JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

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SUBJECT: Update of the Judicial Workload Assessment (Action Required)

Issue Statement
In 2004 the Judicial Council approved a proposal to seek the creation of 150 judgeships at a rate of 50 judgeships per year over three years. Although the statewide need for new judgeships was estimated to be approximately 350, the council approved the proposal to request that the Legislature create the 150 most urgently needed new judgeships. SB 56, passed by the Legislature in 2006, created the first 50 judgeships on the council's priority list. AB 159, passed by the Legislature in 2007, created the second set of 50 judgeships based on an updated priority list approved by the Judicial Council in 2007. Because of the budget shortfall in the current year, however, the Legislature deferred funding for the second 50 judgeships created by AB 159 until July of 2009 and did not pass proposed legislation to create the final 50 judgeships on the council's priority list.

This report informs the Judicial Council of the progress that the branch has made toward securing an adequate number of judicial officers for the courts; updates the judicial workload assessment, and; complies with the mandate contained in Government Code Section 69614(c) to "report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court."

Summary of Recommendations
Staff recommend that the Judicial Council:

1. Confirm the need for the Legislature to create the remaining third 50 judgeships on the priority list approved by the Judicial Council in 2007;

2. Approve an updated priority ranking for 100 new judgeships beyond the 150 originally proposed by the Judicial Council, and direct staff to seek legislation and funding authorizing for these new positions.

3. Approve the attached report to the Legislature on the need for judgeships in each superior court.

Background

The creation of a sufficient number of judgeships to manage the workload of the courts is a top priority for the Judicial Council. In 2001, the council approved a methodology for evaluating the number of judgeships needed in each superior court and for ranking the need in order to prioritize requests for new judgeships to the Legislature. The methodology approved by the council consists of three main components:

- The most recent three years of filings data are used as the primary input to evaluate judicial workload;
- Case weights are applied to the filings data to differentiate between cases with different levels of complexity – the average felony filing, for example, has a case weight of 187 times the amount of work of the average traffic infraction;
- The estimated judicial workload in each court is ranked to prioritize the need for judgeships across courts by taking into account the absolute need for judgeships in each court – the total number of judgeships needed – as well as the relative need for judgeships – the percentage of need that a court's shortfall represents.[1]

The council approved an updated plan in 2004 to seek 50 new judgeships per year over three years. In 2006, the Legislature passed SB 56 creating 50 new judgeships to be allocated according to the priority list for the first 50 judgeships approved by the Judicial Council. In 2007, the Legislature passed AB 159, creating an additional 50 judgeships based on the updated priority list approved by the Judicial Council. Due to the budget shortfall for Fiscal Year 2008-09, funding for the 50 judgeships created by AB 159 was deferred three months, until July, 2009. Additionally, due to funding concerns and the delay of the second set of 50 judgeships which would have pushed the final set of judgeships to no earlier than the end of Fiscal Year 2009-10, the Legislature did not pass SB 1150 which would have created the final 50 judgeships on the priority list of 150 new judgeships.

Progress toward Securing Adequate Judicial Resources

The creation of 50 new judgeships in Senate Bill 56 in 2006 provided urgently needed relief for those courts that received the new judgeships. Similarly, when the funding is appropriated in July, 2009, to create the 50 additional judgeships established in AB 159, the

[1] Details of the methodology for determining the number of judgeships needed and for creating a priority ranking of courts can be found in the Judicial Council reports of August 24, 2001 and October 26, 2001. The key elements of those methodologies are summarized in Attachment 3 to this report. See also the Judicial council report of August 27, 2004.

courts will see measurable relief for meeting the needs of the justice system and of the people of the state of California. Helpful as the addition of these resources has been, however, there remains a substantial shortfall in the need for judicial officers in the state.

A critical challenge for securing adequate judicial resources for the courts is that workload – the measure of how many judicial officers are needed – has been growing in recent years and no decrease is anticipated in the near future. As a result, the need for new judgeships must be re-evaluated periodically to take into account changes in both the number of judgeships in the court and judicial workload.

Table 1 describes the progress that has been made statewide in reducing the need for new judgeships as well as the challenges that remain. Between 2004 and 2007, the number of Authorized Judicial Positions (AJP) increased from 1,921 to 1,971 as a result of the 50 new judgeships created under SB 56. Nonetheless, the growth in Assessed Judicial Need (AJN) out-paced the creation of new judgeships. Because of a growth in judicial need equivalent to 62 judicial positions, the branch found itself with a deficit of 12 *additional* judicial officers even after the creation of the first 50 judgeships under SB 56.

