



## Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2012

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**Title**

Judicial Workload Assessment: 2012 Update of the Need for New Judgeships in the Superior Courts

**Agenda Item Type**

Action Required

**Effective Date**

N/A

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

September 24, 2012

**Recommended by**

Administrative Office of the Courts  
Chad Finke, Director  
Dag MacLeod, Manager, Office of Court Research  
Court Operations Special Services Office

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### Executive Summary

The Administrative Office of the Courts (AOC) recommends approving the *Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. Doing so fulfills the requirements of Government Code section 69614(c), as well as a new requirement, starting with this year's Judicial Needs update, that the Judicial Council report on conversions of additional subordinate judicial officer (SJO) positions that result in a judge's being assigned to a family or juvenile assignment previously held by an SJO (Gov. Code, § 69615(c)(1)(C)). The report shows that, despite a modest decline in the judicial need in 2012, trial courts need 13 percent more than the number of currently authorized judicial positions.

## **Recommendation**

The Administrative Office of the Courts recommends that the Judicial Council approve the attached report, *The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment*, for transmission to the Legislature and the Governor.<sup>1</sup>

## **Previous Council Action**

The methodology for determining the number of judgeships needed in the trial courts was approved by the Judicial Council in August 2001. At that meeting, the Judicial Council also directed AOC staff to assess statewide judicial needs using workload standards developed by the National Center for State Courts. That initial needs assessment and priority ranking was approved by the Judicial Council at its October 26, 2001, meeting.

At its August 9, 2004, meeting, the council approved technical modifications to the judicial workload methodology and modified the priority ranking of the new judgeships. At its February 23, 2007, meeting, after the state Legislature created 50 new judgeships,<sup>2</sup> the council approved a subsequent reranking of the remaining 100 top-priority judgeships to reflect changes in workload since the 2004 report. The council also approved the methodology for identifying the number and location of subordinate judicial officer positions that should be converted to judgeships.

In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted, authorizing 50 additional new judgeships; these positions, however, remain unfunded and unfilled. AB 159 also authorized the conversion of 162 vacant subordinate judicial officer positions, identified according to the council-approved methodology, at a rate of no more than 16 per year. Assembly Bill 2763 (Stats. 2010, ch. 690) authorized 10 additional conversions per year if the conversions were to result in judges' being assigned to family or juvenile law calendars previously presided over by SJOs. Four conversions have been made under this program. Judicial officers have not yet been appointed to fill these positions.

Updates of the assessed judicial need were approved by the Judicial Council, as directed by statute, in 2008 and 2010. Subsequently, at its December 2011 meeting, the Judicial Council approved updated caseweights for estimating judicial need.

## **Rationale for Recommendation**

Despite a modest decline in the judicial need in 2012, the 2012 Judicial Needs Assessment update shows that trial courts currently need 2,286 judicial officers, or 13 percent more than the 2,022 currently authorized judicial positions. Securing adequate judicial resources for the courts is a top priority for the Judicial Council and is critical to ensuring public access to justice. Reports on the critical shortage of judicial officers have been submitted to the Judicial Council

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<sup>1</sup> See Attachment A.

<sup>2</sup> In September 2006, Senate Bill 56 was enacted (Stats. 2006, ch. 390), authorizing 50 new judgeships; funding in fiscal year 2006–2007 was provided for one month and ongoing thereafter.

since 2001 and, since that time, have formed the basis of council requests to the Legislature to create new judgeships.

**Comments, Alternatives Considered, and Policy Implications**

None

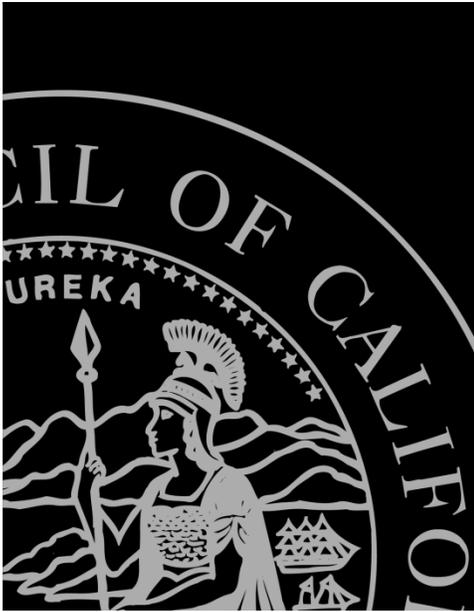
**Implementation Requirements, Costs, and Operational Impacts**

