



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

December 17, 2014

Ms. Diane F. Boyer-Vine (*electronic copy*)
Legislative Counsel
State of California
State Capitol, Room 3021
Sacramento, California 95814

Mr. Danny Alvarez
Secretary of the Senate
California State Senate
State Capitol, Room 3044
Sacramento, California 95814

Mr. E. Dotson Wilson (*electronic copy*)
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: 2014 Update of the Judicial Needs Assessment* Required Under Government Code Section 69614(c)(1)&(3)

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

Attached is the Judicial Council report required under Government Code section 69614(c)(1) and (3), which requires the Judicial 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 filings type and volume to estimate the need for new judgeships—a methodology that is used by many other states and is codified in

Ms. Diane F. Boyer-Vine
Mr. Danny Alvarez
Mr. E. Dotson Wilson
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Government Code section 69614. Based on this methodology, California needs nearly 270 new judicial officers, as shown in Table 2 of the report.

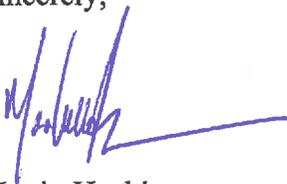
The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload, leaving many courts with serious shortfalls—as high as nearly 70 percent—between the number of judgeships needed compared to 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 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), and under this authority, four SJO positions were converted to judgeships—one each in the Superior Courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. Those courts have confirmed that those family and juvenile calendars are now presided over by judges.

Conversions of 10 additional subordinate judicial officer positions were also authorized for fiscal year FY 2013–2014 (Gov. Code, § 69617). No SJO positions were converted under this authority.

If you have any questions related to this report, please contact Donna S. Hershkowitz, Director, Judicial Council Court Operations Services, at 818-558-3068 or donna.hershkowitz@jud.ca.gov.

Sincerely,



Martin Hoshino
Administrative Director
Judicial Council of California

MH/DSH/lrg
Attachment

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Mr. Danny Alvarez
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cc: Members of the Judicial Council of California
Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Kevin de León
Fredericka McGee, General Counsel, Office of Assembly Speaker Toni Atkins
Benjamin Palmer, Chief Counsel, Senate Judiciary Committee
Mike Petersen, Counsel, Senate Republican Office of Policy
Drew Liebert, Chief Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Office of Policy
Julie Salley-Gray, Consultant, Senate Budget and Fiscal Review Committee
Matt Osterli, Consultant, Senate Republican Fiscal Office
Marvin Deon II, Consultant, Assembly Budget Committee
J. Allan Cooper, Consultant, Assembly Republican Fiscal Office
Jody Patel, Chief of Staff, Judicial Council
Curtis L. Child, Chief Operating Officer, Judicial Council
Donna Hershkowitz, Director, Court Operations Services, Judicial Council
Cory Jaspersen, Director, Governmental Affairs, Judicial Council
Peter Allen, Senior Manager, Communications, Judicial Council



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Report Summary

Report title: *The Need for New Judgeships in the Superior Courts: 2014 Update of the Judicial Needs Assessment*

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

Date of report: December 17, 2014

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. Nearly 270 new judgeships are needed to meet the workload-based need in the trial courts, with some courts having a shortfall as great as 70 percent between judicial positions needed and the number of filled and authorized positions.

The Judicial Council must also report on the conversion of subordinate judicial officer (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. Conversions of additional positions were authorized for fiscal year 2011–2012 (Gov. Code, § 69616), and under this authority, four SJO positions were converted to judgeships—one each in the Superior Courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. Those courts have confirmed that those family and juvenile calendars are now presided over by judges.

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Conversions of 10 additional subordinate judicial officer positions were also authorized for fiscal year FY 2013–2014 (Gov. Code, § 69617). No SJO positions were converted under this authority.

After December 17, 2014, 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: 2014 Update of the Judicial Needs Assessment

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

NOVEMBER 2014



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

Please address inquiries to:

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

research@jud.ca.gov

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Chief Justice of California and
Chair of the Judicial Council

Martin Hoshino
Administrative Director

Jody Patel
Chief of Staff

OPERATIONS AND PROGRAMS DIVISION

Curtis L. Child
Chief Operating Officer

COURT OPERATIONS SERVICES

Donna S. Hershkowitz
Director

Leah Rose-Goodwin
Manager, 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 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, leaving many courts with serious shortfalls—as high as nearly 70 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing new judgeships is one of the core elements of the Chief Justice's Three-Year Blueprint for a Fully Functioning Judicial Branch and has been a top priority for the Judicial Council for many years.¹

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 1963.² 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 2010, in which over 500 judicial officers in 15 courts participated. The time study findings resulted in the development of a set of caseweights that quantify the amount of case processing time needed 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 2010 time study were approved by the Judicial Council in December 2011.

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

¹ See, for example, Judicial Council reports from August 24, 2001; October 26, 2001; August 27, 2004; February 23, 2007; October 24, 2008; October 29, 2010; and October 25, 2012.

