



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MINUTES OF OPEN MEETING

4/28/16

10:00 a.m. to 3:00 p.m.

Judicial Council Conference Center

Advisory Body Members Present: Hon. Lorna A. Alksne, Chair; Hon. Irma Asberry; Hon. Joyce D. Hinrichs; Hon. Suzanne Kingsbury; Hon. Richard C. Martin; Hon. John Kiriwara; Hon. Annemarie Pace (by phone); Hon. Garrett Wong; Ms. Sherri R. Carter; Mr. Sean Metroka; Ms. Sheran Morton; Mr. Stephen H. Nash; Mr. Darrel Parker (by phone); Mr. Michael Planet; Ms. Teresa Risi; Mr. Brian Taylor

Advisory Body Members Absent:

Others Present: Ms. Kim Bartleson; Mr. Michael Corriere; Ms. Marita Ford; Ms. Krista LeVier; Mr. Robert Oliver; Mr. Michael Roddy; Ms. Tania Ugrin-Capobianco; Ms. Sylvia White-Irby; Mr. Brian Aho; Mr. Chris Belloli; Ms. Deana Farole; Ms. Savet Hong; Mr. Peter James; Ms. Leah Rose-Goodwin; Mr. Colin Simpson; Ms. Karen Viscia

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10 a.m. and took roll call.

Approval of Minutes

The advisory body reviewed and approved the minutes of the February 9, 2016, Workload Assessment Advisory Committee (WAAC) meeting.

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Resource Assessment Study (RAS) Model Basics and Progress Update

Judicial Council staff presented an overview of the RAS Model and a progress report on the current efforts to update the model for fiscal year 2017–2018.

DISCUSSION AND ACTION ITEMS (ITEMS 1–4)

Item 1

RAS Model Update for Fiscal Year 2016–2017 (Action Required)

WAAC reviewed the update to the Resource Assessment Study (RAS) model.

Action:

The committee approved forwarding the update to the Trial Court Budget Advisory Committee for use in fiscal year 2016–2017 allocations.

Item 2

Updates to RAS Model Parameters (Action Required)

WAAC reviewed relevant data and provided feedback to Judicial Council staff on whether and how to update two components of the RAS Model: the manager/supervisor ratio and the grouping of courts by cluster. The committee also discussed a plan for updating the caseweight for asbestos filings, which is handled outside of the staff time study survey.

Action:

The committee voted to use updated manager/supervisor ratios based on more recent 7A data (3-year median); to continue to using a combined ratio for clusters 2 and 3; and to incorporate the need for interpreter supervisors into manager/supervisor ratio. WAAC recommended that further study be undertaken over the next year to come up with a more permanent solution for evaluating interpreter supervisor needs. The grouping of courts by cluster may be revisited at a later date.

Item 3

Brainstorm Questions for Workload Study Court Site Visits (No Action Required)

WAAC discussed the upcoming site visits to courts that participated in the staff workload study to review and validate their data. The committee discussed pertinent questions to ask these courts about their workload and resources.

Item 4

Evaluating Requests to Change the RAS Model (No Action Required)

WAAC discussed establishing criteria for evaluating requests to change the RAS Model.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 1:10 p.m.

To be reviewed/approved by the advisory body on 10/12/16.



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27, 2016

Title

Judicial Council Report to the Legislature:
Standards and Measures that Promote the Fair
and Efficient Administration of Justice

Agenda Item Type

Action Required

Effective Date

October 28, 2016

Rules, Forms, Standards, or Statutes Affected

N/A

Date of Report

October 6, 2016

Recommended by

Workload Assessment Advisory Committee
Hon. Lorna A. Alksne, Chair

Contact

Brian Aho, 415-865-7701
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Executive Summary

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the transmittal of the attached report to the Legislature, *Standards and Measures That Promote the Fair and Efficient Administration of Justice*. This report satisfies the requirements of Government Code section 77001.5, which requires the Judicial Council to adopt and annually report on judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects: (1) providing equal

access to courts and respectful treatment for all court participants; (2) case processing, including the efficient use of judicial resources; and (3) general court administration.

Recommendation

The Workload Assessment Advisory Committee recommends that the Judicial Council, effective October 28, 2016, approve the attached report for transmittal to the Legislature under Government Code section 77001.5.

Previous Council Action

The council approved the 2015 report at its October 2015 meeting, the 2014 report at the October 2014 meeting, and the 2013 report at the December 2013 meeting. Previous reports were submitted but not approved by the Judicial Council, because protocol at that time did not require council action on reports that did not include recommendations.

Rationale for Recommendation

Approval of the transmittal of this report to the Legislature will comply with the legislative mandate contained in Government Code 77001.5, which requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.”

Comments, Alternatives Considered, and Policy Implications

This report is a legislative mandate; no public comments were sought nor alternatives considered.

Implementation Requirements, Costs, and Operational Impacts

Staff shortages at the Judicial Council have made production of the report more difficult. The current refocusing of the report to quantitative measures already approved by the Judicial Council and already reported by the trial courts attempts to overcome these limitations.

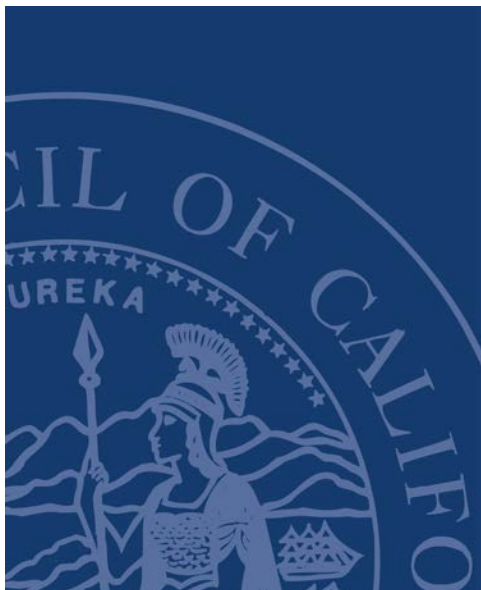
Relevant Strategic Plan Goals and Operational Plan Objectives

The Judicial Council Operational Plan, adopted in 2008, includes the strategic goal of Independence and Accountability. This document reports judicial branch business and performance to the public and other stakeholders.

Attachments and Links

1. *Standards and Measures That Promote the Fair and Efficient Administration of Justice: Report to the Legislature Under Government Code 77001.5*

DRAFT



Standards and Measures That Promote the Fair and Efficient Administration of Justice

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION 77001.5

NOVEMBER 2016



JUDICIAL COUNCIL
OF CALIFORNIA

OPERATIONS AND PROGRAMS DIVISION

COURT OPERATIONS SERVICES

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More information about the state judicial system may be found on the California Courts website at www.courts.ca.gov.

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Introduction

Government Code section 77001.5 requires the Judicial Council to adopt and annually report on “judicial administration standards and measures that promote the fair and efficient administration of justice, including, but not limited to, the following subjects:

- (1) Providing equal access to courts and respectful treatment for all court participants.
- (2) Case processing, including the efficient use of judicial resources.
- (3) General court administration.”

This annual report to the Legislature focuses the analysis on four key quantitative measures of trial court performance:

- Caseload clearance rates;
- Time to disposition;
- Stage of case at disposition; and
- Trials by type of proceeding.

In addition to these measures, this report also provides information on the availability of branch resources that contribute towards the fair and efficient administration of justice, including:

- Assessed need for new judgeships (Gov. Code, § 69614); and
- Status of the conversion of subordinate judicial officer positions to judgeships (Gov. Code, § 69615).¹

Finally, this report provides a brief narrative describing work conducted since the last reporting period to improve the standards and measures of judicial administration.

¹ For more information on the rationale for selecting these quantitative measures and how they align with the legislative mandate contained in Government Code Section 77001.5, see 2012 report to the Legislature on Judicial Administration Standards located at <http://www.courts.ca.gov/documents/lr-Jud-Admin-Stand-and-measures-122712.pdf>.

Quantitative Measures of Court Performance

The National Center for State Courts (NCSC) developed the *CourTools* in an effort to provide trial courts with “a set of balanced and realistic performance measures that are practical to implement and use.”² The *CourTools* draw on previous work conducted on trial court performance—primarily the Trial Court Performance Standards developed by the NCSC and published in the late 1990s—but also on relevant measures from other successful public and private organizations.

California courts are able to report on some, but not all of the *CourTools* performance measures. While previous years’ reports to the Legislature contained a description of all ten *CourTools* performance measures, including those for which complete data is unavailable, this year, data are shown on the two measures for which data in the California trial courts are available: clearance rates and time to disposition.