None

**Attachments**

1. Attachment A: Report to the Legislature Under Government Code Section 69614(c): *The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment*





# **The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment**

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REPORT TO THE LEGISLATURE UNDER  
GOVERNMENT CODE SECTIONS  
69614(c)(1)&(3) AND 69615(c)(1)(C)

NOVEMBER 2012



JUDICIAL COUNCIL  
OF CALIFORNIA

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ADMINISTRATIVE OFFICE  
OF THE COURTS

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## **The Need for New Judgeships in the Superior Courts: 2012 Update of the Judicial Needs Assessment**

Government Code section 69614(c) 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).

Securing adequate judicial resources for the courts is a top priority for the Judicial Council and is critical to ensuring public access to justice. Reports on the critical shortage of judicial officers have been submitted to the Judicial Council since 2001 and form the basis of council requests to the Legislature to create new judgeships.<sup>1</sup>

Consistent with previous reports to the Judicial Council and the Legislature, this report shows that a significant, critical need for new judgeships in the superior courts remains. Despite a modest decline in the assessed judicial need in 2012, the number of new judgeships needed is 13 percent greater than the number of authorized judicial positions. When judgeships that were authorized but never funded under AB 159 are factored into the equation, the statewide need for new judgeships rises to almost 16 percent and is considerably higher in individual courts.

Previous years' assessments used workload standards (caseweights) that were approved by the Judicial Council in 2001 to evaluate statewide judicial workload. In December 2011, the Judicial Council approved an updated set of caseweights. Caseweights require periodic review because changes in the law, technology, and practice all affect the amount of time required for case processing. Periodic review and, where necessary, revision of caseweights ensure that the allocation formulas reported to the Legislature and the Governor reflect the current amount of time required to resolve cases.

The new caseweights are based on a 2010 time study of more than 500 judicial officers in 15 courts. With the support of the National Center for State Courts and the guidance of the SB 56 Working Group, the Administrative Office of the Courts developed the new caseweights using the same methods employed in the 2001 study and incorporated into Government Code section 69614(b).<sup>2</sup>

Judicial officer need is calculated by multiplying each caseweight by a three-year average of filings, divided by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalents (FTEs). Table 1 shows that the current statewide need for judicial officers is 2,286 FTEs. Comparing the estimated need to the number of authorized

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<sup>1</sup> See especially Judicial Council reports from August 24, 2001; October 26, 2001; August 27, 2004; February 23, 2007; October 24, 2008; and October 29, 2010.

<sup>2</sup> The Judicial Council report about the new caseweights can be found at [www.courts.ca.gov/documents/jc-121211-agenda.pdf](http://www.courts.ca.gov/documents/jc-121211-agenda.pdf).

positions shows a deficit of approximately 264 positions, or a 13 percent gap between what is needed and the current number of authorized judicial positions.

Importantly, the need for judicial officers is compared to the number of *authorized* judicial positions, which actually understates the need because of the 50 judicial positions authorized, but never funded, in 2007 under Assembly Bill 159 (Stats. 2007, ch. 722). Subtracting these 50 positions from the number of authorized positions brings the net need to 314—almost 16 percent greater than the number of authorized judicial positions.

**Table 1: Statewide Need for Judicial Officers**

Year	Authorized Judicial Positions (AJP)*	Assessed Judicial Need (AJN)	Net Need (AJP Minus AJN)	Need as a Percentage of AJP (%)
2008	2,022	2,348	-326	-16.1
2010	2,022	2,352	-330	-16.3
2012	2,022	2,286	-264	-13.1
<b>Change from previous (2010–2012)</b>	0	<b>-66</b>	<b>-66</b>	<b>-3.2</b>

\* Includes 50 new judgeships that were created by the Legislature in 2007 in AB 159 (Jones; Stats. 2007, ch. 722) but not funded.

