\$ 47.01	\$248
Indirect Costs at 18.38%	\$ 9,815	\$0.1440	\$ 8.64	\$ 46
Total Cost per Judicial Position	\$ 63,215	\$0.9275	\$ 55.65	\$294

MUNICIPAL COURTS AND SUPERIOR COURTS

SUMMARY OF AVERAGE COSTS

OF NONJUDICIAL POSITION

MUNICIPAL COURTS

Cost Category	Average Annual Cost Per Nonjudicial Position	Average Cost Per Case Related Minute	Average Cost Per Case Related Hour	Average Cost Per Case Related Day
Nonjudicial Position	\$10,242	\$0.1108	\$ 6.65	\$45
Services and Supplies	\$ 4,963	\$0.0537	\$ 3.22	\$22
Subtotal	\$15,205	\$0.1645	\$ 9.87	\$67
Indirect Costs at 20.17%	\$ 3,067	\$0.0332	\$ 1.99	\$14
Total Cost per Nonjudicial Position	\$18,272	\$0.1977	\$11.86	\$81

SUPERIOR COURTS

Cost Category	Average Annual Cost Per Nonjudicial Position	Average Cost Per Case Related Minute	Average Cost Per Case Related Hour	Average Cost Per Case Related Day
Nonjudicial Position	\$11,515	\$0.1430	\$ 8.58	\$ 51
Services and Supplies	\$ 8,690	\$0.1079	\$ 6.47	\$ 38
Subtotal	\$20,205	\$0.2509	\$15.05	\$ 89
Indirect Costs at 17.68%	\$ 3,572	\$0.0444	\$ 2.66	\$ 16
Total Cost per Nonjudicial Position	\$23,777	\$0.2953	\$17.71	\$105

Note: Court reporters and bailiffs are excluded.

APPLICATION OF TIME AND COST STANDARDS

TO SUPERIOR COURT CRIMINAL PROCEEDING

JUDICIAL ACTIVITIES

Judicial Activities	Average Min. Per Action	Average ^{1/} Cost Per Action	Average Actions Per Filing	Average ^{2/} Cost Per Filing
Plead Not Guilty, Continuance, Calendar Call, Sentencing and Probation Hearings, Diversion Hearings, Other Pre-Trial Motions, Trial Confirmation Conference	9.7811	\$ 9.0720	7.2348	\$65.6341
Plea Guilty	13.5806	\$12.5960	.6582	\$ 8.2907
Dismissal - Transfers	20.4241	\$18.9434	.1408	\$ 2.6672
Section 895 Motion	39.1769	\$36.3366	.0863	\$ 3.1358
Section 1538.5 Motion	59.7655	\$55.4325	.1204	\$ 6.6741
Court Trials - Regular, Transcript and Transcript and Testimony	71.2011	\$66.0390	.1335	\$ 8.8162
Select Jury and Jury Trial	1536.4467	\$1,425.0543	.0671	\$95.6211
Habeas Corpus Hearing	21.8727	\$20.2869	.0605	\$ 1.2274
TOTAL AVERAGE JUDICIAL COST PER CRIMINAL FILING IN SUPERIOR COURT				\$192

^{1/} Average cost per action results from average minutes per action (Exhibit C) multiplied by average cost per superior court judicial minute of \$0.9275 (Exhibit M).

^{2/} Average cost per filing of each activity results from multiplying the average cost per action by the average actions per filing. Average actions per filing are obtained from Exhibit C. Also, the average cost per filing of each activity can be obtained from multiplying the average minutes per filing (Filing Weight in Exhibit C) by the cost per judicial case-related minute.

