

# NEWS RELEASE

## SUPERIOR COURT OF CALIFORNIA

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## **SAN FRANCISCO SUPERIOR COURT DISPUTES CONCLUSIONS OF LAO BUDGET REPORT**

### ***Flawed Workload Analysis Used in Report Would Force the Layoffs of 250 Employees***

**SAN FRANCISCO** -- An inaccurate assumption in a Legislative Analyst's Office (LAO) report that the San Francisco Superior Court is over-staffed and should face budget cuts along with 12 other Courts would balloon the Court's FY 2011-12 deficit to \$22.75 million and would force the Court to lay off half of its employees, Presiding Judge Katherine Feinstein and Court Executive Officer T. Michael Yuen announced today.

The LAO report, "Making Targeted Reductions to the Judicial Branch," concludes erroneously based on a 2005 study by the Administrative Office of the Courts (AOC) and the National Center for State Courts (NCSC) that the Court is overfunded by \$7.5 million.

"The 2005 Resource Allocation Study (RAS) contains a flawed analysis of the Court's actual workload, and most importantly, it was never intended to be a budget tool," said Presiding Judge Feinstein. "Our Court is unique in important aspects that were not accounted for in this study."

Judge Feinstein noted that the study did not properly consider the Court's asbestos caseload. The Court handles the largest asbestos caseload of any of California's 58 superior courts. It also did not account for the workload of its two Complex Litigation Departments, which

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handle complicated, lengthy cases.

The AOC and NCSC researchers have acknowledged that the methodology of the 2005 RAS study, known within the Judicial Branch as the RAS model, inaccurately reflects the judicial and staff workloads in the San Francisco Superior Court. Since then, the Court has worked with the AOC and the NCSC to incorporate the judicial and staff resources required to handle asbestos and complex litigation cases which were originally excluded in the 2005 RAS model. "Until these changes are made to the model, it is flawed because RAS data will always misrepresent the level of work that is actually required for the San Francisco Superior Court," Yuen said.

The study was updated in FY 2009-10. However, the updated study relied on the flawed original 2005 RAS model that omitted the asbestos and complex litigation workload. Based on the most recent update, the Court should have 447 employees. Currently, the Court has 459 positions and the difference in staffing is more than justified given that the Court has the largest asbestos caseload in the state, Yuen said. An internal study conducted by the Court indicated that 18 staff members were needed to handle the asbestos workload, which was validated by the AOC.

"This Court has absorbed cuts in the past two years of \$13.2 million and we have 100 fewer employees than we did in 2009 when a hiring freeze took effect," Yuen said. "I want lawmakers and the public to understand that if this myth that the Court is over-funded prevails, we will be forced to lay off 250 employees and our Court and the services we provide will be decimated."

The LAO Report estimated that cutting the budgets of the 13 courts to "more closely align the level of funding ... to their actual workload needs" would "achieve General Fund savings of \$35 million in 2011-12 and \$60 million upon full implementation in 2014-15."

"Our share of that additional cut would be \$7.5 million, which would be piled on top of our projected FY 2011-2012 shortfall of \$15.24 million," Yuen said. "There is no way this Court can survive a \$22.75 million funding reduction in one year without dismantling our entire operation."

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The \$7.5 million cut in 2011-12 would balloon to \$12.9 million in 2014-15.

Yuen added that the RAS model does not take into account unfunded legislative mandates, such as the Omnibus Conservatorship Act, which required the Court to hire four employees.

“The Legislature is eliminating this unfunded mandate,” Yuen said. “But unfortunately, the cut is four years too late. Since imposing the mandate, the Court was forced to absorb \$1.88 million in salary and benefits.”

Yuen added that the RAS model’s initial purpose was to identify Courts that were struggling to handle their caseloads, not as a budget allocation tool. However, if it is now going to be used to allocate state funding based on needs, it must take into account all aspects of a particular court’s operation.

“We want lawmakers to understand that the LAO Report misrepresents the work of our Judicial Officers and staff, and we look forward to making our case with them and the public to accurately reflect our workload and resource needs,” he said.

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