Table 1: Statewide Need for Judicial Officers

Year	Assessed Judicial Need (AJN)	Authorized Judicial Positions (AJP)	Net Need (AJN minus AJP)	Percentage Need
2004	2,270	1,921	349	15.4%
2007	2,332	1,971	361	15.5%
2008	2,348	2,021*	327	13.9%
Change 2004-2007	**+ 78**	**+ 100***	**-22**	**-1.5%**

** Authorized Judicial Position figures for 2008 include the 50 Judgeships created by the Legislature in AB 159 but deferred until July, 2009.*

Between the 2007 and 2008 updates of the workload study, taking into account the second 50 new judgeships created by AB 159, the branch's Authorized Judicial Positions once again increased by 50, growing from 1,971 to 2,021. Using current data on judicial workload, the need for new judgeships has grown by only 16 positions, decreasing the net need for new judgeships by 34 positions. Thus, between 2004 and the current update, although 100 new judgeships have been created, judicial workload has grown by 78 making for a reduction in the need for new judges of 22. In percentage terms, measured as the net number of judgeships needed divided by the total number of judgeships needed, the need for new judgeships has declined by approximately 1.5 percent since 2004, falling from 15.4 percent in 2004 to 13.9 percent today.

While the improvement in the position of the branch seen as a whole has been somewhat limited, it should be noted that important gains have been made in individual courts. More than half of the allocation of the 100 new judgeships has gone to courts in the Inland

Empire and central valley where historic under-funding combined with rapid population growth has made the shortage of judgeships especially severe. Figures 1 through 4 show changes in the number of Authorized Judicial Positions and Assessed Judicial Need across the same three time periods shown in Table 1 focusing on a sample of courts with severe judicial shortages.

Figure 1

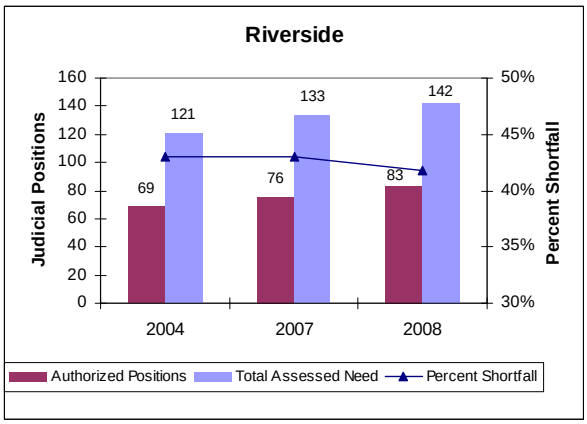


Figure 2

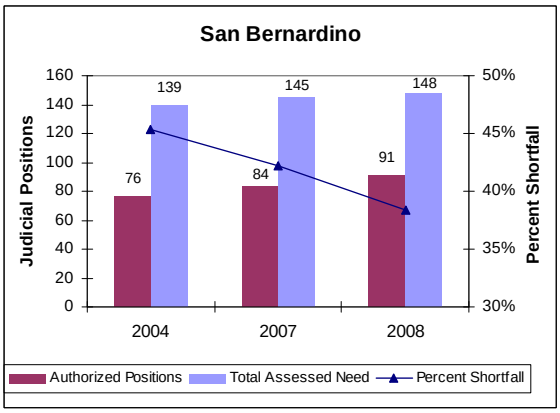


Figure 3

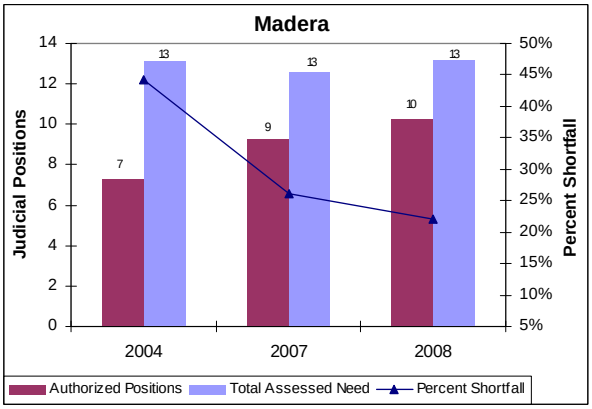
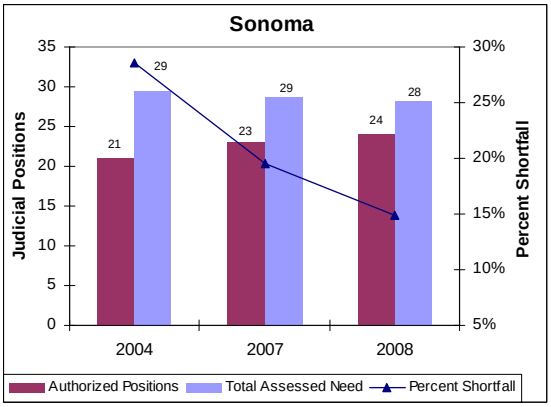


Figure 4



These figures illustrate three issues that should be taken into consideration as the Judicial Council considers its next steps in seeking to secure adequate judicial resources for the courts.