APPLICATION OF TIME AND COST STANDARDS

TO SUPERIOR COURT CRIMINAL PROCEEDING

NONJUDICIAL ACTIVITIES

Nonjudicial Activities	Average Min. Per Action	Average ^{1/} Cost Per Action	Average Actions Per Filing	Average ^{2/} Cost Per Filing
Case Initiation, Document Acceptance and Counter Activities (Per Defendant Accused)	73.1639	\$21.6053	1.000	\$ 21.6053
Preparation of Finished Minutes, Court Orders, Judgments and Warrants (Per Document Prepared)	13.1395	\$ 3.8801	9.4568	\$ 36.6933
Recordkeeping, Case File and Register of Actions Maintenance (Per Court Appearance)	162.9990	\$48.1336	1.0786	\$ 51.9169
Notification of Court Actions (Per Notice)	16.6000	\$ 4.9020	1.8359	\$ 8.9996
Calendaring Activities (Per Setting)	12.3525	\$ 3.6477	6.3360	\$ 23.1118
Own Recognizance Investigation and Processing (Per Investigation)	208.3730	\$61.5325	0.6248	\$ 38.4455
Courtroom Activities	246.6063	\$72.8228	1.0786	\$ 78.5467
Jury Services (Per Jury Selected and Sworn)	1157.8365	\$341.9091	0.0868	\$ 29.6777
Legal Research Time Per Filing	8.6381	-	-	\$ 2.5508
Direct Supervision Time Per Filing	52.8119	-	-	\$ 15.5954

TOTAL AVERAGE NONJUDICIAL COST PER
CRIMINAL FILING IN SUPERIOR COURT

\$307

- ^{1/} Average cost per action results from average minutes per action (Exhibit F) multiplied by average cost per superior court non-judicial minute of \$0.2953 (Exhibit N).
- ^{2/} Average cost per filing of each activity results from multiplying the average cost per action by the average actions per filing (Exhibit F). Also, the average cost per filing of each activity can be obtained from multiplying the average minutes per filing (Filing Weight, Exhibit F) by the cost per nonjudicial case-related minute.

MUNICIPAL COURT

SUMMARY OF AVERAGE COST

OF COURTROOM OPERATION

Cost Category	Avg. Annual Cost Per Courtroom	Average Cost Per Case Related Min.	Average Cost Per Case Related Hour	Average Cost Per Case Related Day
Judicial Position	\$ 42,825	\$ 0.6993	\$ 41.96	\$199
Services & Supplies	\$ 3,289	\$ 0.0537	\$ 3.22	\$ 15
Indirect Costs at 21.99%	\$ 10,140	\$ 0.1656	\$ 9.94	\$ 47
Judicial Subtotal	\$ 58,254	\$ 0.9186	\$ 55.12	\$261
Courtroom Clerk	\$ 12,354	\$ 0.1337	\$ 8.02	\$ 54
Services & Supplies	\$ 4,963	\$ 0.0537	\$ 3.22	\$ 22
Indirect Costs at 20.17%	\$ 3,493	\$ 0.0378	\$ 2.27	\$ 15
Courtroom Clerk Subtotal	\$ 20,810	\$ 0.2252	\$ 13.51	\$ 91
Court Reporter	\$ 11,747	\$ 0.1271	\$ 7.63	\$ 52
Bailiff	\$ 13,680	\$ 0.1480	\$ 8.88	\$ 60
Total Average Courtroom Operations Cost Per Judicial Position	\$102,491	\$ 1.4189	\$ 85.14	\$464

Note: An estimated 215 days per year is available for court related activity for each judicial position and an estimated 227 days per year is available for court related activity for each non-judicial position.

Note: The average courtroom operation costs include those personnel that are directly responsible to the judge when court is in session. Other sizeable county costs result from court attendance by representatives of the district attorney and public defender and court involvement by the probation officer. Court reporter costs are based on the reporting of approximately 40% of the daily activities of each municipal court.

SUPERIOR COURTSUMMARY OF AVERAGE COST
OF COURTROOM OPERATION

<u>Cost Category</u>	<u>Avg. Annual Cost Per Courtroom</u>	<u>Average Cost Per Case Related Min.</u>	<u>Average Cost Per Case Related Hour</u>	<u>Average Cost Per Case Related Day</u>
Judicial Position	\$ 46,046	\$ 0.6756	\$ 40.54	\$214
Services & Supplies	\$ 7,354	\$ 0.1079	\$ 6.47	\$ 34
Indirect Costs at 18.38%	\$ 9,815	\$ 0.1440	\$ 8.64	\$ 46
Judicial Subtotal	\$ 63,215	\$ 0.9275	\$ 55.65	\$294
Courtroom Clerk	\$ 13,610	\$ 0.1690	\$ 10.14	\$ 60
Services & Supplies	\$ 8,690	\$ 0.1079	\$ 6.47	\$ 38
Indirect Costs at 17.68%	\$ 3,943	\$ 0.0490	\$ 2.94	\$ 17
Courtroom Clerk Subtotal	\$ 26,243	\$ 0.3259	\$ 19.55	\$115
Court Reporter	\$ 20,353	\$ 0.2527	\$ 15.16	\$ 90
Bailiff	\$ 14,052	\$ 0.1745	\$ 10.47	\$ 62
Total Average Courtroom Operations Cost Per Judicial Position	<u>\$123,863</u>	<u>\$ 1.6806</u>	<u>\$100.83</u>	<u>\$561</u>

