



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

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MR. MARTIN HOSHINO
Administrative Director
Judicial Council

November 1, 2020

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

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 400
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment*, as required under Government Code section 69614(c)(1) & (3)

Dear Ms. Boyer-Vine, Ms. Contreras, and Ms. Parker:

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

The judicial branch has adopted a weighted caseload model based on filing type and volume to estimate the need for new judgeships—a methodology that is now used by many other states and is codified in Government Code section 69614. Based on this methodology, California needs 139 new judicial officers, as shown in table 2 of the report.

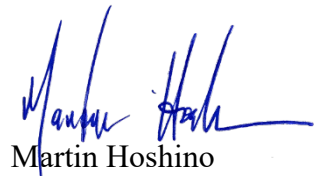
Ms. Diane F. Boyer-Vine
Ms. Erika Contreras
Ms. Sue Parker
November 1, 2020
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The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload in all California trial courts, leaving some with serious shortfalls—as high as over 46 percent—between the number of judgeships needed and the number that have been authorized and filled.

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 posted to family or juvenile assignments previously held by SJOs (as authorized by Gov. Code, § 69615(c)(1)(C)). No additional conversions took place in this reporting period.

If you have any questions related to this report, please contact Kristin Greenaway, Supervising Analyst, Business Management Services, at 415-865-7832 or kristin.greenaway@jud.ca.gov.

Sincerely,



Martin Hoshino
Administrative Director
Judicial Council

MH/KE

Attachment

cc: Eric Dang, Policy Consultant, Office of Senate President pro Tempore Toni G. Atkins
Amy Alley, Policy Advisor, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, Senior Counsel, Office of Assembly Speaker Anthony Rendon
Gabrielle Zeps, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Jessie Romine, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Eric Csizmar, Consultant, Senate Republican Policy Office
Morgan Branch, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Gregory Pagan, Chief Counsel, Assembly Public Safety Committee

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Lindsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget

Gary Olson, Consultant, Assembly Republican Office of Policy & Budget

Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget

Amy Leach, Minute Clerk, Office of Assembly Chief Clerk

Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council

Yvette Casillas-Sarcos, Administrative Coordinator, Governmental Affairs, Judicial Council



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Judicial Council

Report title: *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment*

Statutory citation: Government Code section 69614(c)(1) & (3)

Date of report: November 2020

The Judicial Council has submitted a report to the Legislature in accordance with Government Code section 69614(c)(1) and (3), which requires the council to provide an update every two years on the need for new judgeships in the 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. A total of 139 new judgeships are needed to meet the workload-based need in the trial courts, with shortfalls reaching as high as 46 percent between judicial positions needed and the number of filled and authorized positions.

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. No additional conversions took place in this reporting period.

The full report is available at www.courts.ca.gov/12922.htm.

A printed copy of the report may be obtained by calling 415-865-7693.



The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION
69614(C)(1) & (3)

NOVEMBER 2020



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

JUDICIAL COUNCIL OF CALIFORNIA

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

Martin Hoshino
*Administrative Director
Judicial Council*

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Robert Oyung
Chief Operating Officer

BUSINESS MANAGEMENT SERVICES

Leah Rose-Goodwin
Manager, Office of Court Research

Kristin Greenaway
Supervising Research Analyst, Office of Court Research

Khulan Erdenebaatar
*Senior Research Analyst, Office of Court Research
Primary Author of Report*

Access to Justice Requires Having Sufficient Judicial Resources

Government Code section 69614(c)(1) 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). Government Code section 69614(c)(3) requires the Judicial Council to report on the status of the conversion of additional subordinate judicial officer (SJO) positions to family or juvenile assignments.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload in all California trial courts, leaving some with serious shortfalls—as high as 46 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing resources to meet the workload-based need for new judgeships has been a top priority of the Judicial Council for many years.

Quantifying the Need for New Judgeships in the Superior Courts

California is a pioneer in the measurement of judicial workload-based need, having been the first state to use a weighted caseload methodology to assess the need for judicial officers, beginning in 1963.¹ Since then, weighted caseload has become a nationally accepted methodology for measuring judicial workload. The current methodology used to assess the need for judicial officers in the superior courts is based on a time study conducted in late 2018 in which over 900 judicial officers in 19 courts participated. The time study findings resulted in the development of a set of caseweights that quantify the amount of case processing time needed by judicial officers for different case types, taking into account the full range of possible case processing outcomes and their relative probability of occurrence. The caseweights that resulted from the 2018 time study were approved by the Judicial Council in September 2019.²

These caseweights are used to estimate judicial officer need by multiplying each caseweight by a three-year rolling average of filings for that case type, and then dividing by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalent (FTE) judicial positions.