- First, the impact of new judgeships on individual courts has varied depending in large part on the change in workload in those courts. For example, Figure 1 shows that in Riverside the growth in workload between 2004 and the current update largely overwhelmed even the significant allocation of new judgeships to that court. Despite the creation of 14 new judgeships in Riverside, the court's percentage shortfall of judicial officers declined by barely one percent. Figure 2 shows that San Bernardino, in contrast, experienced a more moderate rate of workload growth

allowing for the court to steadily gain ground through the allocation of a large number of new judgeships;

- The second issue that these figures illustrate is that the impact of new judgeships on smaller courts is more pronounced. For relatively large courts with severe judicial need, the impact of allocating even a large numbers of judicial officers can be erased by strong workload growth. In smaller courts, even a single judgeship can make a large impact. Figures 3 and 4 show the significant reduction in the shortfall of judicial need in Madera and Sonoma. The addition of three new judgeships in each court between 2004 and the current update cut the percentage shortfall roughly in half: from 44 percent to 22 percent in Madera and from 29 to 15 percent in Sonoma;[2]

- The final point that these figures illustrate is that the need for additional judgeships remains acute and should remain a top Judicial Council priority. Dire as the approximately 14 percent shortfall in judicial resources statewide may appear, there are courts that have a significantly more critical need for new judicial officers even after the allocation of the first 100 judicial officers. And, despite measurable improvement in some courts following the creation of new judgeships in those jurisdictions, the remaining shortfall in judicial resources remains unacceptably large.

Rationale for Recommendations 1 and 2:

Staff recommend that the Judicial Council confirm the need for the Legislature to create the remaining 50 judgeships on the priority list approved by the Judicial Council in 2007. Staff further recommend that the council approve an updated priority ranking for 100 new judgeships beyond the 150 from the original Judicial Council proposal. Attachment 1 shows the remaining 50 judgeships that would be needed to finalize the previous request for the creation of 150 new judgeships. Attachment 2 shows the priority list for the next 100 judgeships that would be needed to continue the incremental progress that has been made to date.

These recommendations seek to balance the need for stability in the judicial workload assessment while simultaneously ensuring that the priority ranking of courts is based on the most accurate and up-to-date information. Confirmation of the need for the 50 judgeships approved by the Judicial Council in 2007 (Attachment 1) will provide a measure of stability in the priority list and facilitate long-range capital planning. All of the courts on the priority list from 2007 remain in the top tiers of judicial need with the sole exception of Contra Costa. In 2007, the Judicial Council fixed Contra Costa's position on the list to accommodate the long-range capital plans for construction of the New Antioch-Area Courthouse which were underway at that time. Currently, the AOC is hiring a builder, with the project scheduled to begin construction in January 2009.

[2] It should be noted that stable workload in Madera and slight declines in workload in Sonoma also facilitated the improvement in securing adequate judicial resources for these courts.

Approving a new priority list of 100 judgeships (Attachment 2) and, after the creation of the third set of 50 judgeships, directing staff to seek legislative authority and funding for these new judgeships over two years ensures that the most accurate and up-to-date information is used to prioritize and create new judgeships and inform Judicial Council planning and policy decisions. These data reflect continued workload growth in the Inland Empire and central valley and also take into account corrected filings data that courts have provided as part of a heightened attention to data quality control.

Under the proposed allocation of the additional 100 judgeships, almost half of the total, 45 judgeships, would go to central valley courts including 12 judgeships to Sacramento, 8 to Fresno, 6 to San Joaquin, 5 each to Kern and Stanislaus, and three each to Tulare and Merced. Another 31 of the 100 judgeships would go to Riverside and San Bernardino which would receive 16 and 15 judgeships respectively. An increased number of judgeships would also be allocated to Los Angeles and Orange under the revised workload estimates, with Los Angeles receiving 5 new judgeships and Orange receiving three.

These recommendations are based on the unmet and growing need for judgeships in the trial courts. The approval of these recommendations will help prevent the branch from losing ground if judicial workload continues its recent, rapid rate of growth. If workload growth is sufficiently moderate, these recommendations may allow the branch to build on the incremental gains that were shown in the previous section of this report.

Alternative Actions Considered

In developing the proposed policy, AOC staff considered two alternatives as described below:

Alternative 1: Revise the priority list entirely including a revision to the priority list of the final third 50 judgeships from 2007 to reflect updated filings data.

As noted above, the current recommendations to the council seek to strike a balance between the value of stability in the workload estimates to facilitate long-range capital planning and the value of currency of the numbers. By confirming the need for the final 50 judgeships requested in 2007, the recommendation sacrifices some increased currency that might be gained by re-ranking the full priority list.

Staff rejected a revision of the entire priority list, however, and recommended that the council confirm the final 50 judgeships from the 2007 list for two reasons. First the underlying need for new judicial officers in the courts that were placed on the priority list in 2007 remains. With the exception of Contra Costa, whose position on the list was set as a result of facilities plans that had already begun to move forward, the courts on the 2007 list all retain a significant unmet need for new judgeships.

