



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

JODY PATEL
Chief of Staff

November 1, 2012

Ms. Diane F. Boyer-Vine
Legislative Counsel
State of California
State Capitol, Room 3021
Sacramento, California 95814

Mr. Gregory P. Schmidt
Secretary of the Senate
California State Senate
State Capitol, Room 400
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
California State Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment

Dear Ms. Boyer-Vine, Mr. Schmidt, and Mr. Wilson:

Attached is the Judicial Council report required under Government Code Sections 69614(c) and 69615(c)(1)(C) on the need for new judgeships in California superior courts and the conversion of certain subordinate judicial officer (SJO) positions to judgeships.

If you have any questions related to this report, please contact Chad Finke, Director of the Court Operations Special Services Office, at 415-865-8925 or chad.finke@jud.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Jahr', with a long horizontal flourish extending to the right.

Steven Jahr
Administrative Director of the Courts

SJ/CF/lrg

Attachment

cc: Members of the Judicial Council

Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Steinberg

Fredericka McGee, General Counsel, Office of Assembly Speaker Pérez

Benjamin Palmer, Deputy Chief Counsel, Senate Judiciary Committee

Mike Petersen, Counsel, Senate Republican Office of Policy

Drew Liebert, Chief Counsel, Assembly Judiciary Committee

Mark Redmond, Counsel, Assembly Republican Office of Policy

Joe Stephenshaw, Consultant, Senate Budget and Fiscal Review Committee

Matt Osterli, Consultant, Senate Republican Fiscal Office

Marvin Deon II, Consultant, Assembly Budget Committee

Allan Cooper, Consultant, Assembly Republican Fiscal Office

Donna Hershkowitz, Acting Director, AOC Office of Governmental Affairs

Peter Allen, Office of Communications

Judicial Administration Library (2 copies)



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

JODY PATEL
Chief of Staff

November 1, 2012

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol Building
Sacramento, California 95814

Re: The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment Required Under Government Code Sections 69614(c)(1)&(3) and 69615(c)(1)(C)

Dear Governor Brown:

Attached is the Judicial Council report required under Government Code sections 69614(c)(1)&(3) and 69615(c)(1)(C), which require the Judicial Council to provide an update every two years on the need for new judgeships in California superior courts and to report on the conversion of certain subordinate judicial officer (SJO) positions to judgeships.

Consistent with previous reports, a significant, critical need for new judgeships remains. The statewide need for new judgeships is 13 percent greater than the number of authorized judicial positions. When judgeships that were authorized but never funded under AB 159 (Stats. 2007, ch. 722) are appropriately removed from the calculation because those positions cannot yet be filled, the statewide need for new judgeships rises to 16 percent; however, judgeship need can be significantly higher in individual courts depending on historic funding levels, workload growth, and other factors.

The need for new judgeships in each superior court is shown in Table 3 of the report. Generally, the greatest need is in midsize to large courts in the Inland Empire and Central Valley, where

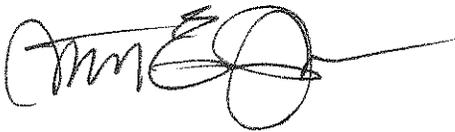
historic underfunding and rapid population growth have perpetuated an imbalance between courts' resources and resource needs.

As directed by Government Code section 69614(c)(3), this year's report also addresses the implementation of conversions of additional SJO positions (above the 16 authorized each year) that result in judges' being assigned to family or juvenile assignments previously held by SJOs (as authorized by Gov. Code, § 69615(c)(1)(C)).

Conversions of additional positions were authorized for fiscal year 2011–2012 (Gov. Code, § 69616). Under this authority, four SJO positions were converted to judgeships. Although judges have not yet been appointed to these newly created judgeships, once the judgeships are filled, the courts have committed to assigning judges (whether the newly appointed judges or other sitting judges) to either family or juvenile calendars that were previously presided over by subordinate judicial officers.

If you have any questions related to this report, please contact Chad Finke, Director of the Court Operations Special Services Office, at 415-865-8925 or chad.finke@jud.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steven Jahr', with a long horizontal line extending to the right.