Note: An estimated 215 days per year is available for court related activity for each judicial position and an estimated 227 days per year is available for court related activity for each non-judicial position.

Note: The average courtroom operation costs include those personnel that are directly responsible to the judge when court is in session. Other sizeable county costs result from court attendance by representatives of the district attorney and public defender and court involvement by the probation officer.

MUNICIPAL COURTS AND SUPERIOR COURTSTOTAL ESTIMATED COSTS APPORTIONED
AMONG JUDICIAL POSITIONS ONLY

<u>MUNICIPAL COURTS</u>				
<u>Cost Category</u>	<u>Average Annual Cost Per Judicial Position</u>	<u>Average Cost Per Case Related Minute</u>	<u>Average Cost Per Case Related Hour</u>	<u>Average Cost Per Case Related Day</u>
Judicial Personnel	\$ 42,825	\$ 0.6993	\$ 41.96	\$199
Nonjudicial Personnel	\$ 73,130	\$ 1.1941	\$ 71.65	\$340
Services & Supplies	\$ 38,726	\$ 0.6324	\$ 37.94	\$180
Subtotal	\$154,681	\$ 2.5258	\$151.55	\$719
Indirect Costs	\$ 32,039	\$ 0.5231	\$ 31.38	\$149
Total Cost Apportioned to Each Judicial Position	\$186,720	\$ 3.0489	\$182.93	\$868

SUPERIOR COURTS

<u>Cost Category</u>	<u>Average Annual Cost Per Judicial Position</u>	<u>Average Cost Per Case Related Minute</u>	<u>Average Cost Per Case Related Hour</u>	<u>Average Cost Per Case Related Day</u>
Judicial Personnel	\$ 46,046	\$ 0.6756	\$ 40.54	\$214
Nonjudicial Personnel	\$ 59,685	\$ 0.8757	\$ 52.54	\$278
Services & Supplies	\$ 52,396	\$ 0.7688	\$ 46.13	\$243
Subtotal	\$158,127	\$ 2.3201	\$139.21	\$735
Indirect Costs	\$ 28,330	\$ 0.4157	\$ 24.94	\$132
Total Cost Apportioned to Each Judicial Position	\$186,457	\$ 2.7358	\$164.15	\$867

Note: Court reporters and bailiffs are excluded.

MUNICIPAL COURTS AND SUPERIOR COURTSTOTAL ESTIMATED COSTS APPORTIONEDAMONG NONJUDICIAL POSITIONS ONLYMUNICIPAL COURTS

<u>Cost Category</u>	<u>Average Annual Cost Per Nonjudicial Position</u>	<u>Average Cost Per Case Related Minute</u>	<u>Average Cost Per Case Related Hour</u>	<u>Average Cost Per Case Related Day</u>
Nonjudicial Personnel	\$ 10,242	\$ 0.1108	\$ 6.65	\$ 45
Judicial Personnel	\$ 5,998	\$ 0.0649	\$ 3.89	\$ 26
Services & Supplies	\$ 5,424	\$ 0.0587	\$ 3.52	\$ 24
Subtotal	\$ 21,664	\$ 0.2344	\$14.06	\$ 95
Indirect Costs	\$ 4,487	\$ 0.0485	\$ 2.91	\$ 20
Total Cost Apportioned to Each Nonjudicial Position	\$ 26,151	\$ 0.2829	\$16.97	\$115

