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January 16, 2013

Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688

Re: Riverside County Bar Association Written Public  
Comments for January 17, 2013 Judicial Council  
Meeting; re Discussion Item F

To the Judicial Council of California:

I write this letter on behalf of the Riverside County Bar Association, its members, and the many individuals, families, and businesses that interact with our local courts each year. As you know, the Inland Empire, of which Riverside County is a part, has grown tremendously over the years. Our courts have been consistently under-funded to the detriment of our litigants, lawyers, judges, and court staff. While we are very pleased that the Council is mindful of the need for additional judgeships state-wide, as outlined in Agenda Item F, we strongly encourage the Council to consider that judicial positions allocated under AB 159, which were intended to provide immediate relief to the courts most in need, have yet to be funded. Understandably, all courts in the state believe they need more judges, but objective and incontrovertible data demonstrates the seriousness of the need in Riverside and San Bernardino Counties. We ask that the Council not defer all action on new judgeships, and that it strongly consider how already allocated judgeships can be funded, or how new judgeships can be funded for the most under-resourced courts.

Our Bar has previously provided the Council with hard data outlining the seriousness of the situation in Riverside and San Bernardino Counties. That data shows the following:

- Riverside's ratio of trial court judicial positions per 100,000 of population is 3.4. San Bernardino's ratio of trial court judicial positions per 100,000 of population is 4.2. The statewide average is 5.2 per 100,000 of population.
- Riverside County has seen a 44 percent increase in population since 2000 and a 95 percent increase since 1990. San Bernardino County has experienced a 19 percent increase in population since 2000 and a 43 percent increase since 1990. The number of judicial

positions in both counties has not kept pace with the increase in population. For example, in Riverside County the number of judicial positions only increased by 31 percent since 1990.

- While Riverside (4.1 percent) and San Bernardino Superior Courts (4.4 percent) receive a combined 8.5 percent of the judiciary's statewide Trial Court Trust Fund (TCTF) allocation, the two counties account for 11 percent of the state's population.
- Riverside has seen a 40 percent increase in total Superior Court case filings between fiscal years 2000-01 and 2009-10. San Bernardino's Superior Court case filings have increased by 39 percent in that time period. By comparison, Superior Court filings statewide increased 24 percent during that period.
- According to the Judicial Council of California 2011 Court Statistics Report ("2011 Report"), Riverside County Superior Court had 6,446 filings per authorized judicial position, the fourth highest amongst the state's 58 counties and San Bernardino County Superior Court had 6,533 filings per authorized judicial position, the third highest in the state.
- According to the California Judicial Workload Assessment published by the National Center for State Courts (NCSC) in November 2011, Riverside County Superior Court has a need for 150.8 judges. With only 76 judicial officers, the court faces a shortage of 74.8 judges, or a 49.6 percent deficit. The same report showed San Bernardino Superior Court with a need for 150 judges. With only 84 judicial officers, that court faced a shortage of 66 judges, or a 44 percent deficit. Statewide, there is workload to support 2,376 judges. With 2,022 authorized judicial positions, the state as a whole faces a shortage of 354 judges, or a 14.9 percent deficit.
- The 2011 Report also shows that, in fiscal year 2009-10, Riverside County Superior Court conducted 32,998 court trials, 41 of which were felony trials and 3,714 of which were unlimited civil trials. Only Los Angeles County had more unlimited civil bench trials, with a total of 4,018, and that was from a total of 97,030 total bench trials. San Bernardino conducted 34,004 bench trials during the same period, 16 of which were felony trials and 627 of which were unlimited civil trials
- Per the 2011 Report, Riverside County conducted 1,087 jury trials during fiscal year 2009-10, 683 of which were felony trials, and 51 of which were unlimited civil trials. The only county to surpass the total number of jury trials conducted was Los Angeles County with a total of 3,572 jury trials. Based on Riverside County's relative dearth of judicial position equivalents, the County ranked second on the state-wide list of jury trials per judicial position. Based on the performance indicator data by County for fiscal year 2009-10, Riverside judges hear approximately 11.1 jury trials per bench officer, in comparison to the state-wide average of 5.2 jury trials per bench officer. The number of judicial position equivalents for that year is also over-estimated because it includes Assigned Judges sent to the County, based on a yearly average of their attendance, and it factors in the 7 judicial positions allocated to Riverside under AB 159, which were never funded.

Using more accurate data, the number of jury trials per judicial position would actually be closer to 14.3 trials per bench officer.

- According to the Judicial Council's own statistics, in fiscal year 2009-10, the Fourth District, Division Two, disposed of 10.3 percent of the appeals and writs disposed of by the courts of appeal statewide, while having just 6.7 percent of the 105 appellate court justices statewide. In contrast, the entire First District Court of Appeal disposed of only 14.1 percent of the appeals and writs in the state while having 19% of the 105 appellate court justices statewide. The disparity does not disappear when applying the "workload-adjusted" formula developed in 1995 by the Appellate Court Resources Analysis Working Group chaired by Justice Norman L. Epstein. In fiscal year 2010-11, the Fourth District, Division Two filed 137 opinions per justice, the equivalent of 95 opinions per justice on a "workload-adjusted" basis, which is higher than any other District Court of Appeal in California. The First District Court of Appeal, in contrast, filed 75 opinions per justice on a "workload-adjusted" basis, and the Second District Court of Appeal filed only 84 opinions per justice on a "workload-adjusted" basis.<sup>[1]</sup>
- Based on California Department of Finance information, in 2010 the Fourth Appellate District, Division Two (which serves, Riverside, San Bernardino, and Inyo Counties) was estimated to have 615,708 residents per appellate justice, the highest number in the state. The next closest district is Second District, Division Six with 382,930 residents per justice.

Understandably, many of our courts are seeking additional resources in a time when resources are scarce, but the demonstrated need in our community is great, and is not based on perceived need but on the above-outlined data that can be objectively verified. We have already requested the Council address this serious disparity in funding, and are hopeful that you will do so. We request by this letter the Council keep that serious disparity in mind when considering new judgeships and its funding priorities in the coming year.

Sincerely yours,



Christopher B. Harmon  
President, Riverside County Bar Association

cc: Trial Court Budget Working Group  
(Nancy.Carlisle@jud.ca.gov)

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<sup>[1]</sup> Recognizing that appeals are generated from trial courts, and that Riverside County conducts more jury trials than any County besides Los Angeles, it is likely that the workload in the Fourth District, Division Two, will increase. As a comparison, the other two counties that comprise the Fourth District Court of Appeal, Orange County and San Diego County, conducted only 1,094 jury trials combined during fiscal year 2009-10, in comparison with Riverside's 1,087.