Table 1 also shows that judicial officer need has declined slightly since the 2010 judicial needs assessment. In 2010, 2,352 judicial positions were required to manage statewide judicial workload, or 330 more judicial officers than authorized. Direct comparisons between the 2010 and 2012 updates are complicated by the fact that both the filings data used to calculate judicial need and the caseweights have changed.<sup>3</sup>

For example, we see some growth in need that is attributable to increased workload mandated by the Legislature and by Judicial Council policy in juvenile, family, and probate case processing. This growth in workload is captured in the new caseweights. An offsetting decline in estimated judicial need is driven by lower caseweights for felony cases, in which the trial courts appear to have become more efficient in case processing since the 2001 workload assessment. This decline in judicial need in the criminal area is sharpened by a steep drop in misdemeanor filings in a number of courts since the last workload study.<sup>4</sup>

<sup>3</sup> The 2010 update was based on a three-year average of filings from fiscal year (FY) 2007–2008 through FY 2009–2010. The 2012 update uses filings from FY 2008–2009 through FY 2010–2011.

<sup>4</sup> Criminal caseweights do not reflect workload changes driven by Assembly Bill 109 and criminal justice realignment, because realignment occurred after the time study was conducted. Impacts to judicial workload resulting from realignment are not addressed with these estimates but will be evaluated in the future. The Legislature has provided supplemental funding for criminal justice realignment–related workload.

We can see the direct impact of changes in the filings data on the estimated need by comparing the new (2012) need estimates to a hypothetical estimate. Table 2 shows an estimate of judicial need for 2010 produced by applying the *new* caseweights to the filings that were current at that time. Holding the caseweights constant allows us to see that declining filings are responsible for a decline of 81.2 FTEs in the estimated judicial need.

**Table 2: Comparison of Judicial Need, Holding the Caseweights Constant (Using 2011 Caseweights)**

	2010	2012	Change
<i>Statewide Judicial Need</i>	2,367.3	2,286.1	<b>-81.2</b>

Regardless of these changes in the estimated judicial need, the underlying fact remains that the need for new judgeships in the superior courts is substantial and continues to need to be addressed to ensure the ability to provide justice.

The need for new judgeships in each superior court is shown in table 3 below. As in previous updates, the greatest need can be found in moderate-sized to large courts in the Inland Empire and Central Valley, where historic underfunding and rapid population growth have outstripped growth in judicial resources.

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

As directed by Government Code section 69614(c)(3), this year’s 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 in the Superior Courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties.

The Governor has not yet appointed judges to fill these newly created judgeships; however, once those judgeships are filled, the courts have 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.