NCSC’s <i>CourTools</i>	Table 1: Status of <i>CourTools</i> Data in California Trial Courts			
	Availability	Scope	Data Quality	Location in This Report
Clearance Rates	Monthly Reports	All courts	Good	Appendix B
Time to Disposition	Monthly Reports	Missing data from some courts on some case types	Fair	Appendix C

Clearance Rates

Clearance rates show the number of cases disposed as a percentage of the number of cases filed during a given time period. Since clearance rates provide a snapshot at a point in time, they are an indirect measure of whether the court is disposing of cases in a timely fashion or whether a backlog of cases is growing. Monitoring clearance rates by case type helps a court identify those areas needing the most attention. Viewed over a time period, the clearance rate is expected to hover closely around 1.0 or 100 percent.

Time to Disposition

Time to disposition is measured by counting the number of initial filings that reach disposition within established time frames. Trial court case disposition time goals serve as a starting point for monitoring court performance.

These measures of court operations were adopted by the Judicial Council as Standard of Judicial Administration 2.2. This standard establishes caseload clearance in civil case processing as a judicial administration goal and sets time-to-disposition goals for six civil and criminal case types: felony, misdemeanor, unlimited civil, limited civil, small claims, and unlawful detainer (see Appendix A).

² See “*CourTools: Giving Courts the Tools to Measure Success*” (NCSC 2005), <http://www.courtools.org/>.

Other Caseflow Management Data

In addition to the *CourTools* data, additional information reported by the trial courts can also be used as diagnostic measures of a court’s calendar management practices. How cases move through and out of the system—in other words, the stage of cases at disposition—can be useful indicators of effective case-processing practices and court operational efficiency. Efficient and effective case management can improve not only the timeliness of case disposition but also the quality of justice in resolution of these cases.

Stage of Case at Disposition

The stage and manner in which a case is disposed (i.e., how and at what point in a case’s life cycle it is disposed) can be a useful diagnostic measure of a court’s case management practices and the timeliness and quality of case resolution.³ It can also help courts assess the level of resources required to get cases to disposition.

Trials by Type of Proceeding

The number and type of trials is an important data element to break out separately from the data on the stage of case at disposition. Given the significance of trials on a court’s operations and resources, it is important to consider this measure in conjunction with other court performance data.

Table 2 below describes the quality of the data on these additional measures of court operations.

<i>Caseflow Management Data</i>	Table 2: Status of Data in California Trial Courts			
	Availability	Scope	Quality	Location in This Report
Stage of Case at Disposition	Monthly Reports	All courts	Good	Appendix D
Trials by Type of Proceeding	Monthly Reports	All courts	Good	Appendix E

Findings⁴

Caseload Clearance Rates (See Appendix B)

- In fiscal year 2014–2015, the most recent year for which data are available, clearance rates increased for most case types with several exceptions.
 - Civil unlimited clearance rates increased for all case types except for small claims appeals: the motor vehicle unlimited clearance rate increased from 80 percent to 87

³ The stage of case at disposition is not entirely under the control of the court. For example, if the district attorney and public defender are unable or unwilling to reach a mutually agreeable plea, or if parties do not settle civil cases, despite the courts’ best efforts, the stage and manner of disposition may be beyond the power of the court to affect substantially.

⁴ All of the findings reported here refer to trial court data submitted through June 30, 2015. These data are reported in more detail in the 2016 Court Statistics Report, <http://www.courts.ca.gov/13421.htm>.

percent; “other” personal injury unlimited increased from 79 percent to 88 percent; other civil complaints increased from 94 percent to 96 percent; and small claims appeals decreased from 80 percent to 70 percent. The limited civil and small claims clearance rates both increased, from 104 percent to 109 percent and from 102 percent to 105 percent respectively.

- Criminal clearance rates all increased with the exception of non-traffic misdemeanors: the felony clearance rate increased from 93 to 104 percent; the non-traffic infractions rate increased from 69 to 73 percent; traffic misdemeanors from 79 to 84 percent; traffic infractions from 91 percent to 95 percent; however, non-traffic misdemeanors decreased from 84 percent to 80 percent.
- Family and juvenile case clearance rates mostly remained constant or increased. However, the marital petitions rate decreased one percent to 98 percent. The rate for family law petitions remained at 85 percent. The clearance rate for delinquency cases increased from 92 percent to 94 percent; the dependency clearance rate increased from 67 percent to 72 percent.

Time to Disposition (See Appendices A & C):

The Standards of Judicial Administration establish “time to disposition” goals for processing various case types. These goals are intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts.

- In FY 2014-2015, the percentage of civil cases disposed of within the recommended time periods declined for civil unlimited and limited civil cases, increased for unlawful detainer cases, and declined for small claims cases.
 - The goals for civil unlimited cases are: 100 percent of cases disposed of within 24 months, 85 percent of cases disposed of within 18 months, and 75 percent of cases disposed of within 12 months. In FY 2014-2015, the percentage of civil unlimited cases disposed of within 24 months declined by one percentage point to 83 percent; the percentage of cases disposed of within 18 months declined by one percentage point to 76 percent; and the percentage of cases disposed of within 12 months declined by two percentage points to 64 percent.
 - The goals for limited civil cases are: 100 percent of cases disposed of within 24 months, 98 percent of cases disposed of within 18 months, and 90 percent of cases disposed of within 12 months. In FY 2014-2015, the time to disposition for limited civil cases decreased for each time standard. The percentage of limited civil cases disposed of within 24 months decreased by one percentage point to 94 percent; the percentage of cases disposed of within 18 months declined by two percentage points to 91 percent; and the percentage of cases disposed of within 12 months declined by three percentage points to 83 percent.
 - The goals for unlawful detainer cases are: 100 percent of cases to be disposed of within 45 days after filing and 90 percent of cases to be disposed of within 30 days after filing. In FY 2014-2015, the percentage of cases disposed of within 45 days

increased by two percentage points to 70 percent; the percentage of cases disposed of within 30 days also increased by two percentage points to 51 percent.

- The goals for small claims cases are: 90 percent of cases disposed of within 75 days of filing and 100 percent of cases disposed of within 95 days of filing.⁵ In FY 2014-2015, the percentage of cases disposed of within 70 days declined by two percentage points to 58 percent whereas the percentage of cases disposed of in less than 90 days remained constant at 71 percent of cases.
- In FY 2014-2015, the percentage of criminal cases disposed of within the recommended time standards declined or remained constant.
 - The goals for felony cases are the following. All cases (except for capital cases) are disposed of within 12 months (from the defendant's first arraignment). Regarding cases resulting in bindover or certified pleas, 90 percent are to be disposed of within 30 days, 98 percent are to be disposed of within 45 days, and 100 percent are to be disposed of within 90 days. In FY 2014-2015, the percentage of felonies disposed of in less than 12 months remained at 88 percent. The percentage of felony cases resulting in bindovers or certified pleas disposed of within 30 days declined five percentage points to 45 percent; the percentage of such cases disposed of within 45 days declined five percentage points to 55 percent; and the percentage of cases disposed of within 90 days declined four percentage points to 71 percent of cases.
 - The goals for misdemeanors are: 90 percent of cases disposed of within 30 days, 98 percent of cases disposed of within 90 days, and 100 percent of cases disposed within 120 days. In FY 2014-2015, the percentage of cases disposed of within 30 days remained at 61 percent, the percentage of cases disposed at the 90-day marker declined one percentage point to 77 percent, and the percentage of cases disposed of in less than 120 days remained at 83 percent.
- Time standards for family law cases are set forth in rule 5.83 of the California Rules of Court, and time standards for juvenile dependency cases can be found in rule 5.505. However, at this time, courts are not able to consistently and accurately report on these measures. Future reports will include this data as collection of these measures improves.

Stage of Case at Disposition (See Appendix D):

Civil

- Slightly less than four of every five unlimited civil cases—78 percent—are disposed before trial.
- Of the remaining unlimited civil cases disposed by a trial, the vast majority—88 percent—are bench trials. Only 3 percent of unlimited civil trials are jury trials. The remaining dispositions of unlimited civil cases are small claims appeals.

⁵ There is a discrepancy between the small claims goals listed in the Standards of Judicial Administration—which ask for the percentage of cases disposed of within 75 and 95 days of filing—and the small claims goals as currently reported in the Court Statistics Report—which report the percentage of cases disposed of within 70 and 90 days of filing.

- In limited civil cases, only 8 percent of filings are disposed by trial and 98 percent of those are bench trials.
- In small claims, the majority (57 percent) of dispositions are after trial.

Criminal

- Nearly all felony cases (98 percent) are disposed before trial.
- Of the felonies disposed after trial, 95 percent are jury trials.
- In felonies disposed before trial, 63 percent result in felony convictions. In felonies disposed after jury trial, 78 percent result in a felony conviction.
- The vast majority of non-traffic misdemeanors (99 percent) and traffic misdemeanors (99 percent) are disposed before trial.
- Of the misdemeanors disposed after trial, 35 percent of non-traffic cases and 74 percent of traffic cases are disposed by bench trial, with the remainder disposed by jury trial.