SUPERIOR COURTS

<u>Cost Category</u>	<u>Average Annual Cost Per Nonjudicial Position</u>	<u>Average Cost Per Case Related Minute</u>	<u>Average Cost Per Case Related Hour</u>	<u>Average Cost Per Case Related Day</u>
Nonjudicial Personnel	\$ 11,515	\$ 0.1430	\$ 8.58	\$ 51
Judicial Personnel	\$ 8,884	\$ 0.1103	\$ 6.62	\$ 39
Services & Supplies	\$ 10,109	\$ 0.1255	\$ 7.53	\$ 45
Subtotal	\$ 30,508	\$ 0.3788	\$22.73	\$135
Indirect Costs	\$ 5,466	\$ 0.0679	\$ 4.07	\$ 24
Total Cost Apportioned to Each Nonjudicial Position	\$ 35,974	\$ 0.4467	\$26.80	\$159

Note: Court reporters and bailiffs are excluded.

Chapter V

RECOMMENDATIONS

Chapter V

RECOMMENDATIONS

This report represents the conclusion of two years of activity aimed at analyzing the impact of legislation on the courts. During this period, project staff spent considerable time developing a system for determining judicial impact, preparing supplemental analytic tools, and obtaining comments and suggestions from a broad variety of groups and individuals who are interested in court-related legislation. These activities reflect the desire of the Judicial Council to precede any possible ongoing program of judicial impact analysis with a period of time devoted to proper planning. This planning period was believed to be essential in terms of assuring, among other things, that impact would be determined and expressed in a way that legislative personnel and others would find factually correct and helpful when actually considering and/or implementing specific legislative proposals.

The system that has been developed for determining judicial impact has also been tested during this two year period through the preparation of judicial impact reports. Over 50 reports were prepared during the second project year, and they demonstrate that (1) courts are affected by a variety of legislative proposals and that (2) the impact of legislation on the courts can be measured and expressed in several ways. The variety of subjects that can have an impact on court caseload, case disposition time, or financing is illustrated by the following partial list of legislative topics for which judicial impact reports were prepared during the second project year:

- . reduced penalties for marijuana possession
- . payment of traffic fines by mail (bail by mail)
- . alternate sources for names of prospective jurors

- . electronic recording of court proceedings
- . providing attorney judges in justice courts
- . creation of state public defender office
- . curtail prosecution of nonvictim crime
- . simultaneous traffic arraignment and trial time
- . summary dissolution of marriage
- . compensation of pro-tem judges
- . adjustments in juror fees
- . publication of appellate court opinions

Project activities during the past two years have resulted in end products that will be of continuing assistance to those who are interested in determining the nature and magnitude of judicial impact. Whether these end products will be utilized by the Judicial Council in an expanded program of legislative analysis is a basic policy question that is still to be resolved by the Judicial Council. This section makes recommendations to the Judicial Council for its consideration in conjunction with this basic policy decision. The recommendations reflect the experience gained by project staff during the past two years, and they are also based on the comments and suggestions of others relative to an ongoing program of judicial impact analysis.

The following recommendations are made to the Judicial Council:

- . ENDORSE THE CONCEPT THAT JUDICIAL IMPACT REPORTS SHOULD BE PREPARED ON A REGULAR BASIS

This recommendation does not address the question of who should prepare judicial impact reports or what their nature

should be. Rather, it acknowledges that a void presently exists, and that the preparation of judicial impact reports for those measures likely to result in significant caseload, case disposition, or fiscal impact is in the interest of the courts and will be helpful to those involved in the legislative process. More specifically:

- There is a void--As indicated in the first project report and as confirmed during the second project year, many groups in both the public and private sector follow court-related legislation, but none attempt to determine the total impact on the courts. As would be expected, analyses done by the private sector are generally structured to highlight those points of interest to the respective group. Analyses prepared by specific state agencies and departments follow a similar pattern, and even those prepared by the Legislative Analyst and the Department of Finance concentrate almost solely on fiscal impact to the state. Thus, judicial impact reports as outlined herein and as developed during the first two years of the project will not duplicate existing analyses, except to the extent that several groups are interested in the fiscal impact of legislative proposals. In this regard, it should be noted that information regarding the fiscal impact of legislation on the courts, to the extent that it exists, is often obtained from the Judicial Council by others who are interested in this question.