**Table 3: Need for Judicial Officers by Court, 2010 Update and 2012 Update Compared**

County	Authorized Judicial Positions <sup>1</sup>	2010 Update		2012 Update		
		Assessed Judicial Need: 2010 Update <sup>2</sup>	Net Need (AJP-AJN)	Assessed Judicial Need: 2012 Update <sup>3</sup>	Net Need (AJP-AJN)	Change in Need from 2010
Alameda	85.0	81.6	3.4	80.0	5.0	-1.6
Alpine	2.3	0.2	2.1	0.2	2.1	0.0
Amador	2.3	2.6	-0.3	2.6	-0.3	0.0
Butte	14.0	16.0	-2.0	14.7	-0.7	-1.3
Calaveras	2.3	2.9	-0.6	2.9	-0.6	0.0
Colusa	2.3	1.6	0.7	1.6	0.7	-0.1
Contra Costa	47.0	45.4	1.6	46.1	0.9	0.7
Del Norte	3.8	3.4	0.4	3.8	0.0	0.4
El Dorado	9.0	10.3	-1.3	10.6	-1.6	0.3
Fresno	53.0	78.1	-25.1	61.6	-8.6	-16.4
Glenn	2.3	2.3	0.0	2.1	0.2	-0.3
Humboldt	8.0	9.8	-1.8	10.2	-2.2	0.4
Imperial	11.4	12.5	-1.1	14.8	-3.4	2.3
Inyo	2.3	1.7	0.6	1.7	0.6	0.0
Kern	46.0	59.5	-13.5	57.8	-11.8	-1.7
Kings	9.5	12.2	-2.7	11.7	-2.2	-0.4
Lake	4.8	5.2	-0.4	5.2	-0.4	0.1
Lassen	2.3	3.2	-0.9	3.4	-1.1	0.2
Los Angeles	586.3	619.8	-33.6	626.4	-40.2	6.6
Madera	10.3	13.3	-3.0	11.4	-1.1	-1.9
Marin	14.5	11.5	3.0	11.7	2.8	0.2
Mariposa	2.3	1.1	1.2	1.6	0.7	0.4
Mendocino	8.4	8.2	0.2	7.7	0.7	-0.5
Merced	14.0	20.7	-6.7	19.0	-5.0	-1.6
Modoc	2.3	0.9	1.4	0.8	1.5	-0.1
Mono	2.3	1.2	1.1	1.1	1.2	0.0
Monterey	22.2	24.1	-1.9	23.6	-1.4	-0.5
Napa	8.0	8.5	-0.5	8.9	-0.9	0.4
Nevada	7.6	5.8	1.8	5.7	1.9	-0.1
Orange	145.0	168.1	-23.1	166.5	-21.5	-1.6
Placer	16.5	21.8	-5.3	20.4	-3.9	-1.4
Plumas	2.3	1.6	0.7	1.6	0.7	-0.1
Riverside	83.0	146.4	-63.4	137.8	-54.8	-8.6
Sacramento	78.5	115.0	-36.5	93.6	-15.1	-21.3
San Benito	2.5	3.6	-1.1	3.4	-0.9	-0.2
San Bernardino	91.0	156.7	-65.7	156.1	-65.1	-0.5
San Diego	154.0	165.6	-11.6	158.9	-4.9	-6.7
San Francisco	65.0	54.1	10.9	59.4	5.6	5.3
San Joaquin	36.5	53.2	-16.7	47.5	-11.0	-5.8
San Luis Obispo	15.0	17.3	-2.3	17.1	-2.1	-0.2
San Mateo	33.0	32.6	0.4	33.8	-0.8	1.1
Santa Barbara	24.0	25.7	-1.7	24.8	-0.8	-0.9
Santa Clara	89.0	78.5	10.5	78.9	10.1	0.5
Santa Cruz	13.5	14.5	-1.0	14.7	-1.2	0.2
Shasta	13.0	16.9	-3.9	16.6	-3.6	-0.3
Sierra	2.3	0.3	2.0	0.3	2.0	0.0
Siskiyou	5.0	3.9	1.1	3.7	1.3	-0.1
Solano	24.0	32.6	-8.6	28.6	-4.6	-4.0
Sonoma	24.0	28.0	-4.0	28.3	-4.3	0.3
Stanislaus	26.0	39.8	-13.8	36.1	-10.1	-3.6
Sutter	5.3	8.4	-3.1	7.3	-2.0	-1.1
Tehama	4.3	5.6	-1.3	5.8	-1.5	0.2
Trinity	2.3	1.2	1.1	1.6	0.7	0.4
Tulare	25.0	32.5	-7.5	28.4	-3.4	-4.1
Tuolumne	4.8	4.3	0.4	4.5	0.2	0.2
Ventura	33.0	40.9	-7.9	43.7	-10.7	2.8
Yolo	13.4	13.5	-0.1	12.3	1.1	-1.2
Yuba	5.3	5.8	-0.5	5.4	0.0	-0.4
<b>Statewide</b>	<b>2,022.2</b>	<b>2,351.9</b>	<b>-329.7</b>	<b>2,286.1</b>	<b>-263.9</b>	<b>-65.8</b>

<sup>1</sup> Includes the 50 judgeships that were authorized in AB 159 but not funded.

<sup>2</sup> Calculated using the average of FY 06-07 through FY 08-09 filings and old (2001) caseweights.

<sup>3</sup> Calculated using the average of FY 08-09 through FY 10-11 filings and new (2010) caseweights.