¹ Harry O. Lawson and Barbara J. Gletne, *Workload Measures in the Court* (National Center for State Courts, 1980).

² Judicial Council of Cal., Workload Assessment Advisory Com. Rep., *Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights* (Sep. 10, 2019), www.courts.ca.gov/documents/20190924-19-083.pdf

2020 Judicial Need Shows 139 Judicial Officers Needed to Meet Workload Demand

The 2020 Judicial Needs Assessment shows a shortage of judges relative to the workload needs in California’s trial courts. Table 1 summarizes the current statewide authorized judicial positions (AJPs) and the assessed judicial need. The AJPs include the 23 judgeships that were authorized by Assembly Bill 159 (Stats. 2007, ch. 722) but never funded or filled. Of the 50 judgeships originally authorized by AB 159, two were funded in 2018 and allocated to the Superior Court of Riverside County and an additional 25 were authorized and funded in the 2019 Budget Act.

As shown in Table 1, the 2020 statewide assessed judicial need shows that 1,967.5 FTE judicial officers are needed statewide. Table 1 also includes the *2019 Update of the Judicial Needs Assessment* findings.³ Differences between the 2019 and 2020 updates are based on updated filings data, meaning that the difference between the filings averages used for the 2019 update and those used for this report changed the assessed judicial needs. The needs assessment is based on an average of the three most recent years of available filings data to ensure that the workload assessment is based on the most current data available. The 2019 update was based on filings from fiscal years 2015–16 through 2017–18, and the 2020 update was based on filings data from fiscal years 2016–17 through 2018–19.

Table 1. Statewide Need for Judicial Officers, 2019 and 2020 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJPs)*	Authorized and Funded Judgeships and Authorized SJO Positions	Assessed Judicial Need (AJN)
2019	2,004.1	1,956.1	1,975.5
2020	2,005*	1,982	1,967.5

* AJPs changed since the last assessment because the Superior Court of Amador County received a 0.7 full-time equivalent increase in 2019 and the Superior Court of San Benito County received a 0.2 full-time equivalent increase in 2020.

Some Courts Continue to Lack Needed Judicial Resources

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized and funded positions in each court (see table A1, in the appendix). Calculating the *statewide* need for judgeships is not as simple as subtracting the statewide number of authorized and funded positions from the statewide assessed judicial need, however. The net statewide calculations of judicial need do not accurately identify the court’s

³ Judicial Needs Assessment is updated on a two-year cycle in even-numbered years. However, an off-cycle update was issued in 2019, as an interim update to the 2018 Judicial Needs Assessment report, because updated judicial workload model parameters were approved by the Judicial Council in September 2019. The 2018 update was issued as a preliminary report because the study to update the judicial workload model parameters was being completed at the time.

need for new judgeships because judgeships are not allocated at the statewide level but are allocated to individual trial courts.

By way of illustration, the branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 FTE of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers. This statutory minimum applies even though the workload need in those courts may translate to a much smaller number of judge FTEs. As table A1 shows, under a pure workload analysis, two of California's two-judge courts—in Alpine and Sierra Counties—would need only 0.1 and 0.2 FTE judicial officers, respectively, but have the minimum 2.3 FTE authorized positions. These courts thus show a negative number in the need for new judicial officers. This negative number cannot be used to offset the 43 judicial officers that San Bernardino County requires to meet its workload-based need.

As a result, the actual statewide need for new judgeships is calculated by adding the judicial need among only the courts that have fewer judgeships than their workload requires. Judicial officer FTE need—the difference between the assessed judicial need and the authorized judicial positions—is rounded down to the nearest whole number to arrive at the number of judgeships needed for each court.⁴ For example, Kern County has a judicial officer FTE need of 13.9, which rounds down to 13 new judgeships.

Based on the *2020 Update of the Judicial Needs Assessment*, 18 courts need new judgeships, with a total need of 139 judges (table 2). A map illustrating this need is shown in figure A1. The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.⁵

⁴ Per the Judicial Council policy adopted in 2014, an exception is made for courts with a judicial FTE need of more than 0.8 but less than 1.0. For such courts, their actual judicial officer FTE need is reported without any rounding down. In 2020, no courts had judicial officer FTEs in the range of 0.8–1.0. See Judicial Council of Cal., Workload Assessment Advisory Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships* (Nov. 7, 2014), www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

⁵ Judicial vacancies are reported monthly at www.courts.ca.gov/15893.htm.