Trials by Type of Proceeding (See Appendix E):

- The total number of jury trials in FY 2014-15 decreased five percent from FY 2013-14 to 9,450 trials. The number of felony jury trials decreased by 14 percent to 4,778 trials. The number of probate and mental health trials decreased 76 percent from 186 to 45. During the same period, there were 2,901 misdemeanor jury trials, a five percent increase from the year prior. The number of personal injury civil unlimited jury trials decreased 4 percent to 712 trials; other civil unlimited jury trials increased seven percent to 523 trials; and civil limited jury trials increased 102 percent to 491 trials.
- The total number of court trials increased by one percent to 479,719 trials across all case types. A total of 276 felony court trials were reported in FY 2014-2015. The number of court misdemeanor and infractions trials increased by 1 percent to 382,014 trials. The number of personal injury/property damage civil unlimited trials decreased by 8 percent to 763. Other civil unlimited court trials increased by seven percent to 33,989. Civil limited remained nearly the same at 31,689 court trials. Probate/mental health trials decreased in number by five percent to 30,988 court trials.

Judicial Workload and Resources (See Appendices F and G):

- The 2016 Judicial Workload Assessment shows a statewide need of 2,048.6 full-time equivalent judicial officers, compared to 1,960.1 FTE authorized and funded positions.
- The actual 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 2016 Judicial Needs Assessment, 31 courts need new judgeships, for a total need of 188.5 FTE judicial officers.
- Although the conversion of SJOs does not provide much-needed *new* resources to the courts, it does provide the courts with greater flexibility in the assignment of judicial officers. Moreover, it begins to restore the proper balance between judges and SJOs in the court, enabling constitutionally empowered judges who are held accountable by standing for election before their communities to hear cases that are appropriate to their rank.

- In fiscal year 2014–2015 a total of 9 conversions of subordinate judicial officer (SJO) positions to judgeships were completed (see Appendix G). Eleven additional conversions were completed in FY 2015–2016.
- A total of 128 SJO positions have been converted to judgeships since 2007–2008.

Workload Models Update

Weighted caseload has been the national standard for evaluating the workload of judges and court staff for almost two decades.⁶ The number and types of cases that come before the court—the court’s caseload—is the starting point for any evaluation of workload. However, without using weighted case data, it is impossible to make meaningful calculations about the differences in the amount of work required. For example, while a felony and infraction case each represent one filing for the court, they have very different impacts on the court’s workload. Weighted caseload is therefore required to account for the types of cases coming before the court and to translate that information into effective and usable workload data.

The Judicial Council has approved workload models that utilize weighted caseload to assess where new judgeships and additional non-judicial resources are most urgently needed and will have the biggest impact. The relative weight applied to different types of cases, however, requires periodic review due to changes in the law, rules of court, technology, and practice, which all affect the average amount of time required for case processing. Periodic review and, where necessary, revision of caseweights, ensures that the allocation formulas reported to the Legislature and the Governor accurately reflect the current amount of time required to resolve cases.

The Judicial Council’s Workload Assessment Advisory Committee has recommended that the judicial and staff workload models be updated every five years to ensure that the models used to measure workload and to allocate resources are using the most up-to-date information possible. The staff workload model is currently being updated: a time study was conducted in March 2016 and the new weights will be finalized in early 2017. The update of the judicial workload model will follow.

In addition to updates to these two models, the Judicial Council also recently adopted a recommendation to refresh the model that is used to allocate subordinate judicial officer (SJO) conversions.⁷ Under Government Code section 69615, a total of 162 SJO positions were identified as being in need of conversion in order to ensure that there were sufficient judicial officers of each type. The positions were identified on the basis of a 2007 workload analysis, using caseweights from the 2001 Judicial Officer Study and filings data from fiscal years 2002–2003 through 2004–2005. Since filings and the underlying weights used to measure workload have changed since that initial analysis was completed in 2007, the update to that analysis with more current workload data ensures that the remaining conversions be allocated in the most effective manner.

⁶ See *Assessing the Need for Judges and Court Support Staff* (National Center for State Courts 1996).

⁷ <http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf>

Conclusion

This report has summarized *quantitative* measures of trial court performance and provides information on updates to the Resource Assessment Study model. Future reports will continue to provide updated and comparative information on these measures to permit an analysis of the courts' ability to provide fair and efficient administration of justice.

DRAFT

Appendix A: Standards of Judicial Administration, Standard 2.2. Trial Court Case Disposition Time Goals

(a) Trial Court Delay Reduction Act

The recommended goals for case disposition time in the trial courts in this standard are adopted under Government Code sections 68603 and 68620.

(Subd (a) amended effective January 1, 2007; adopted effective July 1, 1987; relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(b) Statement of purpose

The recommended time goals are intended to guide the trial courts in applying the policies and principles of standard 2.1. They are administrative, justice-oriented guidelines to be used in the management of the courts. They are intended to improve the administration of justice by encouraging prompt disposition of all matters coming before the courts. The goals apply to all cases filed and are not meant to create deadlines for individual cases. Through its case management practices, a court may achieve or exceed the goals stated in this standard for the overall disposition of cases. The goals should be applied in a fair, practical, and flexible manner. They are not to be used as the basis for sanctions against any court or judge.

(Subd (b) amended effective January 1, 2007; adopted effective July 1, 1987, as (1); relettered effective January 1, 1989; previously amended effective January 1, 2004.)

(c) Definition

The definition of “general civil case” in rule 1.6 applies to this section. It includes both unlimited and limited civil cases.

(Subd (c) amended effective January 1, 2007; adopted effective January 1, 2004.)

(d) Civil cases—processing time goals

The goal of each trial court should be to process general civil cases so that all cases are disposed of within two years of filing.

(Subd (d) amended and relettered effective January 1, 2004; adopted effective July 1, 1987, as (2); previously amended effective July 1, 1988; amended and relettered as subd (c) effective January 1, 1989.)

(e) Civil cases—rate of disposition

Each trial court should dispose of at least as many civil cases as are filed each year and, if necessary to meet the case-processing goal in (d), dispose of more cases than are filed. As the court disposes of inactive cases, it should identify active cases that may require judicial attention.

(Subd (e) amended effective January 1, 2007; adopted effective July 1, 1987, as (3); previously amended effective July 1, 1988; previously amended and relettered as subd (d) effective January 1, 1989, and as subd (e) effective January 1, 2004.)

(f) General civil cases—case disposition time goals

The goal of each trial court should be to manage general civil cases, except those exempt under (g), so that they meet the following case disposition time goals:

(1) *Unlimited civil cases:*

The goal of each trial court should be to manage unlimited civil cases from filing so that:

- (A) 75 percent are disposed of within 12 months;
- (B) 85 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(2) *Limited civil cases:*

The goal of each trial court should be to manage limited civil cases from filing so that:

- (A) 90 percent are disposed of within 12 months;
- (B) 98 percent are disposed of within 18 months; and
- (C) 100 percent are disposed of within 24 months.

(3) *Individualized case management*

The goals in (1) and (2) are guidelines for the court's disposition of all unlimited and limited civil cases filed in that court. In managing individual civil cases, the court must consider each case on its merits. To enable the fair and efficient resolution of civil cases, each case should be set for trial as soon as appropriate for that individual case consistent with rule 3.729.

(Subd (f) amended effective January 1, 2007; adopted as subd (g) effective July 1, 1987; relettered as subd (h) effective January 1, 1989; amended effective July 1, 1991; previously amended and relettered as subd (f) effective January 1, 2004.)

(g) Exceptional civil cases

A general civil case that meets the criteria in rules 3.715 and 3.400 and that involves exceptional circumstances or will require continuing review is exempt from the time goals in (d) and (f). Every exceptional case should be monitored to ensure its timely disposition consistent with the exceptional circumstances, with the goal of disposing of the case within three years.

(Subd (g) amended effective January 1, 2007; adopted effective January 1, 2004.)

(h) Small claims cases

The goals for small claims cases are:

- (1) 90 percent disposed of within 75 days after filing; and
- (2) 100 percent disposed of within 95 days after filing.

(Subd (h) adopted effective January 1, 2004.)

(i) Unlawful detainer cases

The goals for unlawful detainer cases are:

- (1) 90 percent disposed of within 30 days after filing; and
- (2) 100 percent disposed of within 45 days after filing.

(Subd (i) adopted effective January 1, 2004.)

(j) Felony cases—processing time goals

Except for capital cases, all felony cases disposed of should have a total elapsed processing time of no more than one year from the defendant's first arraignment to disposition.

(Subd (j) amended effective January 1, 2007; adopted effective January 1, 2004.)

(k) Misdemeanor cases

The goals for misdemeanor cases are:

- (1) 90 percent disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent disposed of within 90 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent disposed of within 120 days after the defendant's first arraignment on the complaint.

