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FACT SHEET

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New Judgeships

California continues to suffer from a severe shortage of trial court judges. The ramifications are potentially serious and far-reaching, including a lack of access to the courts, compromised public safety, an unstable business climate, and backlogs in some courts that inhibit fair, timely, and equitable justice.

A detailed analysis of judicial workload conducted in 2016 identified a need for more than 180 additional judges to satisfy workload requirements in California's 58 Superior Courts.

Prior Legislation

In 2005, the Judicial Council committed to seeking 150 new trial court judgeships over three years, and sponsored SB 56 (Stats. 2006, ch. 390), which authorized the first 50 of the 150 critically needed judgeships. These 50 judgeships were funded in the 2007 Budget Act, and judges were appointed to each of them.

In 2007, AB 159 (Stats. 2007, ch. 722) authorized the second set of 50 judgeships; these judgeships, however, remain unfunded. The Judicial Council also sponsored legislation to authorize the third set of 50 judgeships or fund all or some of the authorized judges pursuant to AB 159 (above) in 2008 (SB 1150, Corbett), 2009 (SB 377, Corbett), 2011 (AB 1405, Feuer), 2014 (SB 1190, Jackson), 2015 (SB 229, Roth), 2016 (SB 1023, Judiciary Committee), and 2018 (SB 38, Roth), but these efforts have been unsuccessful.

In 2017, pursuant to AB 103 (Stats. 2017, ch. 17), two vacant judgeships were reallocated from the trial court in Santa Clara to the trial court in Riverside, and two vacant judgeships were reallocated from the trial court in Alameda to the trial court in San Bernardino.

Two new judgeships were created to be allocated to the Riverside Superior Court in SB 847 (Stats. 2018, Ch. 45), a 2018 Budget Trailer Bill that focuses on court issues.

Background

Courts face the most urgent need for judges in California counties that experienced significant population growth during the last quarter of the 20th century, and whose authorized and funded judicial positions did not keep pace with their need.

- San Bernardino County has experienced a 13 percent growth in population in the last decade. The court has 88 authorized and funded positions for judges, but has an assessed need for 126 judges. In other words, the court is operating with only 69% of the judges it needs based on recent data as reflected in the *2018 Judicial Needs Assessment*.
- Riverside County has experienced a 30 percent growth in population in recent years, and remains one of the state's fastest growing counties. The court has 80 authorized and funded judicial positions, but has an assessed need of 116. That means Riverside is operating with only 69% of the judges it needs.
- Kern County has experienced a 15 percent growth in population since 2009. It is authorized and funded for 43 judgeships, which is 25% percent less than the judges it needs.
- Fresno's population exploded by more than 100,000 from 2000 to now, representing an increase of over 20%. With only 49 of its 57 judges authorized and funded, Fresno operates with 86% of the judges it needs.

Legislation authorizing and funding judgeships is a crucial step to addressing this need and improving access to justice throughout the state.

Consequences of Too Few Judicial Officers

- Some courts may be unable to provide an adequate level of justice to people who need access to the courts.
- Public safety may be endangered when there are too few judicial officers to hear criminal cases. Likewise, heavy criminal caseloads without sufficient judges available for trials may pressure courts to

accept plea deals because these cases must be dismissed if not heard within specified time frames.

- An insufficient number of judges may result in delays in civil case processing, harming civil litigants including business owners, families, children and victims of domestic violence.
- All Californians need access to courts to address civil matters of all types, including:
 - Child custody, divorce, paternity, and support issues
 - Evictions, HOA disputes, and other housing issues
 - Domestic and workplace violence issues
- An increase in judgeships would allow the judicial branch to increase diversity among bench officers, which in turn enriches judicial decision-making and access to justice for Californians of diverse cultural backgrounds, languages and socioeconomic circumstances.

Legislative Solution

The Judicial Council will continue to sponsor legislation to fund the remaining judgeships of the second set of 50 previously authorized judgeships. Likewise, the council will sponsor legislation to authorize additional judgeships so that we remain on a constructive path towards meeting the judicial needs of the people of California. This stepping-stone approach will spread the costs associated with new judgeships over time, while providing more immediate relief to our most overworked courts as soon as possible.

Each year, the Judicial Council updates the costs associated with funding new judgeships, including the costs associated with staff required to support the work of each new judge. Currently, the average judge is supported by approximately nine full time staff including courtroom and office clerks, research attorneys, administrative support, window and self-help center staff, and security. A legislative solution addresses both the costs of the judicial officer as well as the costs associated with staff to make sure judges have the resources they need to be successful, and to ensure the people in their courts receive justice.

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