



Judicial Council of California · Administrative Office of the Courts

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 29, 2010

Title	Agenda Item Type
The Need for New Judgeships in the Superior Courts: 2010 Update of the Judicial Needs Assessment	Information Only
	Date of Report
	October 14, 2010
Submitted by	Contact
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Executive Summary

The Administrative Office of the Courts (AOC), as the staff agency to the Judicial Council, presents this report to the Legislature: *The Need for New Judgeships in the Superior Courts: 2010 Update of the Judicial Needs Assessment*. Government Code section 69614(c) requires this report 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 section 69614(b).

Previous Council Action

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, since that time, have formed the basis of council requests to the Legislature to create new judgeships.

At its October 26, 2001, meeting the Judicial Council approved:

- The finding that 365 new judgeships are needed to accomplish the workload in the state's courts;

- A prioritized ranking and allocation plan for assigning 150 new judgeships based on the prioritization of need; and
- A plan to seek legislative authorization and funding for 150 new judgeships in three phases: 50 judgeships that were targeted for fiscal year 2002–2003, another 50 in fiscal year 2003–2004, and a final 50 in fiscal year 2004–2005.

This action had been based upon the council’s direction at its August 24, 2001, meeting that the AOC assess the statewide judicial needs using workload standards developed by the National Center for State Courts.

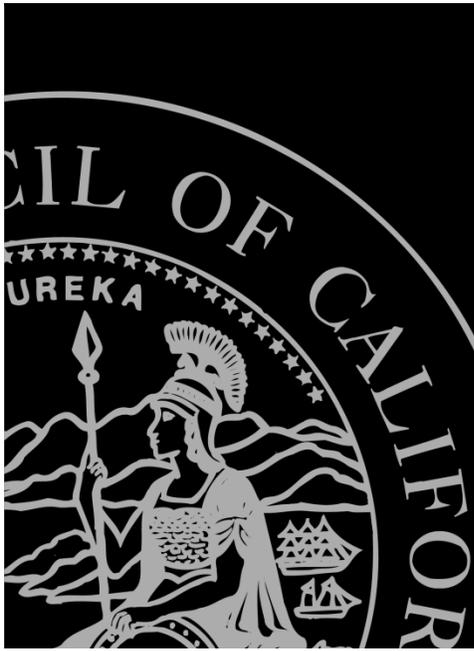
At its August 9, 2004, meeting, the council approved technical modifications to the judicial workload methodology and modified the priority ranking of the new judgeships. At its February 23, 2007, meeting, after the state Legislature created 50 new judgeships,¹ the council approved a subsequent reranking of the remaining 100 top priority judgeships to reflect changes in workload since the 2004 report. The council also approved the methodology for identifying the number and location of subordinate judicial officer positions that should be converted to judgeships. In October 2007, Assembly Bill 159 was enacted, authorizing 50 more new judgeships; these positions, however, remain unfunded and unfilled. Assembly Bill 159 also authorized the conversion of 162 vacant subordinate judicial officer positions, identified according to the council-approved methodology, at a rate of no more than 16 per year.

At its October 8, 2008, meeting, the council reconfirmed the need for the third set of 50 new judgeships. In addition, the council called for the creation of an additional 100 new judicial positions.

Attachments

1. Report to the Legislature Under Government Code Section 69614(c): *The Need for New Judgeships in the Superior Courts: 2010 Update of the Judicial Needs Assessment*

¹In September 2006, Senate Bill 56 was enacted, authorizing 50 new judgeships; funding in fiscal year 2006–2007 was provided for one month and on-going thereafter.



The Need for New Judgeships in the Superior Courts: 2010 Update of the Judicial Needs Assessment

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION 69614(c)

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The Need for New Judgeships in the Superior Courts: 2010 Update of the Judicial Needs Assessment

Government Code section 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 section 69614(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 council 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 2007, 2008, and 2010 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 2,352 positions. Including 50 statutorily authorized but not yet funded and therefore unfilled judicial positions, the number of authorized judicial positions is currently 2,022.² Thus the *net* need for new judgeships is 330 or, expressed as a percentage of the total need, the judicial branch has a 14 percent shortfall.