(Subd (k) adopted effective January 1, 2004.)

(l) Felony preliminary examinations

The goal for felony cases at the time of the preliminary examination (excluding murder cases in which the prosecution seeks the death penalty) should be disposition by dismissal, by interim disposition by certified plea of guilty, or by finding of probable cause, so that:

- (1) 90 percent of cases are disposed of within 30 days after the defendant's first arraignment on the complaint;
- (2) 98 percent of cases are disposed of within 45 days after the defendant's first arraignment on the complaint; and
- (3) 100 percent of cases are disposed of within 90 days after the defendant's first arraignment on the complaint.

(Subd (l) adopted effective January 1, 2004.)

(m) Exceptional criminal cases

An exceptional criminal case is not exempt from the time goal in (j), but case progress should be separately reported under the Judicial Branch Statistical Information System (JBSIS) regulations.

(Subd (m) amended effective January 1, 2007; adopted effective January 1, 2004.)

(n) Cases removed from court's control excluded from computation of time

If a case is removed from the court's control, the period of time until the case is restored to court control should be excluded from the case disposition time goals. The matters that remove a case from the court's control for the purposes of this section include:

- (1) Civil cases:
 - (A) The filing of a notice of conditional settlement under rule 3.1385;
 - (B) An automatic stay resulting from the filing of an action in a federal bankruptcy court;
 - (C) The removal of the case to federal court;
 - (D) An order of a federal court or higher state court staying the case;
 - (E) An order staying the case based on proceedings in a court of equal standing in another jurisdiction;
 - (F) The pendency of contractual arbitration under Code of Civil Procedure section 1281.4;

- (G) The pendency of attorney fee arbitration under Business and Professions Code section 6201;
 - (H) A stay by the reporting court for active military duty or incarceration; and
 - (I) For 180 days, the exemption for uninsured motorist cases under rule 3.712(b).
- (2) Felony or misdemeanor cases:
- (A) Issuance of warrant;
 - (B) Imposition of a civil assessment under Penal Code section 1214.1;
 - (C) Pendency of completion of diversion under Penal Code section 1000 et seq.;
 - (D) Evaluation of mental competence under Penal Code section 1368;
 - (E) Evaluation as a narcotics addict under Welfare and Institutions Code sections 3050 and 3051;
 - (F) 90-day diagnostic and treatment program under Penal Code section 1203.3;
 - (G) 90-day evaluation period for a juvenile under Welfare and Institutions Code section 707.2;
 - (H) Stay by a higher court or by a federal court for proceedings in another jurisdiction;
 - (I) Stay by the reporting court for active military duty or incarceration; and
 - (J) Time granted by the court to secure counsel if the defendant is not represented at the first appearance.

(Subd (n) amended effective January 1, 2007; adopted effective January 1, 2004.)

(o) Problems

A court that finds its ability to comply with these goals impeded by a rule of court or statute should notify the Judicial Council.

(Subd (o) amended effective January 1, 2007; adopted effective January 1, 2004.)

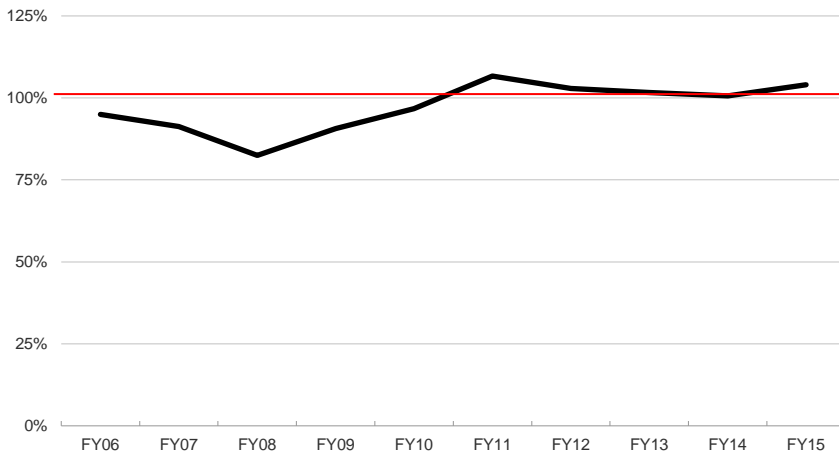
Standard 2.2 amended and renumbered effective January 1, 2007; adopted as sec. 2.1 effective July 1, 1987; previously amended effective January 1, 1988, July 1, 1988, January 1, 1989, January 1, 1990, July 1, 1991, and January 1, 2004.

Appendix B: CalCourTools—Caseload Clearance Rates Civil Unlimited, Civil Limited, Small Claims

Superior Courts Figures 1-7

Fiscal Years 2005–06 through 2014–15

Figure 1: Total Civil



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 2: Civil Unlimited

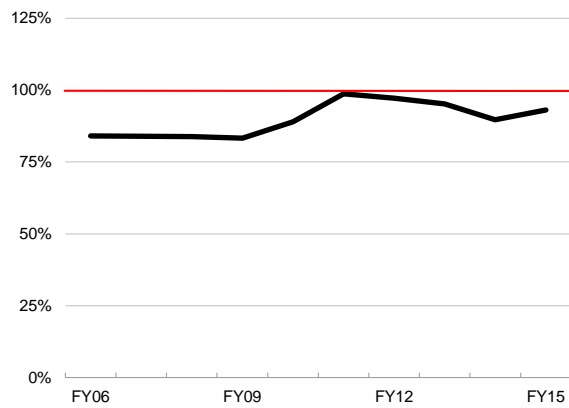


Figure 3: Motor Vehicle PI/PD/WD

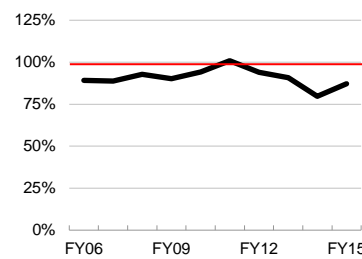


Figure 4: Other PI/PD/WD

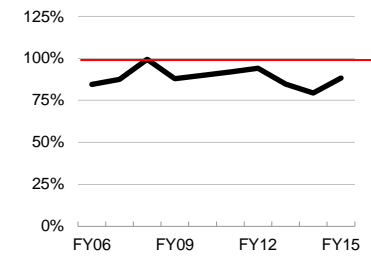


Figure 5: Civil Complaints

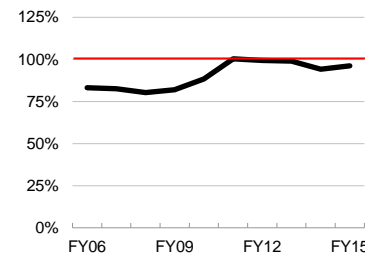


Figure 6: Civil Limited

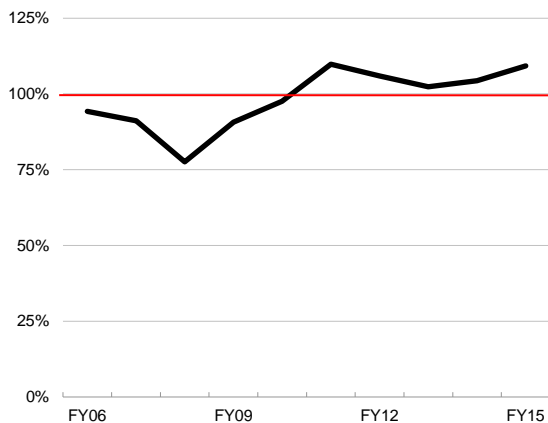
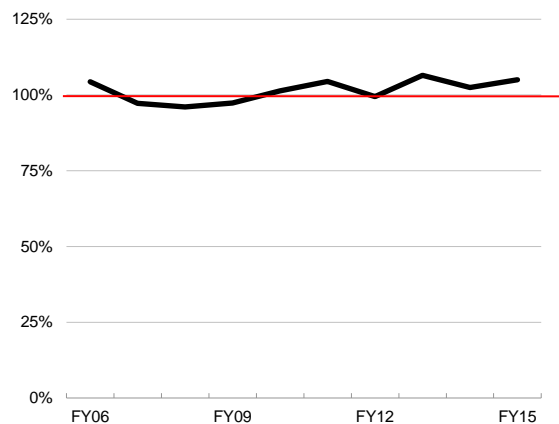