Second, and in light of the first consideration, long-range capital planning cannot be done in an environment where target numbers for judicial officers are constantly shifting. Staff believe that an appropriate balance between the need for stability in the numbers and currency of the data can be struck by fixing the priority list of the final 50 judgeships from

2007 and updating the list for the next 100 judicial officers. Although a complete re-ranking of the priority list would produce more current results, there is a great deal of consistency between the two lists partly as a result of the council-approved methodology which includes the use of three-year average filings data to avoid giving too much weight to anomalous changes in workload.

Alternative 2: Submit the attached legislatively mandated study without seeking additional judgeships.

Attachment 6 to this report complies with Government Code Section 69614(c) which requires that the council "report to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court." This report is required whether or not the council is seeking new judgeships and, given the current fiscal environment, it might be prudent to defer any further requests for additional judgeships until the economy improves.

Staff rejected this alternative because of the longstanding, severe and growing need for new judgeships in the state. The reason for rejecting this alternative was best articulated by the Chief Justice in his State of the Judiciary address presented to the State Bar Convention Conference of Delegates on September 27, 2008:

> Seeking new positions in a time of fiscal downturn may seem like tilting at windmills – but delays in processing cases, both criminal and civil, strike at the very heart of society. No one seriously disputes the need for the new positions. Families deserve speedy and fair determinations. Businesses need to have relevant issues settled in a timely fashion. The public and defendants alike require the effective adjudication of criminal matters.

<u>Comments from Interested Parties</u>
None; the proposal was not circulated for comment.

<u>Implementation Requirements and Costs</u>
AOC staff will seek to ensure that any legislation creating new judgeships includes funding to cover all associated costs.

Attachment 1: Priority List of 50 Judgeships from 2007 Workload Assessment Update

	2007 Update: Final 50 Judgeships
Contra Costa	1
Fresno	3
Humboldt	1
Kern	2
Los Angeles	1
Merced	2
Monterey	1
Orange	2
Placer	2
Riverside	6
Sacramento	5
San Bernardino	7
San Diego	1
San Joaquin	3
San Luis Obispo	1
Santa Cruz	1
Shasta	1
Solano	2
Sonoma	1
Stanislaus	2
Sutter	1
Tulare	2
Ventura	1
Yuba	1
Total	50

Attachment 2: Priority List of 100 Additional Judgeships

	2008 Update: First 50 Judgeships	2008 Update: Second 50 Judgeships
Butte	0	1
Contra Costa	0	0
El Dorado	0	1
Fresno	4	4
Humboldt	0	0
Kern	2	3
Kings	1	0
Los Angeles	2	3
Madera	1	0
Merced	2	1
Monterey	0	1
Orange	1	2
Placer	3	2
Riverside	9	7
Sacramento	6	6
San Bernardino	8	7
San Diego	0	1
San Joaquin	3	3
San Luis Obispo	0	0
Santa Barbara	1	0
Santa Cruz	0	0
Shasta	1	0
Solano	1	2
Sonoma	0	1
Stanislaus	3	2
Sutter	0	0
Tehama	0	1
Tulare	2	1
Ventura	0	1
Yolo	0	0
Yuba	0	0
Total	50	50

Attachment 3: Summary of Judicial Workload Assessment Methodology

The following is a summary of the methodology used to establish the number of judicial officers needed in California. The full report on the methodology and the study conducted to arrive at the case-weights and rankings described below is the *California Workload Assessment: Final Report*, and can be found at:

http://serranus.courtinfo.ca.gov/programs/courtresearch/documents/ncsc_final_report.pdf

To Calculate the Need for Judgeships:

- A time study of more than 300 judicial officers was used to determine the amount of time that judicial officers spend on 18 different case types;

- These time estimates were used to create case weights so that filings data can be converted to workload estimates (e.g., the average felony filing takes 187 times longer to process than the average infraction filing);

- The workload required to process the existing caseload is calculated on the basis of the most recent three-years average filings data to minimize the impact of short-term or one-time fluctuations in filings data;

- These data are converted into an estimated number of judgeships by dividing by the amount of time available to judicial officers in a given year;

- The number of Authorized Judicial Positions (AJP) that a court has is subtracted from the judicial need to determine the gap or the *net* need.

To Create a Priority List of Courts with the Greatest Need for New Judgeships:

The methodology used to calculate rankings is based in part on the Equal Proportions Method, the technique that has been used since 1940 by the United States Congress to apportion seats in the House of Representatives after a new census is taken.[3] Where seats in the House of Representatives are apportioned on the basis of population, this methodology has been adapted to apportion each judicial officer on the basis of judicial need.

