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## Editorial: Crisis in the courts

### California urgently needs more judges

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For the last two decades, a crisis has been slowly building in California's courts.

Between 1990 and 2006 California added 7.6 million people, a 25 percent population growth in just 16 years. Beyond the need for more housing, schools and roads, the population spurt has spawned a less visible but no less urgent need for additional trial court judges.

At the same time, California legislators have enacted a larger and increasingly complex body of laws that require more judicial attention, more hearings and more court time. California's toughest-in-the-nation "three strikes" law is just one example.

But as the population has grown and the laws have become more complicated, judgeships have lagged dangerously behind. Since 1988, California has added just 41 judgeships, a 3 percent increase. Our state has the fewest number of judges per citizen of all states with unified court systems: 42 judges per 1 million population compared to the average of 58 per 1 million. In comparable urbanized states, New York has 57 judges per 1 million population; Illinois, 63; New Jersey, 89; and Texas, 134.

Criminal courts get first call on judges and courtrooms because of the speedy trial requirements in criminal law. Thus, the judge shortage is felt most acutely in the civil arena. With more legal disputes of all kinds -- more divorces, custody battles, product liability cases, property and landlord-tenant disputes -- some counties are so short of judges they suspend their civil calendars for months at a time. People with civil complaints can wait years to get their day in court.

In Sacramento County, litigants wait an average 18 months to go to trial. In Fresno County, 19.4 percent of all pending civil actions were filed prior to 2001.

There is a way out for the rich and the powerful. For those who can afford their services, a growing cadre of private judges are available to handle some civil disputes. Unfortunately, that leaves the poor, who must rely on the public courts, with no way to resolve their legal issues.

Even though criminal cases have priority, the judge shortage has an impact on them as well. It can force prosecutors into plea bargains and settlements that may not be in the public interest.

To help relieve the judge shortage, the Judicial Council, the administrative arm of the California courts, is sponsoring Senate Bill 56, by Sen. Joe Dunn. It would create 150 new judgeships over the next three years and allow for the eventual conversion of 161 court commissioner and referee positions to full-fledged judgeships. These subordinate judicial officers are appointed by individual courts to handle traffic cases and small-claims actions. Because of the severe judge shortage, many already have been drafted to preside over more complex matters, including misdemeanors and even felonies.

In a civil society that relies on its courts for fairness and justice, California's severe shortage of judges is not just intolerable, it is dangerous. The Legislature needs to act swiftly to give citizens a court system that works.

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