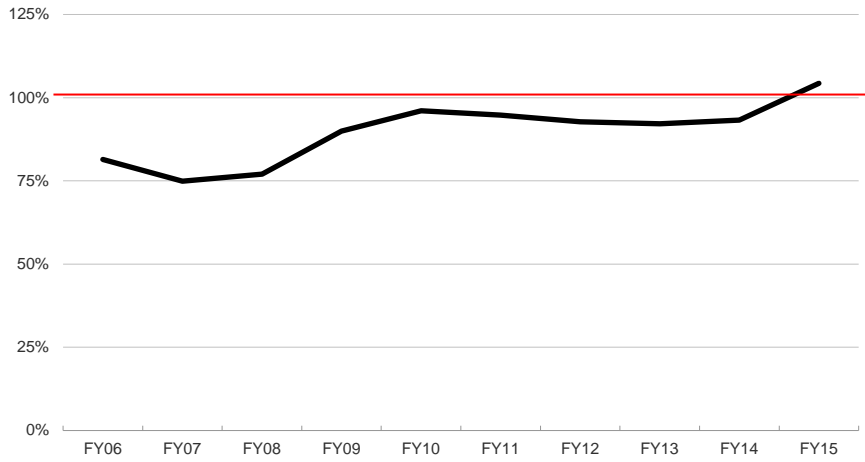
Figure 7: Small Claims



**Appendix B (continued): CalCourTools—Caseload Clearance Rates
Criminal Felonies, Misdemeanors, Infractions
Fiscal Years 2005–06 through 2014–15**

**Superior Courts
Figures 8–12**

Figure 8: Felony



Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 9: Nontraffic Misdemeanor

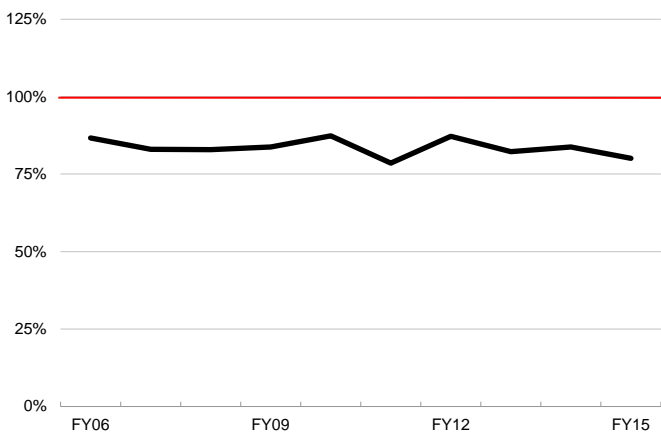


Figure 10: Traffic Misdemeanor

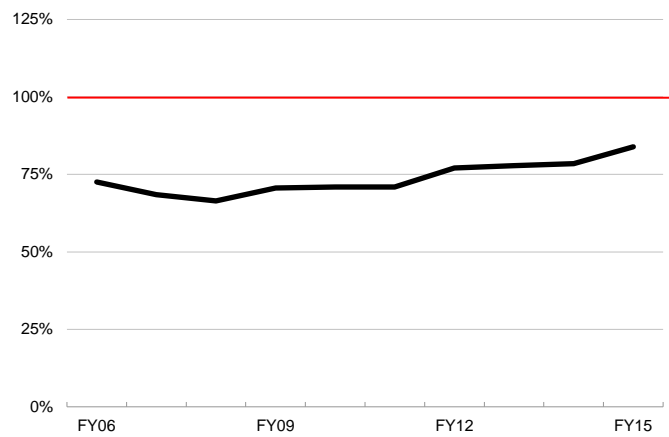


Figure 11: Nontraffic Infraction

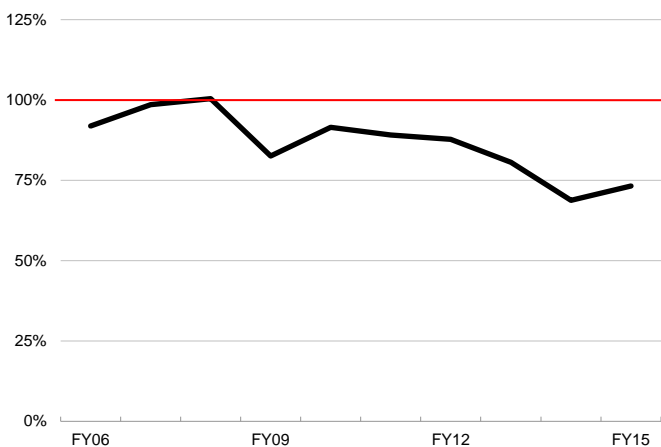
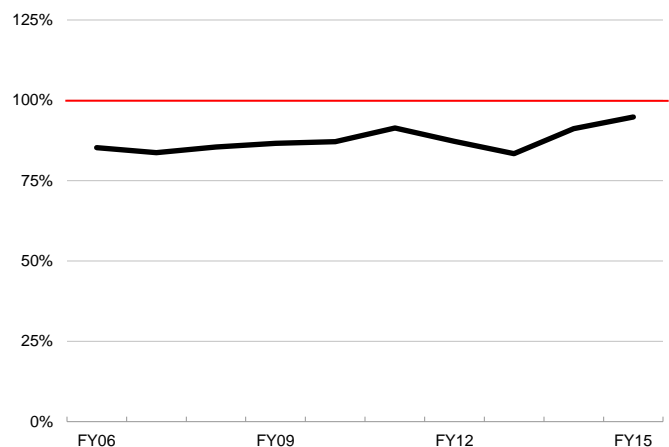


Figure 12: Traffic Infraction



Appendix B (continued): CalCourTools—Caseload Clearance Rates
Family Law, Juvenile Delinquency, Juvenile Dependency
Fiscal Years 2005–06 through 2014–15

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 13: Family Law — Marital

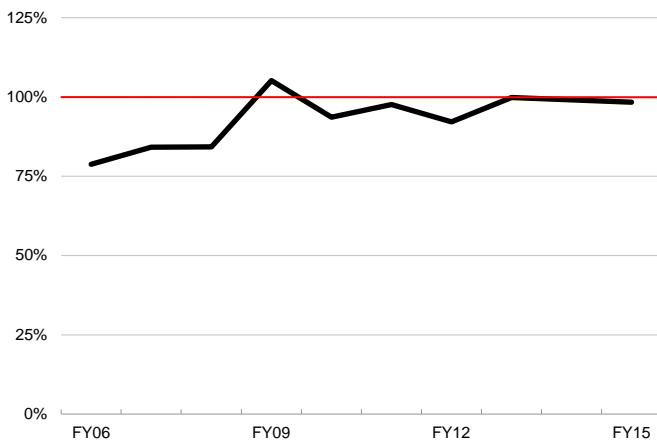


Figure 14: Family Law Petitions

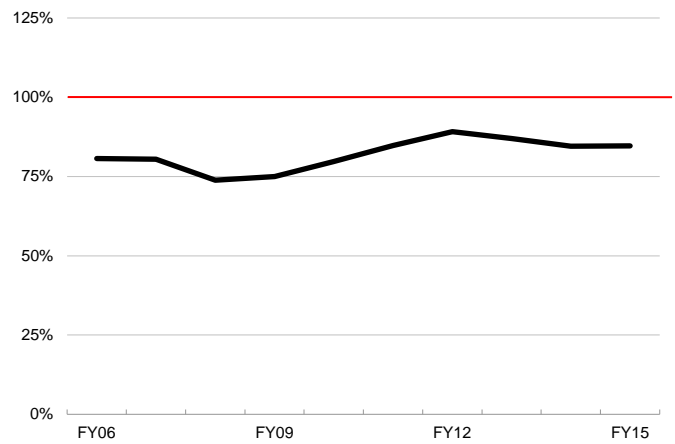


Figure 15: Juvenile Delinquency

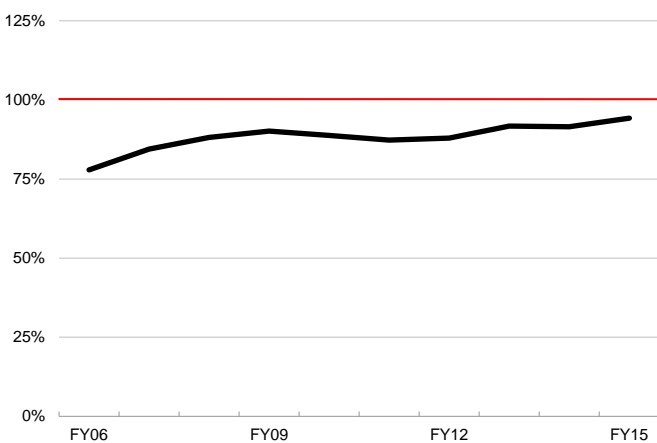
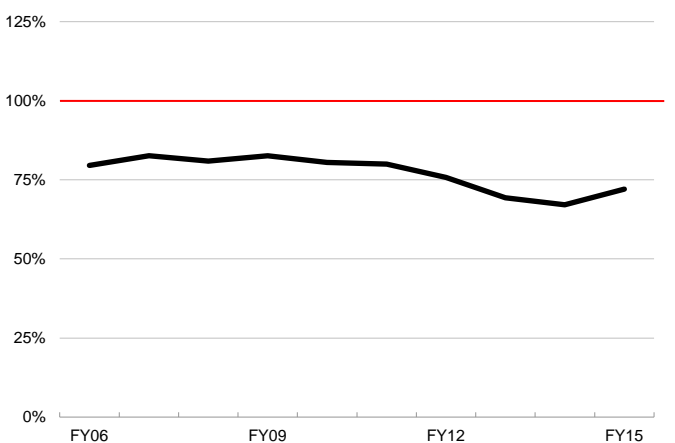