Table 2. Need for New Judgeships, by Court

Court	A Authorized and Funded Judicial Positions	B 2020 Assessed Judicial Need	C Number of Judgeships Needed* (B – A)	D Percentage Judicial Need Over AJP (C / A)
Tehama	4.3	5.8	1	23%
Lake	4.7	5.9	1	21%
Sutter	5.3	7.1	1	19%
Humboldt	8.0	9.7	1	13%
Merced	13.0	14.9	1	8%
Ventura	34.0	35.9	1	3%
Madera	9.3	11.8	2	22%
Kings	9.6	12.1	2	21%
Shasta	13.0	15.3	2	15%
Placer	14.5	17.1	2	14%
Tulare	24.0	28.1	4	17%
Stanislaus	25.0	29.4	4	16%
San Joaquin	34.5	42.5	8	23%
Fresno	51.0	61.9	10	20%
Kern	45.0	58.9	13	29%
Sacramento	75.5	89.0	13	17%
Riverside	85.0	115.8	30	35%
San Bernardino	94.0	137.7	43	46%
Total			139	

* Rounded down to the nearest whole number.

Prioritization of New Judgeships

Should the Legislature authorize and fund new judicial resources, the Judicial Council’s prioritization methodology would be used to allocate those judgeships in order of need. The methodology first identifies the number of judgeships needed in each court by comparing the number of authorized judicial positions to the most recent judicial needs assessment. Next, a prioritization method that accounts for a court’s absolute and relative need is applied to determine the order in which each judgeship needed in each court should be allocated. Courts that need more than one new judgeship to meet workload-based need will appear multiple times on the list until all positions have been allocated. This methodology was first approved by the Judicial Council in 2001 and is codified in Government Code section 69614(b).⁶ Table A2 lists the allocation order for each of the 139 judgeships needed in the California trial courts.

⁶ Judicial Council of Cal., Staff Rep., *Results of statewide assessment of judicial needs including list of recommended new judgeships* (Oct. 26, 2001), www.courts.ca.gov/documents/stateassess.pdf.

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

As directed by Government Code section 69614(c)(3), this 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 posted to family or juvenile assignments previously held by SJOs.⁷

Conversions of additional positions were authorized for fiscal year 2011–12 (Gov. Code, § 69616), and under this authority 4 SJO positions were converted to judgeships—1 each in the superior courts of Alameda (June 2012), Los Angeles (Jan. 2012), Orange (Jan. 2012), and Sacramento (Mar. 2012) Counties. The courts that converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

Conversions of 10 additional positions were authorized for each fiscal year from 2013–14 through 2017–18 (Gov. Code, §§ 69617–69619.6, respectively), but no additional SJO positions above the 16 authorized per year were converted under this authority.

Lack of Adequate Judicial Resources Is a Barrier to Access to Justice

The public’s right to timely access to justice should not be contingent on the resource levels in the county in which they reside or bring their legal disputes. All Californians deserve to have the proper number of judicial officers for the workload in their jurisdiction. This report highlights the ongoing need for new judgeships in the superior courts.

⁷ As authorized by Gov. Code, § 69615(c)(1)(C).

Appendix: Judicial Needs Resources

Table A1. Assessed Judicial Need Compared to Authorized Positions

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2020 Assessed Judicial Need (AJN)	AJN – AJP (B – A)	Percentage Judicial Need Over AJP (C / A)†
San Bernardino	94	137.7	43.7	46
Riverside	85	115.8	30.8	36
Tehama	4.3	5.8	1.5	34
Sutter	5.3	7.1	1.8	33
Kern	45	58.9	13.9	31
Madera	9.3	11.8	2.5	27
Kings	9.6	12.1	2.5	27
Lake	4.7	5.9	1.2	26
San Joaquin	34.5	42.5	8.0	23
Humboldt	8	9.7	1.7	21
Fresno	51	61.9	10.9	21
Sacramento	75.5	89.0	13.5	18
San Benito	2.5	2.9	0.4	18
Placer	14.5	17.1	2.6	18
Stanislaus	25	29.4	4.4	18
Shasta	13	15.3	2.3	17
Tulare	24	28.1	4.1	17
Merced	13	14.9	1.9	15
Calaveras	2.3	2.5	0.2	9
Ventura	34	35.9	1.9	6
Butte	13	13.5	0.5	4
Tuolumne	4.8	4.9	0.1	3
Monterey	21.2	21.6	0.4	2
Yolo	12.4	12.6	0.2	2
Imperial	11.3	11.5	0.2	2
San Luis Obispo	15	15.0	0.0	0
Yuba	5.3	5.3	0.0	0
Orange	144	143.3	-0.7	0
Lassen	2.3	2.3	0.0	-1
Solano	23	22.3	-0.7	-3
Sonoma	23	21.9	-1.1	-5
Santa Cruz	13.5	12.7	-0.8	-6
Amador	3	2.8	-0.2	-6
Contra Costa	42	39.2	-2.8	-7
Santa Barbara	24	22.1	-1.9	-8
Napa	8	7.2	-0.8	-10