Some minor adjustments to the Equal Proportions Method have been made to provide consideration for courts with the greatest need relative to their current complement of judicial officers, as well as to ensure improved access to courts for the greatest number of the public. A more technical explication of the ranking methodology is contained in Attachment 4.

[3] See http://www.census.gov/population/www/censusdata/apportionment/computing.html

- First, the ranking score derived from the Equal Proportions Method for each needed judgeship is multiplied by a percentage factor based on the number of *additional* judgeships needed for each court as a percentage of the *total* number of judicial officers needed in each court. This adjustment would prioritize a small court needing one additional judgeship over a larger court that also needs one judgeship;

- A second adjustment takes into account the value of the first judgeship to a court compared with the value of second and subsequent judgeships. The ranking score is divided by "1" for the first new judgeship needed by each court, by "2" for the second, and so on. This adjustment will give greater weight to a court's first new judgeship and less weight to a court's second and subsequent judgeships;

- A threshold is established that prevents any court from getting on the list before it has a minimum of one full-time equivalent need for new judgeships. This threshold was established as a means of ensuring that new resources are not under-utilized but, rather, provide the greatest impact in terms of meeting the needs of the public.[4]

[4] Several small courts have expressed concern that establishing this threshold makes it difficult for small courts with a large relative need to get on the priority list for new judgeships. For example, a two-judge court with a net need of 25 percent of its AJP would not clear this threshold condition to make the priority list because even that relatively large need represents only an absolute need of .5 of an FTE. In contrast, a relative deficit of 25 percent in any court with greater than four AJP is greater than one FTE and, therefore, satisfies this requirement for placement on the priority list.

Attachment 4: Technical Detail of Methodology for Calculating Rank Order of Judicial Need

Three steps are taken to calculate the rank order assigned to judgeships for purposes of establishing a priority list.

First, the total net need of each judicial officer in every court, expressed as minutes, is multiplied by the geometric mean of the ordinal ranking of that judicial officer. This allows for a ranking to be created by assigning different values to the judgeships that a court needs with the first judgeship having the greatest value and subsequent judgeships having less value.

Second, these rankings are multiplied by the remaining *relative* need for judicial officers in each court. This ensures that the rankings take into account the amount of need for each additional judicial officer in a court *expressed as a percentage of the court's total need*, thus diminishing the value of judgeships in courts with small relative need.

Third, each judgeship's ranking is divided by the number that the judgeship represents for the court. For example, the ranking of a court's first judge is divided by one and so the value of the ranking remains unchanged; the ranking of the court's second judge is divided by two, diminishing the ranking of the judge by one half. This improves the likelihood of a court receiving its first judgeship in the model prior to another court that has already been allocated a judgeship receiving a second judgeship.

For purposes of illustration, Figure 4-1 below shows the first six judicial officers that are allocated according to the revised 2008 filings data.[5] The ranking scores are expressed in minutes of judicial need multiplied by the formulas described above. It is helpful to note how quickly these permutations diminish the value of the second judicial officer for San Bernardino and Riverside but also to note that, even with diminished value, these courts' need for a second judicial officer still outranks the value of the first judicial officer for all other courts except Sacramento and Fresno.

Figure 4-1:
Final Ranking Scores of Six Courts

Priority Rank	Court	Ranking Score
1	Riverside	1,078,195.6
2	San Bernardino	897,209.3
3	Sacramento	579,714.7
4	Fresno	332,042.8
5	Riverside	305,317.8
6	San Bernardino	253,684.9

[5] Contra Costa is excluded from this table because its position on the allocation table was locked into place for facilities' planning on the basis of the 2004 report.

The statistical model runs iteratively. It ranks and assigns the court with the greatest need the first judgeship, then assigns the next judgeship using the same methodology up to the final court with a need for one or more FTE judgeships.

Attachment 5 provides the rankings of judicial need from one through 250.

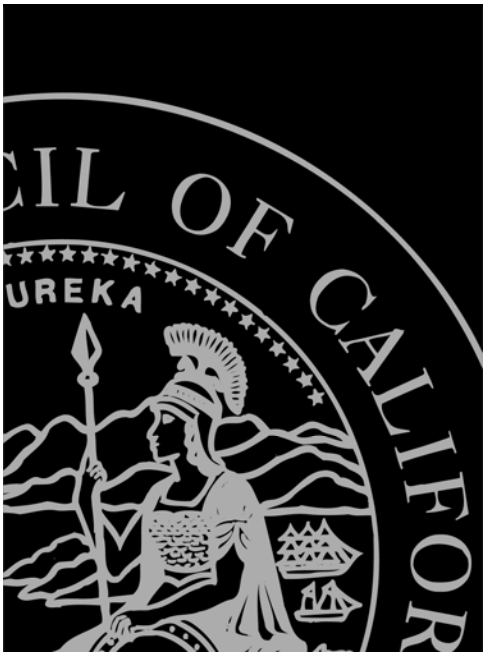
Attachment 5: Ranked List of Unmet Judicial Need 1-250