Table 1: Statewide Need for Judicial Officers

Year	Assessed Judicial Need (AJN)	Authorized Judicial Positions (AJP)	Net Need (AJN Minus AJP)	Need as a Percentage
2007	2,332	1,972	360	15.4%
2008	2,348	2,022	326	13.9%
2010	2,352	2,022	330	14.0%
Change				
2007–2010	+20	+50	-30	-1.4%

While the shortfall of 14 percent appears to represent a modest improvement over the shortfall of 15.4 percent in 2007, it is largely unchanged from the need in 2008. Moreover, the improvement since 2007 does not reflect actual judicial officers that are available to the courts because the authorized positions shown in 2008 and 2010 include 50 judgeships authorized in Assembly Bill 159 but not yet funded. Without these unfunded positions in the count of authorized positions, the net need for new judgeships in the courts would have increased by almost a full percentage point and would now stand at 380, or a 16.2 percent deficit.

¹ See especially Judicial Council reports of August 24, 2001; October 26, 2001; August 27, 2004; February 23, 2007; and October 24, 2008.

² Funding for the 50 positions created by the Legislature in 2007 in AB 159 (Jones; Stats. 2007, ch. 722) was initially included in the 2007–2008 Budget Act, but was deferred several times, and has not yet been provided.

The need for new judgeships in each superior court is shown in table 3 on the final page of this report. Generally the greatest need can be found in moderate-sized to large courts in the Inland Empire and Central Valley, where historic underfunding and rapid population growth have outstripped the resources of the courts.

Since the 2008 report to the Legislature on the need for judgeships in the superior courts, the Administrative Office of the Courts has established a working group—the SB 56 Working Group—composed of judges and executive officers from 15 courts to advise and make recommendations to the AOC on updating judicial officer case weights used in the judicial needs assessment. Periodic updating of case weights is essential to ensure that the case weights used for calculating judicial need are up to date and reflect technological and organizational changes in the courts, efficient case management practices, compliance with legal mandates, and respect for the due process rights of litigants. The working group held its inaugural meeting in September 2009 and subsequent meetings in March 2010 and August 2010.

In May 2010, judicial officers from 14 superior courts participated in a four-week time study to capture data on case-processing times. Courts that participated in the study and the number of judges and commissioners participating in each court are shown in table 2, below. These courts were selected to provide a cross-section of the size, geographic, and demographic differences found across the state. With almost 400 judicial officers participating in the study, the data will provide a solid foundation on which to evaluate and, if necessary, modify current case weights. Moreover, the time study captured data on additional case types to improve the precision of the workload estimates including homicide, asbestos, and complex civil litigation.

Table 2: Courts and Judicial Officer Participation in 2010 Time Study

Courts	Judges	Commissioners	All Judicial Officers
Alameda	54	14	68
El Dorado	9	2	11
Fresno	23	3	26
Glenn	2	1	3
Imperial	9	0	9
Inyo	2	1	3
Lake	4	1	5
Merced	10	3	13
San Benito	2	1	3
San Bernardino	69	13	82
San Francisco	51	12	63
Santa Clara	75	9	84
Siskiyou	4	1	5
Sonoma	11	5	16
Total	325	66	391

During the winter and spring of 2011, data from the time study will be evaluated in conjunction with site visits to trial courts and additional data from trial court case management systems. This evaluation will be presented to members of the SB 56 Working Group and to courts that participated in the judicial officer time study to determine whether or not current case weights need to be modified. Final decisions about modifications of case weights will be made in the summer of 2011, allowing a reevaluation of the total statewide need for judicial officers to be conducted by the fall of 2011. The 2012 mandated report on the need for judgeships in the superior courts will incorporate modifications, if any, made to the judicial officer case weights. That report will also provide supporting documentation on the methodology and rationale for any modifications to the current case weights.