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2020 Assessed Judicial Need (AJN)	AJN – AJP (B – A)	Percentage Judicial Need Over AJP (C / A)†
Los Angeles	585.3	523.3	-61.9	-11
Del Norte	2.8	2.5	-0.3	-11
Glenn	2.3	2.0	-0.3	-11
Mendocino	8.4	7.4	-1.0	-12
San Diego	154	134.6	-19.4	-13
El Dorado	9	7.7	-1.3	-14
Santa Clara	82	68.3	-13.7	-17
San Mateo	33	27.5	-5.5	-17
Colusa	2.3	1.7	-0.6	-24
Alameda	83	62.7	-20.3	-24
San Francisco	55.9	41.6	-14.3	-26
Siskiyou	5	3.7	-1.3	-26
Marin	12.7	9.3	-3.4	-27
Trinity	2.3	1.5	-0.8	-34
Inyo	2.3	1.5	-0.8	-34
Nevada	7.6	4.6	-3.0	-39
Plumas	2.3	1.2	-1.1	-46
Modoc	2.3	1.0	-1.3	-54
Mariposa	2.3	1.0	-1.3	-55
Mono	2.3	1.0	-1.3	-56
Sierra	2.3	0.2	-2.1	-90
Alpine	2.3	0.1	-2.2	-95

* Authorized judicial positions (AJPs) include both judgeships and subordinate judicial officer positions. Authorized judgeships consist of those codified in Government Code sections 69580–69611 plus the 50 judgeships that were authorized and funded by Senate Bill 56 (Stats. 2006, ch. 390) and the 25 judgeships that were authorized by Assembly Bill 159 (Stats 2007, ch. 722) and funded in the 2017 Budget Act and the 2019 Budget Act

† Percentages in table A1 differ slightly from those in table 2, Need for New Judgeships, by Court. Percentages in table A1 are calculated based on the *actual* differences between AJN and AJP, whereas the percentages in table 2 are based on *rounded-down* differences.

Figure A1. 2020 Judgeship Needs Map: Number of Judges Needed in California Courts Based on Workload

