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## FACT SHEET

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# Judicial Workload Assessment

The Judicial Council is required to report “to the Legislature and the Governor on or before November 1 of every even-numbered year on the factually determined need for new judgeships in each superior court using the uniform criteria for allocation of judgeships.”<sup>1</sup> When the 2018 Judicial Needs Assessment was published, new workload measures were being developed based on the 2018 Judicial Workload Study. An update to the Judicial Needs Assessment was published in 2019 based on the new workload measures which were approved by the Judicial Council at the September 23, 2019 meeting. The 2019 Judicial Needs Assessment estimates that 173 new judgeships are needed to manage workload in the superior courts across California. Addressing geographical disparities in judicial resourcing across the state is required to ensure access to justice for all Californians. Securing funding for additional judicial resources therefore continues to be a priority for the branch.

### Assessing the Statewide Need for Judges

In 2001, the Judicial Council approved use of a weighted caseload methodology to determine the number of judgeships needed in the superior courts. Weighted caseload is a widely accepted methodology for evaluating workload and has been utilized by many states and the federal government to assess judicial need.

Using the weighted caseload method, three types of data are needed to estimate judicial need in each superior court:

- **Filings data** to measure the volume of case processing work in each different casetype; the average of the three most-recent fiscal years of data are used.
- **Caseweights** that estimate the average time needed to resolve the “average” case in each different casetype.
- A **judge year value** that estimates the amount of time judges have available for case processing, in addition to duties and responsibilities outside of the courtroom.

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<sup>1</sup> Government Code section 69614(c)(1)

To estimate judicial need, filings are multiplied by caseweights and divided by the judge year value. The Assessed Judicial Need (AJN) is the sum of full time equivalents (FTE) needed across all casetypes.

For each superior court, the assessed judicial need is then subtracted from the number of authorized and funded judicial positions. The resulting number indicates the need for additional judicial resources in each court.

Finally, the prioritization order for allocating any new judgeships is based on a ranking methodology that evaluates both the absolute and relative need for judges.

### **Updating Caseweights to Reflect Current Workloads**

The caseweights used to estimate judicial need were updated in the Judicial Workload Study (2018).

In Fall 2018, over 900 judicial officers from nineteen courts participated in a time study to estimate the amount of judicial time required to process cases of different casetypes. The courts that participated included small, medium, and large courts; rural and urban courts; and all regions of the state—northern, coastal, central, and southern. Judicial officers participating in the study documented their case processing work in daily time logs over a four-week period. Following the time study, a qualitative data review was undertaken to understand and interpret the changes in the case processing time estimates. No adjustments were made based on the qualitative data review as was done in previous studies (2001, 2011).

The next update of the Judicial Workload Study is scheduled for 2024. The update is required because the existing caseweights may not reflect new judicial workload resulting from legislative and other policy changes that have occurred since 2018. Examples of relevant changes include diversion programs that require additional court supervision, new and amended laws to reform the criminal justice system, and the evolution of workload towards rehabilitation and less on punishment, corresponding increase in specialty courts.

### **Assessed Judicial Need**

Since the original judicial needs assessment was completed in 2001, the statewide need for judicial officers has remained consistently greater than the number of authorized judicial positions.

- In 2006 the Legislature created and funded 50 new judgeships. In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted, authorizing 50 additional new judgeships; all but two had remained unfunded and unfilled until 2019. The 2019 Budget Act authorized and funded 25 new trial court judgeships.

The most recent judicial needs assessment (2019)<sup>2</sup> estimates that:

- New judges are required in 19 courts, totaling 173 FTE more than the current number of authorized and funded positions statewide.
- The need for new judges is concentrated in superior courts in the Central Valley and Inland Empire.
- The superior courts of Riverside and San Bernardino both have levels of judicial need in excess of 45% of the existing number of judicial positions in each court.

The persistence of unmet judicial need has a range of potential implications for access to justice, including:

- Californians' ability to access courts with adequate levels of judicial resourcing varies from county to county.
- Delays in administering due process rights, reuniting and stabilizing families, resolving business litigation, protecting the public, and issuance of temporary restraining orders in domestic violence cases.

Securing funding for the remaining unfunded judgeships and additional judicial resources as needed continue to be branch priorities.

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*Additional resources:*

<http://www.courts.ca.gov/12922.htm>

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<sup>2</sup> See [https://www.courts.ca.gov/documents/lr-2019-update-of-judicial-needs-assessment-gov-69614c1\\_3.pdf](https://www.courts.ca.gov/documents/lr-2019-update-of-judicial-needs-assessment-gov-69614c1_3.pdf)