Priority Rank	Court	Ranking Score	Priority Rank	Court	Ranking Score
1	Riverside	1,078,195.6	51	Ventura	14,831.5
2	San Bernardino	897,209.3	52	San Joaquin	14,169.9
3	Sacramento	579,714.7	53	Fresno	13,926.8
4	Fresno	332,042.8	54	Sonoma	13,702.4
5	Riverside	305,317.8	55	Sacramento	12,975.1
6	San Bernardino	253,684.9	56	Kern	12,820.7
7	San Joaquin	225,676.2	57	Los Angeles	12,511.1
8	Placer	171,068.8	58	San Bernardino	12,420.2
9	Sacramento	162,580.8	59	Solano	12,349.9
10	Stanislaus	157,074.3	60	Riverside	12,045.3
11	Riverside	141,132.6	61	San Bernardino	9,862.7
12	San Bernardino	117,081.7	62	Riverside	9,766.3
13	Kern	115,741.3	63	Sacramento	9,668.5
14	Los Angeles	97,900.5	64	Orange	9,442.9
15	Fresno	91,352.7	65	Fresno	9,241.7
16	Riverside	80,366.5	66	Placer	8,986.9
17	Tulare	75,165.8	67	Stanislaus	8,731.5
18	Sacramento	74,393.5	68	San Joaquin	8,456.3
19	Merced	67,969.5	69	Tehama	8,050.9
20	San Bernardino	66,562.2	70	Riverside	8,041.2
21	San Joaquin	60,678.4	71	San Bernardino	7,978.8
22	Solano	53,193.6	72	San Diego	7,854.8
23	Riverside	51,434.3	73	El Dorado	7,621.6
24	Placer	43,860.6	74	Sacramento	7,413.3
25	San Bernardino	42,527.1	75	Los Angeles	7,032.6
26	Sacramento	41,912.8	76	Tulare	7,027.6
27	Fresno	40,942.8	77	Riverside	6,706.4
28	Stanislaus	40,856.6	78	Monterey	6,639.3
29	Orange	36,444.6	79	Kern	6,597.1
30	Riverside	35,477.8	80	San Bernardino	6,554.0
31	Kern	30,304.2	81	Fresno	6,439.3
32	San Bernardino	29,281.7	82	Sacramento	5,812.3
33	Los Angeles	27,400.7	83	Riverside	5,654.1
34	Sacramento	26,524.3	84	San Bernardino	5,452.5
35	San Joaquin	26,497.5	85	San Joaquin	5,392.8
36	Riverside	25,780.8	86	Merced	5,328.0
37	Madera	23,057.1	87	Stanislaus	4,900.7
38	Shasta	22,933.2	88	Placer	4,882.3
39	Fresno	22,553.3	89	Riverside	4,811.3
40	Kings	21,919.1	90	Fresno	4,644.3
41	San Bernardino	21,238.8	91	Sacramento	4,638.7
42	Riverside	19,466.5	92	San Bernardino	4,585.1
43	Tulare	18,303.2	93	Los Angeles	4,439.7
44	Sacramento	18,080.2	94	Solano	4,404.8
45	Placer	18,072.7	95	Riverside	4,126.9
46	Stanislaus	17,144.8	96	Butte	3,994.9
47	Santa Barbara	16,755.8	97	Orange	3,943.4
48	San Bernardino	16,005.8	98	San Bernardino	3,890.9
49	Merced	15,461.8	99	Sacramento	3,755.5
50	Riverside	15,136.5	100	Kern	3,753.4