- In the interest of the courts--There are at least two ways in which courts can benefit from the regular preparation of judicial impact reports. First, while not a substitute for legislative policy decisions on court-related issues, judicial impact reports do provide an improved way for legislators and others to factually understand the implications of proposals in terms of their caseload, case disposition, and fiscal impact before they are adopted. Second, judicial impact reports can represent a helpful planning and management tool for local court and county officials in terms of implementing those proposals adopted by the legislature.

CONTINUED

1 OF 2

- Will be helpful generally--A thorough and practical analysis of potential impact can help to assure that something that is not intended does not occur. Judicial impact reports not only help avoid unintended results but, by asking questions in advance of passage, they also help to assure that legislation is drafted in a way that will effectively achieve the goals of those sponsoring and carrying the measure.

. ASSUME THE RESPONSIBILITY FOR PREPARING JUDICIAL IMPACT REPORTS

While others could conceivably do it, there is little question but that the Judicial Council is the most logical group to prepare judicial impact reports. Along with the Administrative Office of the Courts, the Judicial Council is the only official group looked to by others in terms of responsibility for overall administration and coordination of the state judicial system. In addition, it is the only statewide body that collects and maintains a broad data base on court-related activities. This data is now used to provide answers to others such as Legislative Analyst and Department of Finance, and assignment to a group other than the Judicial Council would result in the other group having to develop and maintain a duplicate data base. Importantly, virtually all talked with during field evaluations concurred that the Judicial Council was the logical group to carry out this responsibility.

. APPROVE AS GUIDELINES FOR PREPARING JUDICIAL IMPACT REPORTS THOSE TOOLS FOR ANALYSIS DEVELOPED DURING THE FIRST TWO PROJECT YEARS

One result of the first project year was the development of guidelines for determining the impact of legislation on the courts. Those guidelines provide for a specific four-step process to determine caseload, case disposition, and fiscal impact, and they are restated herein. Also included herein, as Chapter IV, are standard measures of analysis that represent a tool that can be used to determine the extent of case disposition

and fiscal impact. These analytic tools are not intended as a substitute for legislative policy considerations. Rather, they are designed to supplement those considerations by providing the data and insight necessary for informed decision-making. By setting forth an organized thought process that is aimed at determining the total impact of legislation on the courts, these analytic tools help to assure consistency, accuracy, and objectivity in the analysis of court-related legislation. Importantly, they expand upon data prepared for and used by the Judicial Council in conjunction with its weighted caseload and nonjudicial staffing study.

. PREPARE AND SUBMIT A BUDGET REQUEST FOR 1976-77 TO FUND AN ONGOING JUDICIAL IMPACT ANALYSIS TEAM

The budget request would be designed to permit ongoing continuation of Judicial Council activities aimed at determining the impact of legislation on the courts. Justification for the request has been alluded to previously, and incorporates the following concepts:

- fills a void in terms of documenting total impact.
- provides legislators and others with additional information for informed decision-making.
- recognizes the need to look more carefully at fiscal and other implications, particularly with property tax rate limits and the overall revenue needs of local agencies.
- improves general understanding of the judicial system through the regular preparation, dissemination, and discussion of judicial impact reports.
- to the extent the Judicial Council provides data,

improves the accuracy of fiscal estimates included in analyses prepared by the Legislative Analyst and the Department of Finance.

Staff Considerations

To be effective, judicial impact reports must achieve a consistent record of objectivity and accuracy. Emphasis, particularly in the beginning, must be on quality rather than quantity. At the same time, however, judicial impact reports must be prepared within a time frame that keeps pace with legislative considerations and keeps the reports cost-effective.

On the average, the Judicial Council follows 500 bills annually. Of these, many are never considered by a legislative committee, and others represent technical changes in law and are non-controversial. Experience under the judicial impact analysis project to date indicates that preparation of a judicial impact report requires about 18 hours on the average. Assuming this level of productivity during a typical legislative session, two project staff could produce about 70 judicial impact reports annually. This amount is adequate at present if the preparation of judicial impact reports is limited to significant measures rather than all court-related legislation.

Although additional professional staff might be justified, there is no intent to create a large staff unit. Rather, emphasis should be on quality and this can be best achieved, particularly when the project is just beginning, with a small work force. To provide clerical support, one clerical position is recommended. It is assumed that legal assistance will be provided by existing Judicial Council staff.