² Henry O. Lawson and Barbara J. Glente, *Workload Measures in the Courts* (Williamsburg, VA: National Center for State Courts, 1980).

2014 Statewide Judicial Need Shows a Critical Need for New Judgeships

Consistent with reports submitted in previous years, the 2014 Judicial Needs Assessment shows that there is a critical shortage of judges relative to the workload needs in California’s trial courts. Table 1 summarizes the statewide judicial need compared to available resources based on a three-year average of filings from fiscal years 2010–2011 through 2012–2013, showing that 2,171.3 FTE judicial officers are needed statewide, compared to 1,963.3 FTE authorized and funded positions. While Assembly Bill 159 (Stats. 2007, ch. 722) authorized 50 new judgeships for the superior courts, those positions have neither been funded nor filled.

Table 1 shows the total assessed statewide need for judicial officers has declined by 5 percent since the 2012 Judicial Needs Assessment. Lower overall filings counts in recent years account for the slight decline in statewide assessed judicial need.

Table 1: Statewide Need for Judicial Officers, 2012 and 2014 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJP) ¹	Authorized and Funded Judicial Positions (AJP)	Assessed Judicial Need (AJN)
2012	2,022	1,972	2,286.1
2014 ²	2,013.3	1,963.3	2,171.3
Change (2012 to 2014)	-8.7	-8.7	-114.8

¹ Includes the 50 judgeships that were authorized by AB 159 (Stats. 207, ch. 722) but never funded nor filled.

² AJP changed since the last assessment because the Superior Court of California, County of San Bernardino, was authorized to add two SJO positions in FY 2011–2012 based on workload need. Also, several courts have requested that the Judicial Council’s Executive and Planning (E&P) Committee approve changes in the number of authorized commissioner FTEs following a refresh of that data in September 2014. These changes, which are reflected in the table, are mostly requests for reductions in FTEs and are in the process of being confirmed by E&P.

Nearly 270 Judicial Officers Needed Statewide to Meet Workload Demand

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized/funded positions in each court. The assessed judicial need in each court compared to the number of authorized and filled positions is shown in Appendix A. Calculating the *statewide* need for judgeships is not as simple as subtracting the number of authorized and funded positions from the assessed judicial need. That calculation would show a need of just over 200 judgeships; however, net statewide calculations of judicial need do not accurately identify the branch’s 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, even though the workload need in those courts may translate to a much smaller number of judge FTEs. As Appendix A shows, under a pure workload analysis, one of California’s two-judge courts would need only 0.2 FTE judicial

officers, but it has 2.3 FTE authorized positions. That court thus shows a negative number in the need for new judicial officers. This negative number does not and should not offset the 57 judicial officers that San Bernardino needs to meet its workload-based need. In other words, the fact that some courts may have more authorized positions than assessed judicial need under a pure application of the weighted caseload methodology does not take away from the needs in other courts. As a result, a net calculation of need, adding these positives and negatives, provides an artificially low estimate of judicial need in California courts.

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 demands. Based on the 2014 Judicial Needs Assessment, 35 courts need new judgeships, for a total need of 269.8 FTEs (Table 2). This is nearly 14 percent higher than the 1,963.3 authorized and funded judicial positions. The need estimate does not include judicial vacancies, resulting from retirements, elevations, or other changes, that have not yet been filled.³

Table 2: Need for New Judgeships, by Court

	A	B	C	D
County	Authorized and funded Judicial Positions ¹	2014 Assessed Judicial Need	Funded AJN-AJP (B-A)	% need over AJP (C/B)
Amador	2.3	2.7	0.4	19%
Butte	13.0	14.2	1.2	9%
Calaveras	2.3	2.8	0.5	20%
Del Norte	2.8	3.7	0.9	34%
El Dorado	9.0	9.9	0.9	10%
Fresno	49.0	60.7	11.7	24%
Humboldt	8.0	10.6	2.6	33%
Imperial	11.3	13.8	2.5	22%
Kern	43.0	58.0	15.0	35%
Kings	8.6	11.4	2.8	33%
Lake	4.8	5.2	0.4	9%
Lassen	2.3	3.2	0.9	40%
Los Angeles	585.3	629.5	44.2	8%
Madera	9.3	10.9	1.6	17%
Merced	12.0	16.7	4.7	39%
Monterey	21.2	21.8	0.6	3%
Napa	8.0	8.2	0.2	3%
Orange	144.0	155.6	11.6	8%
Placer	14.5	19.4	4.9	34%
Riverside	76.0	127.4	51.4	68%
Sacramento	72.5	81.8	9.3	13%
San Benito	2.3	2.8	0.5	23%
San Bernardino	86.0	143.0	57.0	66%
San Joaquin	33.5	42.3	8.8	26%
San Luis Obispo	15.0	17.9	2.9	19%
Santa Cruz	13.5	14.2	0.7	5%
Shasta	12.0	16.4	4.4	36%
Solano	23.0	25.0	2.0	9%
Sonoma	23.0	26.1	3.1	14%
Stanislaus	24.0	32.6	8.6	36%
Sutter	5.3	6.7	1.4	27%
Tehama	4.3	5.8	1.5	34%
Tulare	23.0	25.9	2.9	13%
Ventura	33.0	40.4	7.4	22%
Yuba	5.3	5.6	0.3	5%
Total need:			269.8	

¹ Authorized judicial positions, not including judgeships that were authorized under AB 159.

