

Bay Area Left Out of the Judge Parade

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SACRAMENTO — In 20 California counties right now, trial court administrators are hiring clerks and readying courtrooms for the 50 new judges Gov. Arnold Schwarzenegger is expected to name this summer.

But you won't find that hustle and hiring in San Francisco's busy superior court. There's no scramble for new space in Santa Clara County's courts, and no judicial robes being ordered in San Mateo or Alameda counties.

That's because the Administrative Office of the Courts concluded that based on population trends, the first trial court judgeships created since 2000 should be allocated to fast-growing counties outside the largely urban and suburban Bay Area. Riverside and San Bernardino counties combined will welcome 15 new judges. Sacramento will have five new bench officers and Fresno will see four.

Within the nine counties that comprise the greater San Francisco Bay Area, just three courts have been allocated new judges: Contra Costa and Solano each receive one judge, and Sonoma County gets two.

It's not that San Francisco, Alameda and Santa Clara counties don't need new judges. It's just that, according to a 2002 report ([.pdf](#)) by the National Center for State Courts, the Inland Empire and Central Valley need the jurists more.

The NCSC created a complex matrix of workload factors, including the number of hours a judge usually has available to work in a given calendar year and how much time a particular type of case takes to complete. Given that California's trial courts handled nine million cases annually at the turn of the century, the report concluded then that the state needed at least another 350 new positions.

No one expects state leaders to create that many new judgeships any time soon, given the state's current budget and political situation — a Democrat-controlled Legislature is unlikely to ever award a Republican governor that many appointments. Judiciary officials are instead lobbying hard to create a total of 150 judgeships over the next three years, including the 50 that will be named by the governor in the coming weeks.

Presiding judges of Bay Area courts say they completely understand the desperate need for judges in other parts of the state. But that doesn't mean they wouldn't like to welcome a few new faces to their own courts.

"I would love to have another judge," said San Mateo County Presiding Judge Robert

Foiles. "But the reality is dealing with what you have."

What Foiles has is 26 judges, seven subordinate judicial officers and a pool of retired judges to wrestle with a fluctuating caseload that's recently been tested by an influx of gang-related criminal cases. When judges go on vacation, get sick, go on disability or something unexpected happens, "it wreaks havoc" on calendars, he said.

"We are managing to stay current, but it's not easy," Foiles said. "Every week we stretch the envelope."

Just to the south in Santa Clara County, Presiding Judge Catherine Gallagher said her court, too, is managing, but not flourishing. Gallagher questions some of the assumptions the NCSC made about workloads. Santa Clara County, for instance, has a number of so-called collaborative courts that address mental health issues and drug use that may require more staff work and time than traditional proceedings, she said.

"Our mental health court is a model for the nation. But it's very labor intensive," she said. "There are certain things we do in Santa Clara County that, in my opinion, should be weighted differently."

AOC executive William Vickrey said he understands that urban counties like San Mateo and Santa Clara, while not on the list to receive the next 50 judgeships created, still need new bench positions.

"In an ideal world we would be adding 100 judges a year over the next three years instead of 50," he said.

"The long-term solution to this problem is for California to have a system of adding judges every year to meet its increasing workload so the state doesn't find itself in the dire need it is in now," he continued.

Vickrey said that once the judiciary secures a second and third round of 50 new judgeships, leaders hope to persuade the Legislature to approve a mechanism that would allow courts to automatically add judges based on workload triggers. But such a controversial proposal, if ever approved, could be five or 10 years away.