Steven Jahr
Administrative Director of the Courts

SJ/CF/lrg
Attachment

cc: Members of the Judicial Council

Ana J. Matosantos, Director of Finance, California Department of Finance

Jim Humes, Executive Secretary for Administration, Legal Affairs, and Policy in the Office of the Governor

Nancy McFadden, Executive Secretary for Legislation, Appointments, and Policy in the Office of the Governor

Joshua P. Groban, Senior Advisor for Policy and Appointments in the Office of the Governor

Jody Patel, Administrative Office of the Courts (AOC) Chief of Staff

Donna Hershkowitz, Acting Director, AOC Office of Governmental Affairs

Peter Allen, AOC Office of Communications

Judicial Administration Library (2 copies)



Judicial Council of California
ADMINISTRATIVE OFFICE OF THE COURTS

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

STEVEN JAHR
Administrative Director of the Courts

JODY PATEL
Chief of Staff

Report Summary

Report title: *The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment*

Statutory citation: Government Code sections 69614(c) and 69615(c)(1)(C)

Date of report: October 29, 2012

The Judicial Council has submitted a report to the Legislature in accordance with Government Code sections 69614(c) and 69615(c)(1)(C), which require the council to provide an update every two years on the need for new judgeships in California superior courts and to report on the conversion of certain subordinate judicial officer (SJO) positions to judgeships.

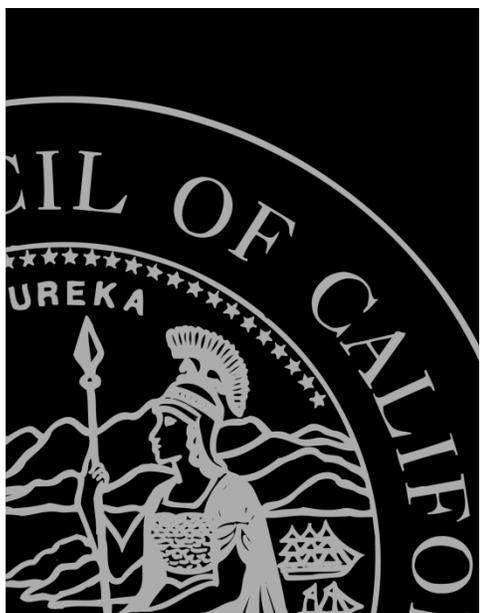
The following summary of the report is provided under Government Code section 9795.

The Judicial Council finds that, consistent with previous reports, a significant, critical need for new judgeships remains. The statewide need for new judgeships is 13 percent greater than the number of authorized judicial positions. When judgeships that were authorized but never funded under AB 159 are subtracted from the equation, the statewide need for new judgeships rises to 16 percent and is significantly higher in individual courts.

Starting with this year's report, the Judicial Council must also report on the conversion of SJO positions, in excess of the maximum 16 per year, that result in judges' being assigned to family or juvenile assignments previously held by SJOs. Under this provision, four SJO positions were converted to judgeships. Although the Governor has not yet appointed judges to those positions, the four courts receiving those positions have confirmed their commitment to assigning judges to family or juvenile calendars.

After November 1, 2012, the full report can be accessed here: www.courts.ca.gov/7466.htm.

A printed copy of the report may be obtained by calling 415-865-7454.



The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTIONS
69614(c)(1)&(3) AND 69615(c)(1)(C)

NOVEMBER 2012



JUDICIAL COUNCIL
OF CALIFORNIA

ADMINISTRATIVE OFFICE
OF THE COURTS

Please address inquiries to:

Judicial Council of California
Administrative Office of the Courts
Office of Court Research
455 Golden Gate Avenue
San Francisco, California 94102-3688

Printed on 100 percent recycled and recyclable paper.

Judicial Council of California

Hon. Tani G. Cantil-Sakauye
Chief Justice of California and
Chair of the Judicial Council

Hon. Noreen Evans
Member of the California State Senate

Hon. Judith Ashmann-Gerst
Associate Justice of the Court of Appeal
Second Appellate District, Division Two

Hon. Mike Feuer
Member of the California State Assembly

Hon. Stephen H. Baker
Judge of the Superior Court of California,
County of Shasta

Mr. James P. Fox
Attorney at Law (Retired)
California State Bar Association

Hon. Marvin R. Baxter
Associate Justice of the Supreme Court

Hon. James E. Herman
Judge of the Superior Court of California,
County of Santa Barbara

Hon. James R. Brandlin
Judge of the Superior Court of California,
County of Los Angeles

Hon. Harry E. Hull, Jr.
Associate Justice of the Court of Appeal
Third Appellate District

Ms. Angela J. Davis
Assistant United States Attorney
for the Central District of California

Hon. Teri L. Jackson
Judge of the Superior Court of California,
County of San Francisco

Hon. David De Alba
Judge of the Superior Court of California,
County of Sacramento