The quality of judicial impact reports also depends, to a great extent, on the ability of those hired to analyze court-related legislation. In this regard, it is important that those filling

both professional staff positions have a broad background that includes insight into public management and financing considerations, as well as the legislative and judicial process. It may obviously be difficult to locate individuals with this broad background and, if so, emphasis should be placed on analytic ability as it applies to the management and financing of public agencies inasmuch as an insight in these areas is absolutely essential in order to determine caseload, case disposition, and fiscal impact.

Of the two professional staff positions, one would be assigned supervisory responsibility and, thus, someone with senior analytic skills should be hired. However, the magnitude of the assignment is of such importance that both staff positions, if possible, should have actual experience in the administration of state or local government.

Organizational Considerations

As referenced above, the judicial impact analysis team would be a small unit within the Judicial Council. The unit would work in conjunction with the legislative unit of the Judicial Council, and would be headed by a supervisor who would be one of the two professional staff persons assigned to analyze court-related legislation. Detailed working relationships would be established when the unit became operational, but would follow a broad framework similar to the following:

- bills for which judicial impact reports are to be prepared would be identified by the legislative staff of the Judicial Council.
- the supervisor of the judicial impact analysis unit would be responsible for preparation of the judicial impact report. In some cases he would assign the bill to the other staff person within the unit, and in other cases he

would prepare the impact report himself.

- the analyst within the judicial impact analysis unit would, within a reasonable period of time, proceed to analyze the bill, taking whatever steps are necessary to develop a complete factual basis for the analysis. This could include, among others, the legal staff of the Judicial Council and local court officials.
- the draft impact report would be reviewed by the unit supervisor and submitted to the legislative staff of the Judicial Council for review and comment. If necessary, the impact report would be returned to the supervisor for revision. Otherwise, it would be approved and disseminated to appropriate persons within the legislative process.
- once a judicial impact report has been prepared, revised reports would be prepared as amendments to the bill are made.

Budgetary Considerations

Any budget request will reflect, to a great extent, the amount of staff positions involved. It will also reflect the level of compensation that is paid. It has already been recommended that initial staff be limited to two professional positions and one clerical position. Compensation levels should reflect the experience of those holding the position, and they should also be generally comparable with those on the Judicial Council staff and in similar positions who do like work.

It is reasonable to assume that expenditure levels will remain similar to those now associated with the judicial impact analysis project. On this basis, a budget request of \$85,000 would be appropriate. This amount would keep salaries for the two profes-

sional positions and one clerical position at present levels, allowing for a six percent cost of living adjustment between 1975-76 and 1976-77. It would also provide adequate funds for office rental, telephone, and supplies. A small contingency amount of approximately \$3,500 would remain to cover the cost of field visits and reproduction of judicial impact reports.

. USE THE THIRD PROJECT YEAR AS A FURTHER TRANSITION PERIOD

This recommendation assumes that an application for third year project funds will be submitted, and that third year project goals will include:

- The preparation of judicial impact reports on more significant court-related legislative proposals introduced during the remainder of the first half of the 1975-1976 legislative session, as well as during the second half. These reports would be prepared on a more operational and continuing basis during the third year, and would be introduced more directly into the legislative process.
- The evaluation of the work output of the project team during the 1975-76 operational project year, and the refinement of recommendations regarding ongoing implementation, including cost, organizational considerations, manpower requirements, and working relationships with those in state government and otherwise who are interested in court-related legislation. Specifically, operating experience the third year would be compared with recommendations made during the second project year, and revisions would be made as necessary.

- The development of an operating manual for the judicial impact analysis unit based upon the staffing and organizational considerations presented at the completion of the second project year.
- The refinement and updating of the standard measures of analysis developed in 1974-75 in much the same manner as they would be refined and updated on a regular basis if the judicial impact analysis team were a permanent operating unit of the Administrative Office of the Courts.
- The review and development, where feasible, of standard measures of analysis for the higher courts of the state. This requires, among other things, an assessment as to what extent the methodology applied to the lower courts can be applied to the appellate courts and, where appropriate, the collection of data and the completion of calculations necessary to produce such standard measures as may be applicable.

END

7. 11/11/75