³ Judicial vacancies are reported monthly here: <http://www.courts.ca.gov/15893.htm>

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 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—one each in the Superior Courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. At the time of the 2012 Judicial Needs Assessment, the Governor had not yet appointed judges to fill those newly created judgeships; however, the courts in which the conversions took place 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. The courts who 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 fiscal year FY 2013–2014 (Gov. Code, § 69617). No SJO positions 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 critical and ongoing need for new judgeships in the superior courts.

Appendix A: Assessed Judicial Need Compared to Authorized and Funded Positions

County	A	B	C	D
	Authorized and funded Judicial Positions ¹	2014 Assessed Judicial Need	Funded AJN-AJP (B-A)	% need over AJP (C/B)
Alameda	85.0	70.1	-14.9	n/a
Alpine	2.3	0.2	-2.1	n/a
Amador	2.3	2.7	0.4	19%
Butte	13.0	14.2	1.2	9%
Calaveras	2.3	2.8	0.5	20%
Colusa	2.3	1.6	-0.7	n/a
Contra Costa	46.0	42.5	-3.5	n/a
Del Norte	2.8	3.7	0.9	34%
El Dorado	9.0	9.9	0.9	10%
Fresno	49.0	60.7	11.7	24%
Glenn	2.3	2.0	-0.3	n/a
Humboldt	8.0	10.6	2.6	33%
Imperial	11.3	13.8	2.5	22%
Inyo	2.3	1.6	-0.7	n/a
Kern	43.0	58.0	15.0	35%
Kings	8.6	11.4	2.8	33%
Lake	4.8	5.2	0.4	9%
Lassen	2.3	3.2	0.9	40%
Los Angeles	585.3	629.5	44.2	8%
Madera	9.3	10.9	1.6	17%
Marin	12.7	11.8	-0.9	n/a
Mariposa	2.3	1.3	-1.0	n/a
Mendocino	8.4	7.3	-1.1	n/a
Merced	12.0	16.7	4.7	39%
Modoc	2.3	0.8	-1.5	n/a
Mono	2.3	1.1	-1.2	n/a
Monterey	21.2	21.8	0.6	3%
Napa	8.0	8.2	0.2	3%
Nevada	7.6	5.4	-2.2	n/a
Orange	144.0	155.6	11.6	8%
Placer	14.5	19.4	4.9	34%
Plumas	2.3	1.4	-0.9	n/a
Riverside	76.0	127.4	51.4	68%
Sacramento	72.5	81.8	9.3	13%
San Benito	2.3	2.8	0.5	23%
San Bernardino	86.0	143.0	57.0	66%
San Diego	154.0	153.3	-0.7	n/a
San Francisco	55.9	53.8	-2.1	n/a
San Joaquin	33.5	42.3	8.8	26%
San Luis Obispo	15.0	17.9	2.9	19%
San Mateo	33.0	31.1	-1.9	n/a
Santa Barbara	24.0	23.4	-0.6	n/a
Santa Clara	89.0	69.6	-19.4	n/a
Santa Cruz	13.5	14.2	0.7	5%
Shasta	12.0	16.4	4.4	36%
Sierra	2.3	0.2	-2.1	n/a
Siskiyou	5.0	3.4	-1.6	n/a
Solano	23.0	25.0	2.0	9%
Sonoma	23.0	26.1	3.1	14%
Stanislaus	24.0	32.6	8.6	36%
Sutter	5.3	6.7	1.4	27%
Tehama	4.3	5.8	1.5	34%
Trinity	2.3	1.6	-0.7	n/a
Tulare	23.0	25.9	2.9	13%
Tuolumne	4.8	4.3	-0.5	n/a
Ventura	33.0	40.4	7.4	22%
Yolo	12.4	11.2	-1.2	n/a
Yuba	5.3	5.6	0.3	5%

¹ Authorized judicial positions include both judgeships and subordinate judicial officer positions. Authorized judgeships consist of those codified in Government Code sections 69580 through 69611 plus the 50 judgeships that were authorized and funded with SB 56 (stats. 2006, ch. 390) but not the 50 judgeships that were authorized with AB 159 but never funded. Since 2006, there have been a few changes to AJP resulting from changes in authorized subordinate judicial officers. In FY 11-12, the Superior Court of California, County of San Bernardino was authorized to add two SJO positions based on workload need. Also, in September 2014, Judicial Council staff refreshed the authorized commissioner FTE, and several courts have requested that the Executive and Planning Committee of the Judicial Council approve changes--mostly reductions--in the number of authorized commissioner FTE. The table has been updated to reflect those requested changes, which were approved by E&P at their October 9, 2014 meeting.