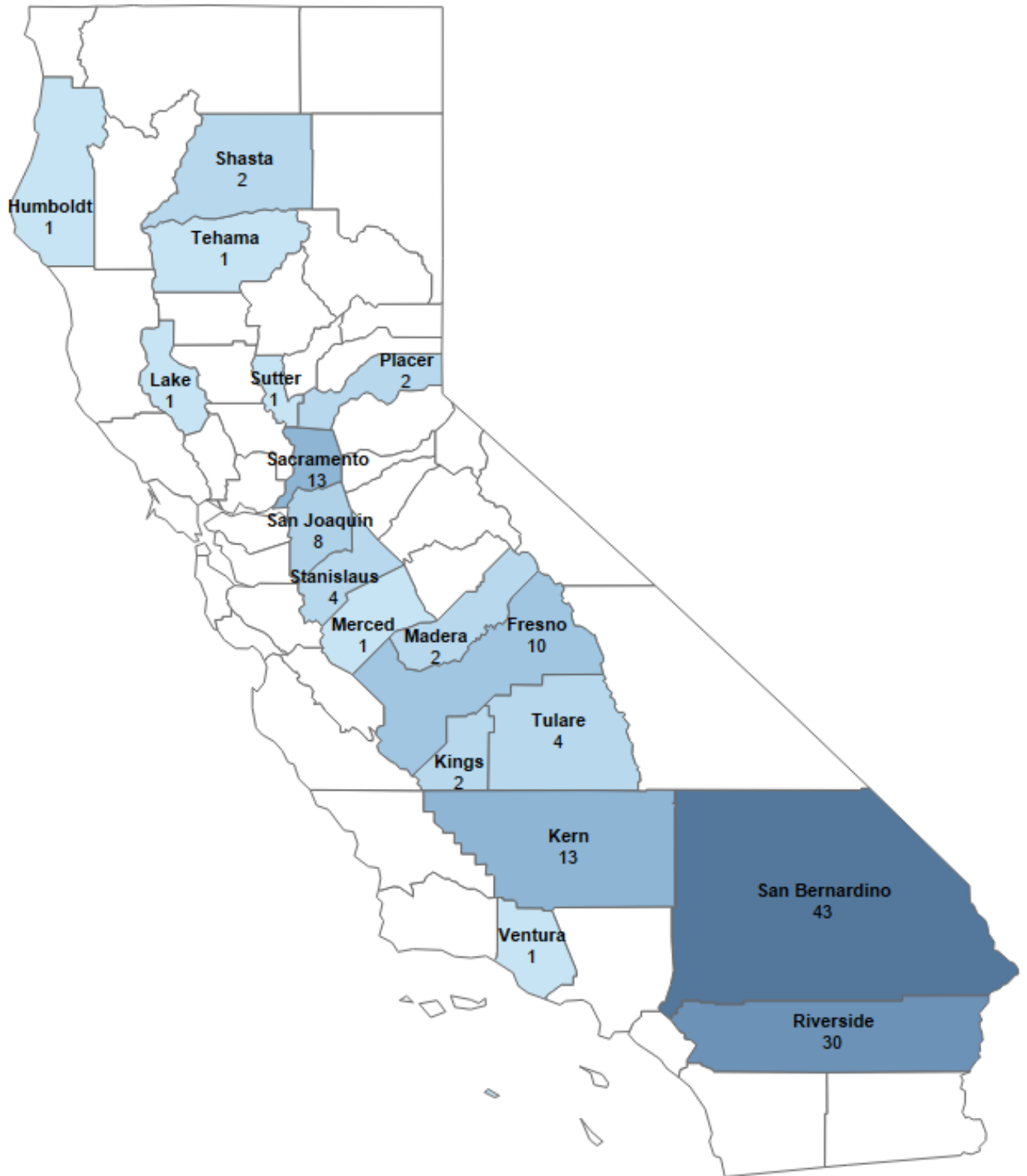


Table A2. Allocation Order of New Judgeships

Court	Alloc. Order	Court	Alloc. Order	Court	Alloc. Order	Court	Alloc. Order
San Bernardino	1	Sacramento	45	Riverside	89	San Bernardino	133
Riverside	2	Kern	46	San Bernardino	90	San Bernardino	134
San Bernardino	3	San Bernardino	47	Stanislaus	91	Riverside	135
Kern	4	Fresno	48	San Bernardino	92	San Bernardino	136
Riverside	5	Ventura	49	Kern	93	Riverside	137
Sacramento	6	Riverside	50	Riverside	94	San Bernardino	138
Fresno	7	San Bernardino	51	Fresno	95	San Bernardino	139
San Bernardino	8	Kings	52	Sacramento	96		
San Joaquin	9	Madera	53	San Bernardino	97		
Riverside	10	San Bernardino	54	Riverside	98		
San Bernardino	11	Riverside	55	Tulare	99		
Kern	12	Kern	56	San Bernardino	100		
Stanislaus	13	San Joaquin	57	Riverside	101		
San Bernardino	14	Sacramento	58	San Bernardino	102		
Tulare	15	Placer	59	San Joaquin	103		
Riverside	16	San Bernardino	60	Kern	104		
Sacramento	17	Fresno	61	San Bernardino	105		
Kings	18	Riverside	62	Sacramento	106		
Madera	19	San Bernardino	63	Riverside	107		
Fresno	20	Shasta	64	Fresno	108		
San Bernardino	21	Kern	65	San Bernardino	109		
Sutter	22	Riverside	66	Riverside	110		
Placer	23	Stanislaus	67	San Bernardino	111		
San Joaquin	24	San Bernardino	68	Kern	112		
Kern	25	Sacramento	69	San Bernardino	113		
Tehama	26	San Bernardino	70	Riverside	114		
Riverside	27	Tulare	71	Sacramento	115		
Shasta	28	Riverside	72	San Bernardino	116		
San Bernardino	29	San Joaquin	73	Riverside	117		
Humboldt	30	Fresno	74	San Bernardino	118		
Lake	31	San Bernardino	75	Fresno	119		
Merced	32	Kern	76	San Joaquin	120		
Riverside	33	Riverside	77	San Bernardino	121		
San Bernardino	34	San Bernardino	78	Riverside	122		
Sacramento	35	Sacramento	79	Kern	123		
Fresno	36	Riverside	80	Sacramento	124		
Kern	37	San Bernardino	81	San Bernardino	125		
San Bernardino	38	San Bernardino	82	Riverside	126		
Riverside	39	Fresno	83	San Bernardino	127		
San Joaquin	40	Kern	84	San Bernardino	128		
San Bernardino	41	Riverside	85	Riverside	129		
Stanislaus	42	San Joaquin	86	San Bernardino	130		
Riverside	43	Sacramento	87	Sacramento	131		
Tulare	44	San Bernardino	88	Riverside	132		