Priority Rank	Court	Ranking Score	Priority Rank	Court	Ranking Score
101	Shasta	3,656.0	151	Riverside	1,298.3
102	San Joaquin	3,585.2	152	San Bernardino	1,287.6
103	Riverside	3,564.3	153	Sacramento	1,269.9
104	Fresno	3,434.3	154	Los Angeles	1,226.5
105	San Bernardino	3,327.7	155	Fresno	1,169.1
106	Madera	3,174.1	156	San Joaquin	1,164.4
107	Tulare	3,152.8	157	Riverside	1,159.1
108	Riverside	3,096.9	158	San Bernardino	1,139.2
109	Sacramento	3,076.3	159	Orange	1,110.8
110	Los Angeles	3,018.4	160	Sacramento	1,078.2
111	Stanislaus	2,886.3	161	Riverside	1,036.4
112	San Bernardino	2,865.3	162	San Bernardino	1,009.9
113	Santa Barbara	2,855.7	163	Stanislaus	1,005.7
114	Kings	2,758.1	164	Los Angeles	958.3
115	Placer	2,742.8	165	Riverside	927.9
116	Ventura	2,717.0	166	Sacramento	917.3
117	Riverside	2,704.9	167	Fresno	902.0
118	Fresno	2,585.6	168	San Bernardino	896.6
119	Sacramento	2,544.2	169	Kern	841.5
120	San Bernardino	2,481.5	170	Riverside	831.6
121	San Luis Obispo	2,480.7	171	San Bernardino	796.9
122	San Joaquin	2,444.1	172	San Joaquin	793.1
123	Yolo	2,435.0	173	Sacramento	781.2
124	Riverside	2,373.4	174	Placer	774.0
125	Kern	2,252.0	175	Los Angeles	761.9
126	Sonoma	2,160.8	176	Riverside	745.7
127	Los Angeles	2,160.1	177	San Bernardino	708.8
128	San Bernardino	2,159.9	178	Fresno	692.6
129	Sacramento	2,120.7	179	Riverside	669.0
130	Riverside	2,090.8	180	Sacramento	665.4
131	Orange	1,995.7	181	Orange	646.6
132	Fresno	1,971.3	182	San Bernardino	630.7
133	Merced	1,956.2	183	Los Angeles	614.3
134	San Bernardino	1,888.2	184	Riverside	600.2
135	Riverside	1,848.3	185	Solano	596.1
136	Sacramento	1,779.0	186	Tulare	594.9
137	San Diego	1,742.9	187	San Diego	574.4
138	Solano	1,735.8	188	Sacramento	566.1
139	Stanislaus	1,722.9	189	San Bernardino	561.2
140	San Joaquin	1,686.8	190	Ventura	543.3
141	San Bernardino	1,656.9	191	Stanislaus	542.1
142	Riverside	1,638.9	192	Riverside	538.4
143	Los Angeles	1,604.8	193	Merced	533.8
144	Placer	1,519.5	194	Fresno	526.4
145	Fresno	1,515.1	195	San Joaquin	522.7
146	Sacramento	1,500.0	196	Los Angeles	500.9
147	San Bernardino	1,458.6	197	San Bernardino	499.2
148	Riverside	1,457.1	198	Kern	490.7
149	Tulare	1,452.1	199	Riverside	482.6
150	Kern	1,381.1	200	Sacramento	480.6

Priority Rank	Court	Ranking Score
201	Monterey	467.5
202	San Bernardino	443.7
203	Riverside	432.2
204	Los Angeles	412.3
205	Santa Barbara	412.2
206	Sacramento	406.7
207	San Bernardino	393.8
208	Fresno	393.0
209	Riverside	386.6
210	Orange	379.2
211	San Bernardino	348.9
212	Riverside	345.2
213	Sacramento	342.3
214	Los Angeles	341.8
215	Humboldt	337.4
216	Shasta	326.1
217	San Joaquin	321.9
218	San Bernardino	308.4
219	Riverside	307.5
220	Placer	298.5
221	Sacramento	286.2
222	Los Angeles	285.0
223	Fresno	284.9
224	Riverside	273.2
225	San Bernardino	271.8
226	Kern	254.3
227	Riverside	241.8
228	Los Angeles	238.7
229	San Bernardino	238.7
230	Sacramento	237.0
231	Stanislaus	231.8
232	Orange	214.8
233	Riverside	213.2
234	San Bernardino	208.5
235	Los Angeles	200.6
236	Fresno	196.5
237	Sacramento	193.8
238	San Diego	190.0
239	Riverside	186.9
240	San Bernardino	181.1
241	Sonoma	172.5
242	San Joaquin	170.3
243	Los Angeles	168.9
244	Riverside	162.8
245	San Bernardino	156.2
246	Sacramento	155.6
247	Los Angeles	142.3
248	Riverside	140.7
249	San Bernardino	133.4
250	Tulare	124.1

Attachment 6: Report to the Legislature on the Need for New Judgeships



The Need for New Judgeships in the Superior Courts

GOVERNMENT CODE § 69614(C)

Report to the Legislature: The Need for New Judgeships in the Superior Court, as required under Gov. Code § 69614(c)

Government Code § 69614(c) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court using the uniform criteria for allocation of judgeships described in Government Code § 69614 subdivision (b).

Securing adequate judicial resources for the courts is a top priority for the Judicial Council and is critical to ensuring public access to justice. Reports on the critical shortage of judicial officers have been submitted to the Judicial Council since 2001 and form the basis of the council's requests to the Legislature to create new judgeships. [1]

Table 1 provides a summary of the statewide need for judicial officers – the Assessed Judicial Need – in 2004, 2007, and 2008, and compares the need for judicial officers to the number of Authorized Judicial Positions in the state. The total statewide need for judicial officers is currently equivalent to 2,348 positions. The number of Authorized Judicial Positions is currently 2,021.[2] Thus the *net* need for new judgeships is 327 or, as a percentage of the total need, the judicial branch has a 13.9 percent shortfall.