Hon. Ira R. Kaufman
Assistant Presiding Judge of the
Superior Court of California,
County of Plumas

Hon. Emilie H. Elias
Judge of the Superior Court of California,
County of Los Angeles

Ms. Edith R. Matthai
Attorney at Law
Robie & Matthai

Hon. Sherrill A. Ellsworth
Presiding Judge of the
Superior Court of California,
County of Riverside

Hon. Douglas P. Miller
Associate Justice of the Court of Appeal
Fourth Appellate District, Division Two

Judicial Council of California

Hon. Mary Ann O'Malley
Judge of the Superior Court of California,
County of Contra Costa

Hon. Brian L. McCabe
Presiding Judge of the
Superior Court of California,
County of Merced

Mr. Mark P. Robinson, Jr.
Attorney at Law
Robinson Calcagnie Robinson
Shapiro Davis, Inc.

Hon. Robert James Moss
Judge of the Superior Court of California,
County of Orange

Hon. David Rosenberg
Judge of the Superior Court of California,
County of Yolo

Hon. Kenneth K. So
Judge of the Superior Court of California,
County of San Diego

ADVISORY MEMBERS

Hon. Sue Alexander
Commissioner of the
Superior Court of California,
County of Alameda

Ms. Mary Beth Todd
Court Executive Officer
Superior Court of California,
County of Sutter

Mr. Alan Carlson
Chief Executive Officer
Superior Court of California,
County of Orange

Hon. Charles D. Wachob
Assistant Presiding Judge of the
Superior Court of California,
County of Placer

Hon. Laurie M. Earl
Presiding Judge of the
Superior Court of California,
County of Sacramento

Mr. David H. Yamasaki
Court Executive Officer
Superior Court of California,
County of Santa Clara

Hon. Allan D. Hardcastle
Judge of the Superior Court of California,
County of Sonoma

ADMINISTRATIVE OFFICE OF THE COURTS

Hon. Steven Jahr
Administrative Director of the Courts
and Secretary of the Judicial Council

Hon. Morris D. Jacobson
Judge of the Superior Court of California,
County of Alameda

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

Hon. Tani G. Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Steven Jahr
Administrative Director of the Courts

Jody Patel
Chief of Staff

COURT OPERATIONS SPECIAL SERVICES OFFICE

Chad Finke
Director

Dag MacLeod
Manager

Leah Rose-Goodwin
Primary Author of Report

The Need for New Judgeships in the Superior Courts: 2012 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 the 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

Consistent with previous reports to the Judicial Council and the Legislature, this report shows that a significant, critical need for new judgeships in the superior courts remains. Despite a modest decline in the assessed judicial need in 2012, the number of new judgeships needed is 13 percent greater than the number of authorized judicial positions. When judgeships that were authorized but never funded under AB 159 are factored into the equation, the statewide need for new judgeships rises to almost 16 percent and is considerably higher in individual courts.

Previous years' assessments used workload standards (caseweights) that were approved by the Judicial Council in 2001 to evaluate statewide judicial workload. In December 2011, the Judicial Council approved an updated set of caseweights. Caseweights require periodic review because changes in the law, technology, and practice all affect the amount of time required for case processing. Periodic review and, where necessary, revision of caseweights ensure that the allocation formulas reported to the Legislature and the Governor reflect the current amount of time required to resolve cases.

The new caseweights are based on a 2010 time study of more than 500 judicial officers in 15 courts. With the support of the National Center for State Courts and the guidance of the SB 56 Working Group, the Administrative Office of the Courts developed the new caseweights using the same methods employed in the 2001 study and incorporated into Government Code section 69614(b).²

Judicial officer need is calculated by multiplying each caseweight by a three-year average of filings, divided by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalents (FTEs). Table 1 shows that the current statewide need for judicial officers is 2,286 FTEs. Comparing the estimated need to the number of authorized

¹ See especially Judicial Council reports from August 24, 2001; October 26, 2001; August 27, 2004; February 23, 2007; October 24, 2008; and October 29, 2010.

² The Judicial Council report about the new caseweights can be found at www.courts.ca.gov/documents/jc-121211-agenda.pdf.

positions shows a deficit of approximately 264 positions, or a 13 percent gap between what is needed and the current number of authorized judicial positions.

Importantly, the need for judicial officers is compared to the number of *authorized* judicial positions, which actually understates the need because of the 50 judicial positions authorized, but never funded, in 2007 under Assembly Bill 159 (Stats. 2007, ch. 722). Subtracting these 50 positions from the number of authorized positions brings the net need to 314—almost 16 percent greater than the number of authorized judicial positions.

