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FACT SHEET

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New Judgeships

California continues to suffer from a severe shortage in the number of trial court judges. The ramifications are serious and far-reaching, and include a significant decrease in Californians' access to the courts, compromised public safety, an unstable business climate, and backlogs in some courts that inhibit fair, timely, and equitable justice.

A detailed analysis of judicial workload conducted in 2014 identified a need for more than 250 additional judges to satisfy workload requirements in California's 58 Superior Courts.

Prior Legislation

In 2005, the Judicial Council committed to seeking 150 new trial court judgeships over three years, and sponsored SB 56 (Dunn, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. These 50 judgeships were funded in the 2007 Budget Act, and judges were appointed to each of them.

In 2007, AB 159 (Jones, ch. 722) authorized the second set of 50 judgeships; these judgeships, however, remain unfunded. The Judicial Council also sponsored legislation to authorize the third set of 50 judgeships in 2008 (SB 1150, Corbett), 2009 (SB 377, Corbett), 2011 (AB 1405, Feuer), 2014 (SB 1190, Jackson), and 2015 (SB 229, Roth), but in the midst of the state's economic downturn, these efforts were unsuccessful in the Legislature or vetoed by the Governor.

Due to the delay in authorization and funding of judgeships, growth in population, and the growth in court workload, the number of trial court judges needed has continued to increase.

Background

- Courts face the most urgent need for judges in some of the fastest growing counties. Legislation authorizing and funding judgeships is a crucial step to addressing the need for additional judges in these counties. The number of authorized judges in these counties falls well below the number of the judges needed to handle the workload:
 - San Bernardino County has experienced a 13 percent growth in population in the last decade, and is also authorized for just 60 percent of the judges needed in that county.
 - Riverside County has experienced a 30 percent growth in population and is authorized for just 60 percent of the judges needed in that county.
 - Los Angeles County has experienced a 4.3 percent growth in population and is authorized for just 93 percent of the judges needed in that county.
 - Kern County has experienced a 22 percent growth in population and is authorized for just 74 percent of the judges needed in that county.
 - Fresno County has experienced a 13 percent growth in population and is authorized for just 80 percent of the judges needed in that county.
 - San Joaquin County has experienced a 13 percent growth in population and is authorized for just 79 percent of the judges needed in that county.
 - Stanislaus County has experienced an 8 percent increase in population, and is authorized for just 73 percent of the judges needed to carry out the trial court workload in that county.

Consequences of Too Few Judicial Officers

- The judicial branch is unable to provide an adequate level of justice and service to the public.
- Public safety is endangered when there are too few judicial officers to hear criminal cases.
- In criminal cases, heavy caseloads put pressure to plea bargain because these cases must be dismissed if they are not heard within specified time frames, due to Constitutional protections.

- Delays in criminal cases due to an insufficient number of judges can force delays in civil case processing. These delays harm civil litigants and create uncertainty and instability for the business community.
- A stable business climate requires timely access to justice to resolve civil disputes.
- All Californians need access to courts to address civil matters of all types, including:
 - Family law—divorce, paternity, support, and child custody issues;
 - Landlord-tenant disputes and other housing issues;
 - Domestic violence and workplace violence issues.
- An increase in judgeships would allow the judicial branch to increase diversity among bench officers, which in turn enriches judicial decision-making and access to justice for Californians of diverse languages and socioeconomic backgrounds.

Legislative Solution

With California’s improved economic outlook, the Judicial Council is sponsoring legislation to partially fund the second set of 50 previously authorized judgeships. Under this proposal, 12 new judgeships will be funded, helping to alleviate the strain on our most severely overburdened courts. The Judicial Council will pursue funding for the remaining judgeships in future years. This stepping-stone system will spread out the higher start-up costs associated with new judgeships over a time, while still providing relief and assistance to our most overworked courts.

The funding requested includes the cost of the minimal complement of necessary staff to support the work of the new judge. Each judgeship requires the equivalent of approximately three full time judicial support staff positions allocated among research attorneys, secretarial support, and court clerks. Additional staff positions, including bailiffs or internal court security and court interpreters, are funded through a separate budgetary line item. This level of support staffing is the minimal level needed to support the proposed judges. The funding requested also includes the cost of facilities, supplies, and operating expenses for the judgeships and associated staff.

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