Table 3: Need for Judicial Officers by Superior Court

County	2008			2010 Update		Change in Need From 2008
	Authorized Judicial Positions*	Assessed Judicial Need**	Net Need	Assessed Judicial Need***	Net Need	
Alameda	85.0	80.5	-4.5	81.6	-3.4	1.1
Alpine	2.3	0.2	-2.1	0.2	-2.1	0.0
Amador	2.3	2.9	0.6	2.6	0.3	-0.3
Butte	14.0	15.7	1.7	16.0	2.0	0.3
Calaveras	2.3	2.9	0.6	2.9	0.6	0.0
Colusa	2.3	1.8	-0.5	1.6	-0.7	-0.1
Contra Costa	47.0	45.7	-1.3	45.4	-1.6	-0.3
Del Norte	3.8	4.0	0.2	3.4	-0.4	-0.6
El Dorado	9.0	10.8	1.8	10.3	1.3	-0.5
Fresno	53.0	78.3	25.3	78.1	25.1	-0.2
Glenn	2.3	2.5	0.2	2.3	0.0	-0.2
Humboldt	8.0	10.1	2.1	9.8	1.8	-0.3
Imperial	11.4	12.1	0.7	12.5	1.1	0.4
Inyo	2.3	1.8	-0.5	1.7	-0.6	-0.1
Kern	46.0	59.8	13.8	59.5	13.5	-0.3
Kings	9.5	12.3	2.8	12.2	2.7	-0.1
Lake	4.8	5.8	1.0	5.2	0.4	-0.6
Lassen	2.3	3.3	1.0	3.2	0.9	-0.1
Los Angeles	586.3	621.1	34.8	619.8	33.6	-1.3
Madera	10.3	13.2	2.9	13.3	3.0	0.1
Marin	14.5	12.0	-2.5	11.5	-3.0	-0.5
Mariposa	2.3	1.4	-0.9	1.1	-1.2	-0.3
Mendocino	8.4	7.6	-0.8	8.2	-0.2	0.6
Merced	14.0	21.7	7.7	20.7	6.7	-1.0
Modoc	2.3	1.0	-1.3	0.9	-1.4	-0.1
Mono	2.3	1.1	-1.2	1.2	-1.1	0.0
Monterey	22.0	25.3	3.3	24.1	2.1	-1.2
Napa	8.0	8.6	0.6	8.5	0.5	-0.1
Nevada	7.6	5.9	-1.7	5.8	-1.8	-0.1
Orange	145.0	157.8	12.8	168.1	23.1	10.4
Placer	16.5	28.4	11.9	21.8	5.3	-6.7
Plumas	2.3	1.9	-0.4	1.6	-0.7	-0.3
Riverside	83.0	142.5	59.5	146.4	63.4	3.9
Sacramento	78.5	119.6	41.1	115.0	36.5	-4.6
San Benito	2.5	3.3	0.8	3.6	1.1	0.3
San Bernardino	91.0	147.7	56.7	156.7	65.7	9.0
San Diego	154.0	160.3	6.3	165.6	11.6	5.3
San Francisco	65.0	53.0	-12.0	54.1	-10.9	1.1
San Joaquin	36.5	55.1	18.6	53.2	16.7	-1.8
San Luis Obispo	15.0	17.5	2.5	17.3	2.3	-0.2
San Mateo	33.0	32.2	-0.8	32.6	-0.4	0.5
Santa Barbara	24.0	27.4	3.4	25.7	1.7	-1.8
Santa Clara	89.0	84.5	-4.5	78.5	-10.5	-6.0
Santa Cruz	13.5	14.6	1.1	14.5	1.0	-0.1
Shasta	13.0	17.2	4.2	16.9	3.9	-0.4
Sierra	2.3	0.4	-1.9	0.3	-2.0	-0.1
Siskiyou	5.0	4.0	-1.0	3.9	-1.1	-0.2
Solano	24.0	32.1	8.1	32.6	8.6	0.5
Sonoma	24.0	28.2	4.2	28.0	4.0	-0.2
Stanislaus	26.0	39.1	13.1	39.8	13.8	0.7
Sutter	5.3	6.8	1.5	8.4	3.1	1.5
Tehama	4.3	5.9	1.6	5.6	1.3	-0.3
Trinity	2.3	0.7	-1.6	1.2	-1.1	0.5
Tulare	25.0	34.4	9.4	32.5	7.5	-1.9
Tuolumne	4.8	4.8	0.1	4.3	-0.4	-0.5
Ventura	33.0	37.7	4.7	40.9	7.9	3.2
Yolo	13.4	14.8	1.4	13.5	0.1	-1.2
Yuba	5.3	6.4	1.1	5.8	0.5	-0.6
Total	2,022	2,348	326	2,352	330	4

* Note that the 2008 update of the judicial needs assessment showed 2,021 authorized judicial positions (AJP) due to rounding down of fractional subordinate judicial officer positions. Both the 2008 report and this report include 100 judges approved by SB 56 and AB 159.

** Based on three-year average filings from FY 2004–2005 through FY 2006–2007.

*** Based on three-year average filings from FY 2006–2007 through FY 2008–2009.