Table 1: Statewide Need for Judicial Officers

Year	Authorized Judicial Positions (AJP)*	Assessed Judicial Need (AJN)	Net Need (AJP Minus AJN)	Need as a Percentage of AJP (%)
2008	2,022	2,348	-326	-16.1
2010	2,022	2,352	-330	-16.3
2012	2,022	2,286	-264	-13.1
Change from previous (2010–2012)	0	-66	-66	-3.2

* Includes 50 new judgeships that were created by the Legislature in 2007 in AB 159 (Jones; Stats. 2007, ch. 722) but not funded.

Table 1 also shows that judicial officer need has declined slightly since the 2010 judicial needs assessment. In 2010, 2,352 judicial positions were required to manage statewide judicial workload, or 330 more judicial officers than authorized. Direct comparisons between the 2010 and 2012 updates are complicated by the fact that both the filings data used to calculate judicial need and the caseweights have changed.³

For example, we see some growth in need that is attributable to increased workload mandated by the Legislature and by Judicial Council policy in juvenile, family, and probate case processing. This growth in workload is captured in the new caseweights. An offsetting decline in estimated judicial need is driven by lower caseweights for felony cases, in which the trial courts appear to have become more efficient in case processing since the 2001 workload assessment. This decline in judicial need in the criminal area is sharpened by a steep drop in misdemeanor filings in a number of courts since the last workload study.⁴

³ The 2010 update was based on a three-year average of filings from fiscal year (FY) 2007–2008 through FY 2009–2010. The 2012 update uses filings from FY 2008–2009 through FY 2010–2011.

⁴ Criminal caseweights do not reflect workload changes driven by Assembly Bill 109 and criminal justice realignment, because realignment occurred after the time study was conducted. Impacts to judicial workload resulting from realignment are not addressed with these estimates but will be evaluated in the future. The Legislature has provided supplemental funding for criminal justice realignment–related workload.

We can see the direct impact of changes in the filings data on the estimated need by comparing the new (2012) need estimates to a hypothetical estimate. Table 2 shows an estimate of judicial need for 2010 produced by applying the *new* caseweights to the filings that were current at that time. Holding the caseweights constant allows us to see that declining filings are responsible for a decline of 81.2 FTEs in the estimated judicial need.

Table 2: Comparison of Judicial Need, Holding the Caseweights Constant (Using 2011 Caseweights)

	2010	2012	Change
<i>Statewide Judicial Need</i>	2,367.3	2,286.1	-81.2

Regardless of these changes in the estimated judicial need, the underlying fact remains that the need for new judgeships in the superior courts is substantial and continues to need to be addressed to ensure the ability to provide justice.

The need for new judgeships in each superior court is shown in table 3 below. As in previous updates, 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 growth in judicial resources.

Status of Conversion of Additional SJO Positions to Family and Juvenile Assignments

As directed by Government Code section 69614(c)(3), this year’s report also addresses the implementation of conversions of additional subordinate judicial officer (SJO) positions (above the 16 authorized per year) that result in judges’ being assigned to family or juvenile assignments previously held by SJOs (as authorized by Gov. Code, § 69615(c)(1)(C)).

Conversions of additional positions were authorized for fiscal year 2011–2012 (Gov. Code, § 69616). Under this authority, four SJO positions were converted to judgeships in the Superior Courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties.

The Governor has not yet appointed judges to fill these newly created judgeships; however, once those judgeships are filled, the courts have committed to assigning judges (whether the newly appointed judges or other sitting judges) to either family or juvenile calendars that were previously presided over by subordinate judicial officers.

Table 3: Need for Judicial Officers by Court, 2010 Update and 2012 Update Compared