Figure 16: Juvenile Dependency



**Appendix B (continued): CalCourTools—Caseload Clearance Rates
 Probate, Mental Health, Appeals, Habeas Corpus
 Fiscal Years 2005–06 through 2014–15**

**Superior Courts
 Figures 17–20**

Clearance Rate equals the number of outgoing cases as a percentage of the number of incoming cases. A clearance rate of 100% indicates that the number of cases disposed of in any given year equals the number of cases filed.

$$\text{Clearance Rate} = \frac{\text{Dispositions}}{\text{Filings}}$$

Figure 17: Probate

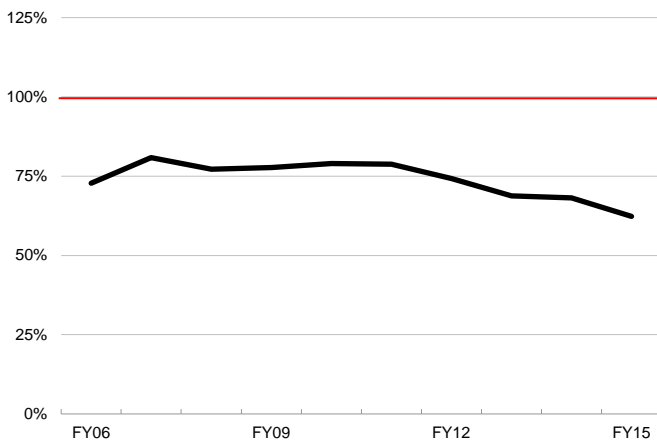


Figure 18: Mental Health

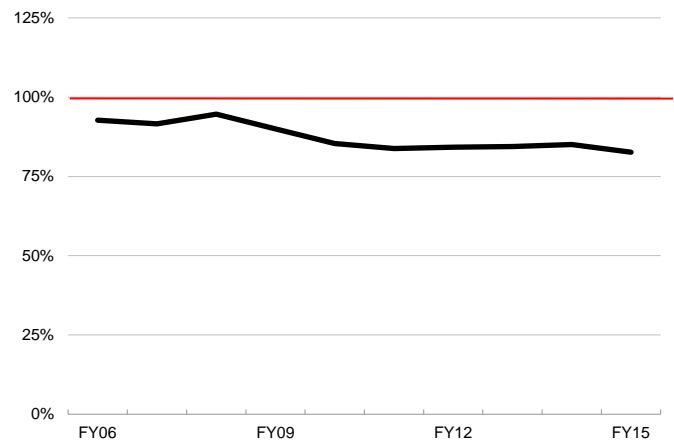


Figure 19: Appeals

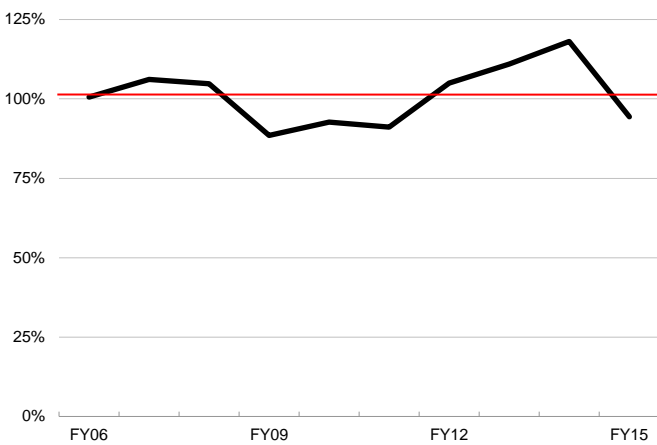
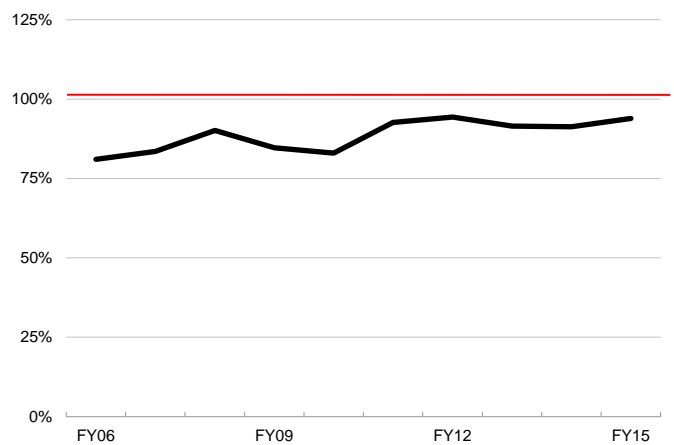


Figure 20: Criminal Habeas Corpus



Civil Case Processing Time (percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of civil cases, which are presented below with the specific time standards and target performance level.