Table 1: Statewide Need for Judicial Officers

Year	Assessed Judicial Need (AJN)	Authorized Judicial Positions (AJP)	Net Need (AJN minus AJP)	Percentage Need
2004	2,270	1,921	349	15.4%
2007	2,332	1,971	361	15.5%
2008	2,348	2,021[2]	327	13.9%
Change 2004-2007	**+ 78**	**+ 100**[2]	**-22**	**-1.5%**

The shortfall of 13.9 percent represents a modest improvement over previous shortfalls of 15.4 and 15.5 in 2004 and 2007 respectively. The improvement is the result of the Legislature's creation of 50 new judgeships in 2006 and an additional 50 judgeships in 2007.[2] Because of continuing growth in the amount of workload in the courts, however, the additional 100 new judgeships created over the two years by the Legislature resulted in a net gain of 22 positions – 100 new judgeships minus increased workload of 78 positions.

The need for new judgeships in each superior court is shown in Table 2 on the following page. Generally the greatest need can be found in moderate-sized to large courts in the Inland Empire and central valley where historic under-funding and rapid population growth have outstripped the resources of the courts.

[1] See especially Judicial Council reports of August 24, 2001, October 26, 2001, August 27, 2004, and February 23, 2007.

[2] This figure includes 50 positions created by the Legislature in 2007 in AB 159 although the funding for these positions has been deferred until July, 2009.

Table 2: Need for Judicial Officers by Superior Court

	Assessed Judicial Need (AJN)[3]	Authorized Judicial Positions (AJP)[4]	Net Need (AJN minus AJP)	Percentage Need
Alameda	80.5	85	-4.5	-5.6%
Alpine	0.2	2	-1.8	-900.0%
Amador	2.9	2.3	0.6	20.7%
Butte	15.7	14	1.7	10.8%
Calaveras	2.9	2.3	0.6	20.7%
Colusa	1.8	2	-0.2	-11.1%
Contra Costa	45.7	47	-1.3	-2.8%
Del Norte	4.0	3.8	0.2	5.0%
El Dorado	10.8	9	1.8	16.7%
Fresno	78.3	53	25.3	32.3%
Glenn	2.5	2.3	0.2	8.0%
Humboldt	10.1	8	2.1	20.8%
Imperial	12.1	11.38	0.7	5.8%
Inyo	1.8	2.07	-0.3	-16.7%
Kern	59.8	46	13.8	23.1%
Kings	12.3	9.5	2.8	22.8%
Lake	5.8	4.8	1.0	17.2%
Lassen	3.3	2.3	1.0	30.3%
Los Angeles	621.1	586.25	34.8	5.6%
Madera	13.2	10.3	2.9	22.0%
Marin	12.0	14.5	-2.5	-20.8%
Mariposa	1.4	2.1	-0.7	-50.0%
Mendocino	7.6	8.4	-0.8	-10.5%
Merced	21.7	14	7.7	35.5%
Modoc	1.0	2	-1.0	-100.0%
Mono	1.1	2.25	-1.1	-100.0%
Monterey	25.3	22	3.3	13.0%
Napa	8.6	8	0.6	7.0%
Nevada	5.9	7.6	-1.7	-28.8%
Orange	157.8	145	12.8	8.1%
Placer	28.4	16.5	11.9	41.9%
Plumas	1.9	2	-0.1	-5.3%
Riverside	142.5	83	59.5	41.8%
Sacramento	119.6	78.5	41.1	34.4%
San Benito	3.3	2.5	0.8	24.2%
San Bernardino	147.7	91	56.7	38.4%
San Diego	160.3	154	6.3	3.9%
San Francisco	53.0	66	-13.0	-24.5%
San Joaquin	55.1	36.5	18.6	33.8%
San Luis Obispo	17.5	15	2.5	14.3%
San Mateo	32.2	33	-0.8	-2.5%
Santa Barbara	27.4	24	3.4	12.4%
Santa Clara	84.5	89	-4.5	-5.3%
Santa Cruz	14.6	13.5	1.1	7.5%
Shasta	17.2	13	4.2	24.4%
Sierra	0.4	2.05	-1.6	-400.0%
Siskiyou	4.0	5	-1.0	-25.0%
Solano	32.1	24	8.1	25.2%
Sonoma	28.2	24	4.2	14.9%
Stanislaus	39.1	26	13.1	33.5%
Sutter	6.8	5.3	1.5	22.1%
Tehama	5.9	4.33	1.6	27.1%
Trinity	0.7	2.3	-1.6	-228.6%
Tulare	34.4	25	9.4	27.3%
Tuolumne	4.8	4.75	0.1	2.1%
Ventura	37.7	33	4.7	12.5%
Yolo	14.8	13.3	1.5	10.1%
Yuba	6.4	5	1.4	21.9%
Total	**2,348**	**2,021**	**327**	**13.9%**

3. Workload measured by 3-year average filings from FY0405 to FY0607.

4. AJP includes 50 new judges approved by AB 159 but not yet funded.