County	Authorized Judicial Positions ¹	2010 Update		2012 Update		
		Assessed Judicial Need: 2010 Update ²	Net Need (AJP-AJN)	Assessed Judicial Need: 2012 Update ³	Net Need (AJP-AJN)	Change in Need from 2010
Alameda	85.0	81.6	3.4	80.0	5.0	-1.6
Alpine	2.3	0.2	2.1	0.2	2.1	0.0
Amador	2.3	2.6	-0.3	2.6	-0.3	0.0
Butte	14.0	16.0	-2.0	14.7	-0.7	-1.3
Calaveras	2.3	2.9	-0.6	2.9	-0.6	0.0
Colusa	2.3	1.6	0.7	1.6	0.7	-0.1
Contra Costa	47.0	45.4	1.6	46.1	0.9	0.7
Del Norte	3.8	3.4	0.4	3.8	0.0	0.4
El Dorado	9.0	10.3	-1.3	10.6	-1.6	0.3
Fresno	53.0	78.1	-25.1	61.6	-8.6	-16.4
Glenn	2.3	2.3	0.0	2.1	0.2	-0.3
Humboldt	8.0	9.8	-1.8	10.2	-2.2	0.4
Imperial	11.4	12.5	-1.1	14.8	-3.4	2.3
Inyo	2.3	1.7	0.6	1.7	0.6	0.0
Kern	46.0	59.5	-13.5	57.8	-11.8	-1.7
Kings	9.5	12.2	-2.7	11.7	-2.2	-0.4
Lake	4.8	5.2	-0.4	5.2	-0.4	0.1
Lassen	2.3	3.2	-0.9	3.4	-1.1	0.2
Los Angeles	586.3	619.8	-33.6	626.4	-40.2	6.6
Madera	10.3	13.3	-3.0	11.4	-1.1	-1.9
Marin	14.5	11.5	3.0	11.7	2.8	0.2
Mariposa	2.3	1.1	1.2	1.6	0.7	0.4
Mendocino	8.4	8.2	0.2	7.7	0.7	-0.5
Merced	14.0	20.7	-6.7	19.0	-5.0	-1.6
Modoc	2.3	0.9	1.4	0.8	1.5	-0.1
Mono	2.3	1.2	1.1	1.1	1.2	0.0
Monterey	22.2	24.1	-1.9	23.6	-1.4	-0.5
Napa	8.0	8.5	-0.5	8.9	-0.9	0.4
Nevada	7.6	5.8	1.8	5.7	1.9	-0.1
Orange	145.0	168.1	-23.1	166.5	-21.5	-1.6
Placer	16.5	21.8	-5.3	20.4	-3.9	-1.4
Plumas	2.3	1.6	0.7	1.6	0.7	-0.1
Riverside	83.0	146.4	-63.4	137.8	-54.8	-8.6
Sacramento	78.5	115.0	-36.5	93.6	-15.1	-21.3
San Benito	2.5	3.6	-1.1	3.4	-0.9	-0.2
San Bernardino	91.0	156.7	-65.7	156.1	-65.1	-0.5
San Diego	154.0	165.6	-11.6	158.9	-4.9	-6.7
San Francisco	65.0	54.1	10.9	59.4	5.6	5.3
San Joaquin	36.5	53.2	-16.7	47.5	-11.0	-5.8
San Luis Obispo	15.0	17.3	-2.3	17.1	-2.1	-0.2
San Mateo	33.0	32.6	0.4	33.8	-0.8	1.1
Santa Barbara	24.0	25.7	-1.7	24.8	-0.8	-0.9
Santa Clara	89.0	78.5	10.5	78.9	10.1	0.5
Santa Cruz	13.5	14.5	-1.0	14.7	-1.2	0.2
Shasta	13.0	16.9	-3.9	16.6	-3.6	-0.3
Sierra	2.3	0.3	2.0	0.3	2.0	0.0
Siskiyou	5.0	3.9	1.1	3.7	1.3	-0.1
Solano	24.0	32.6	-8.6	28.6	-4.6	-4.0
Sonoma	24.0	28.0	-4.0	28.3	-4.3	0.3
Stanislaus	26.0	39.8	-13.8	36.1	-10.1	-3.6
Sutter	5.3	8.4	-3.1	7.3	-2.0	-1.1
Tehama	4.3	5.6	-1.3	5.8	-1.5	0.2
Trinity	2.3	1.2	1.1	1.6	0.7	0.4
Tulare	25.0	32.5	-7.5	28.4	-3.4	-4.1
Tuolumne	4.8	4.3	0.4	4.5	0.2	0.2
Ventura	33.0	40.9	-7.9	43.7	-10.7	2.8
Yolo	13.4	13.5	-0.1	12.3	1.1	-1.2
Yuba	5.3	5.8	-0.5	5.4	0.0	-0.4
Statewide	2,022.2	2,351.9	-329.7	2,286.1	-263.9	-65.8

¹ Includes the 50 judgeships that were authorized in AB 159 but not funded.

² Calculated using the average of FY 06-07 through FY 08-09 filings and old (2001) caseweights.

³ Calculated using the average of FY 08-09 through FY 10-11 filings and new (2010) caseweights.