<u>Standard</u>	<u>Target</u>
Time standard	Goal

Figure 21: Civil Unlimited

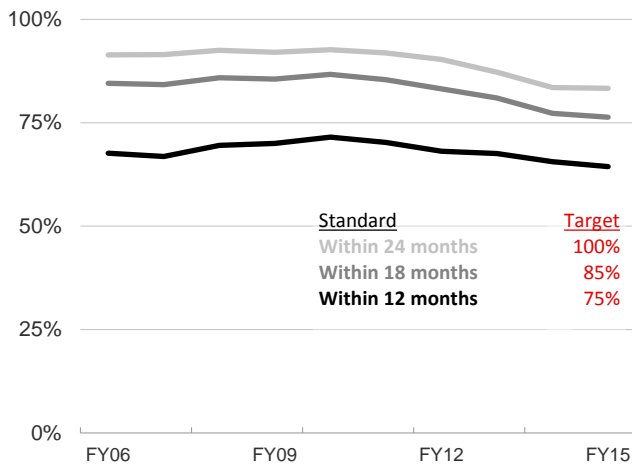


Figure 22: Limited Civil

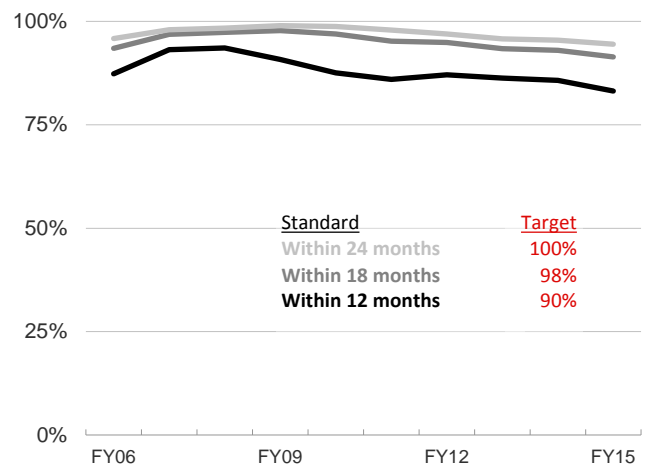


Figure 23: Unlawful Detainer

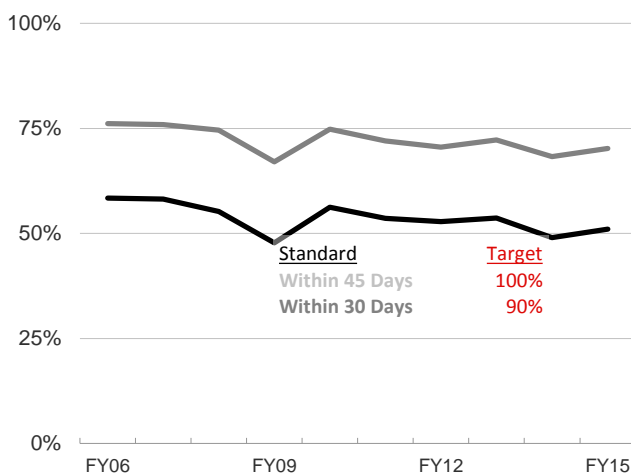


Figure 24: Small Claims

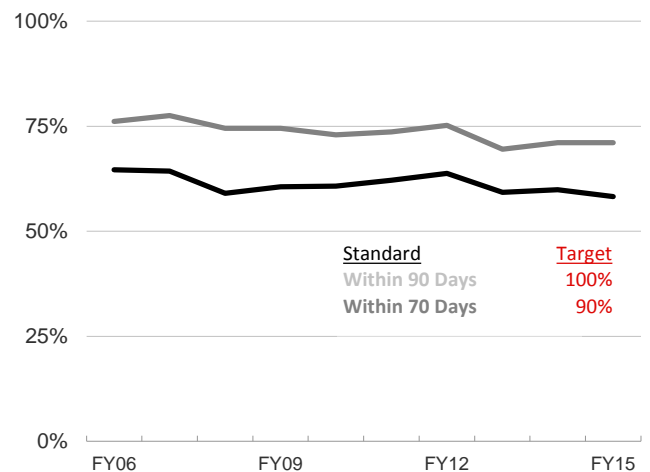
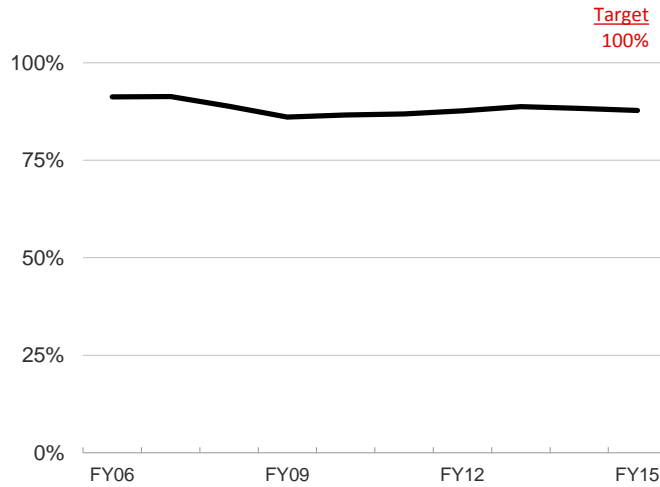


Figure 25: Felonies disposed within 12 months



Criminal Case Processing Time
(percent of cases disposed within specified periods)

The Standards of Judicial Administration establishes case processing time to disposition goals for different types of criminal cases, which are presented below with the specific time standards and target performance level.

Figure 26: Felonies resulting in bindover or certified pleas

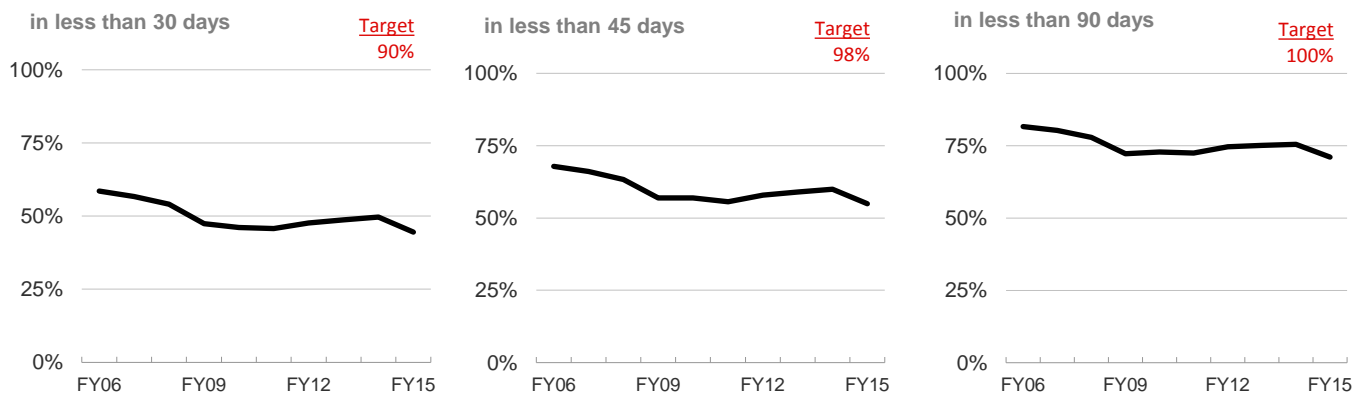


Figure 27: Misdemeanors disposed

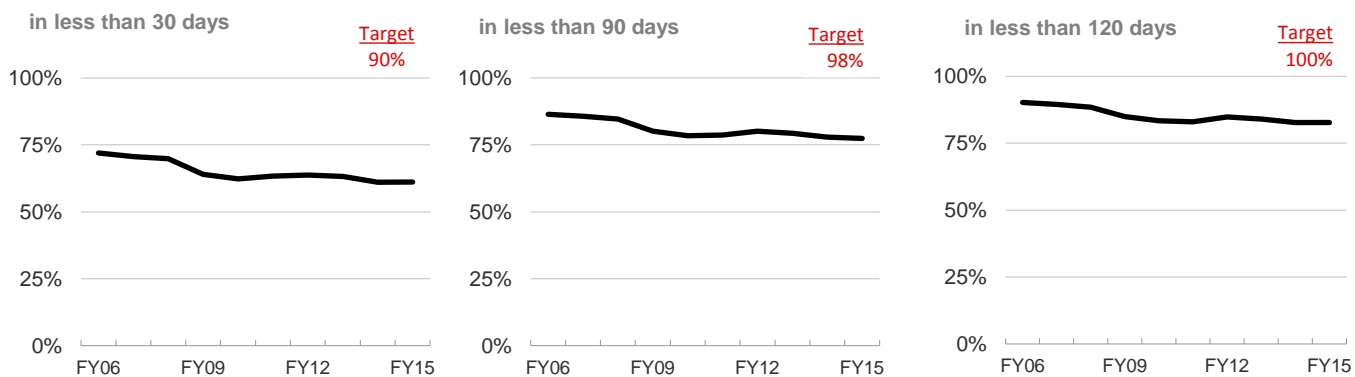


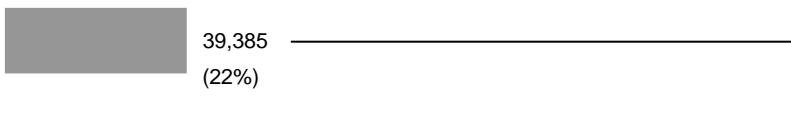
Figure 28: How and at what stage are civil cases resolved?

Unlimited Civil

Number disposed before trial



Number disposed after trial

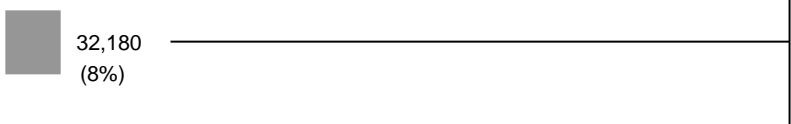


Limited Civil

Number disposed before trial



Number disposed after trial



Small Claims

Number disposed before trial



Number disposed after trial

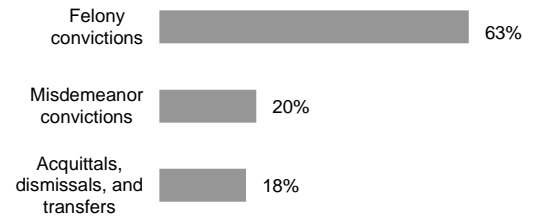


Figure 29: How and at what stage are felony cases resolved?

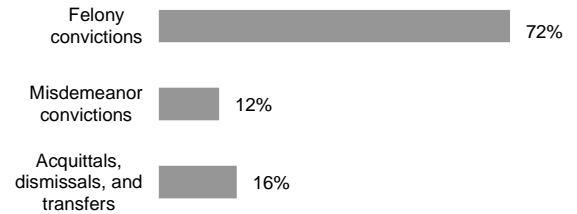
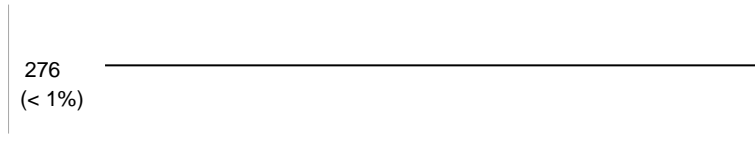
Total felony dispositions (not including felony petitions)



Number disposed before trial



Court trials



Jury trials

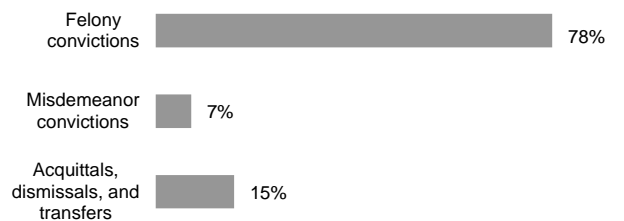
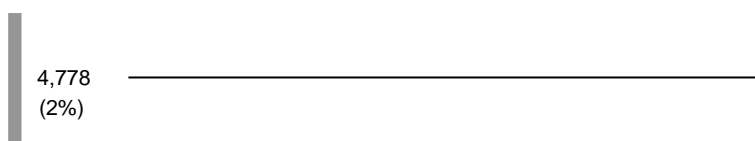
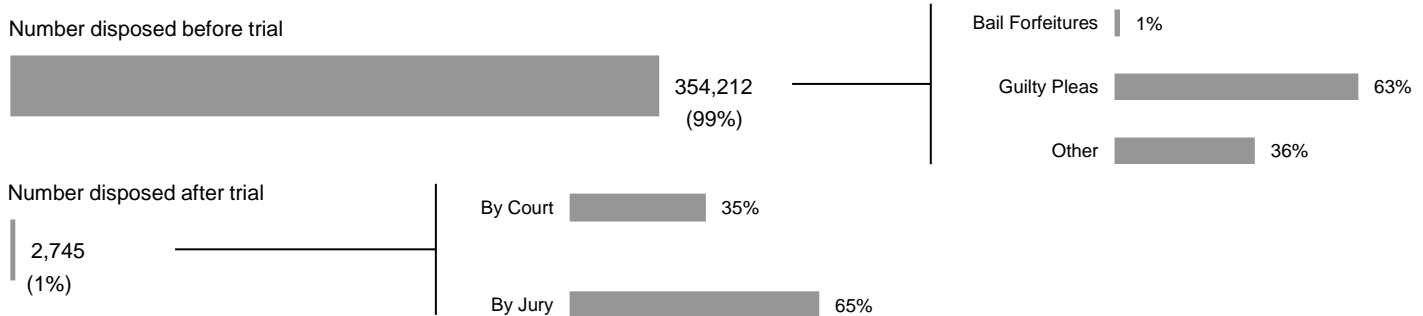
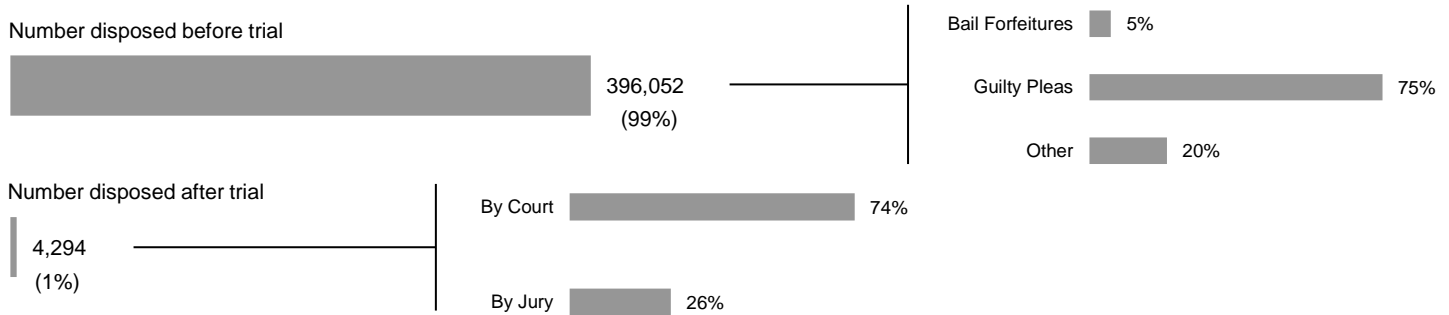


Figure 30: How and at what stage are misdemeanor and infraction cases resolved?

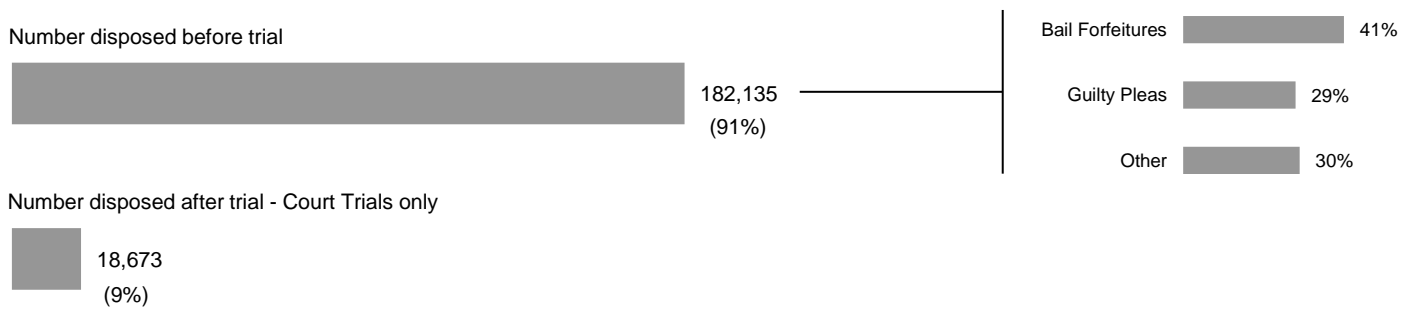
Nontraffic Misdemeanors



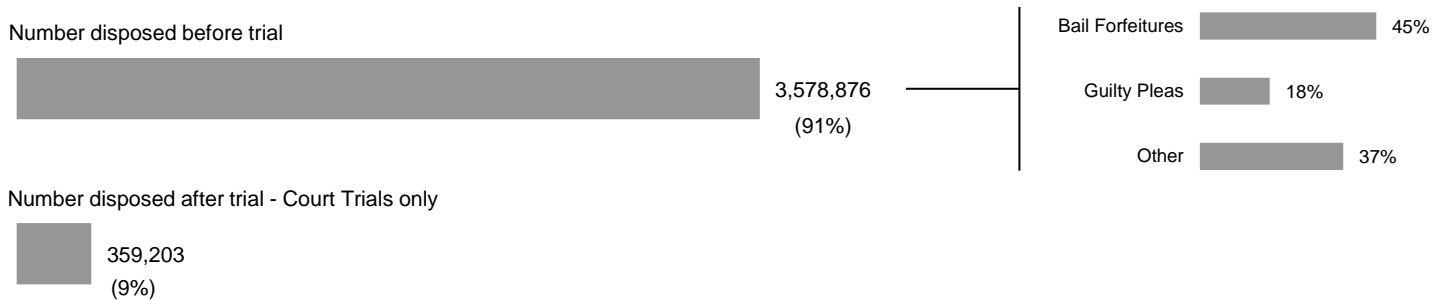
Traffic Misdemeanors



Nontraffic Infractions

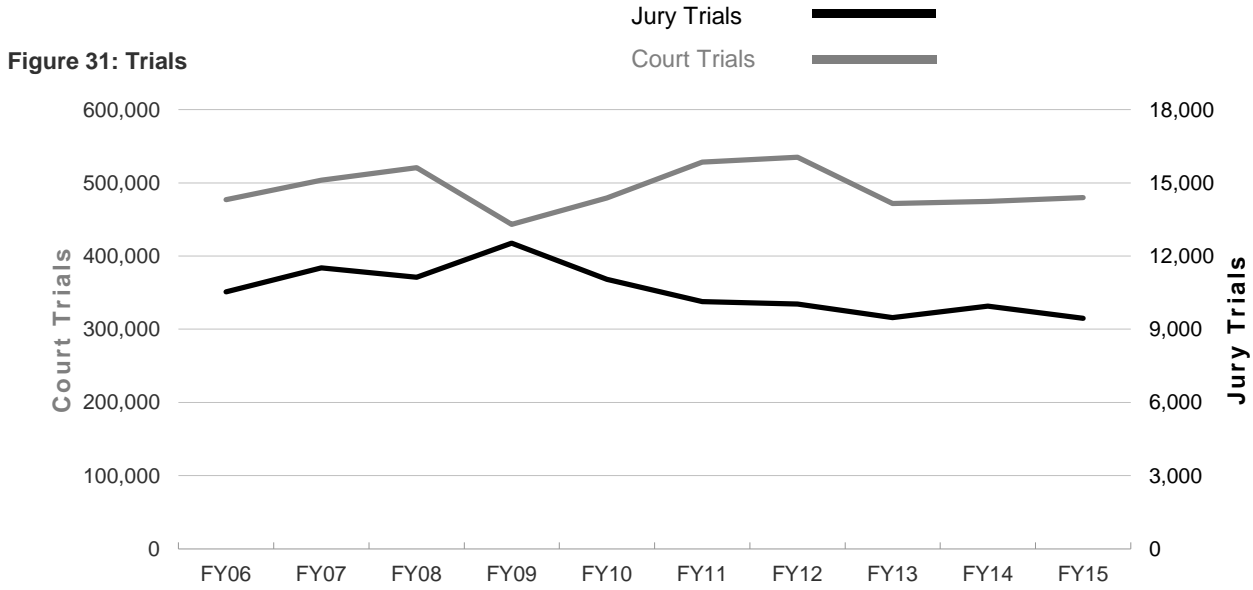


Traffic Infractions



Appendix E: Caseflow Management Data
Trials By Type of Proceeding
 Fiscal Years 2005–06 through 2014–15

Superior Courts
 Figures 31–43



Jury Trials

Figure 32: Felony

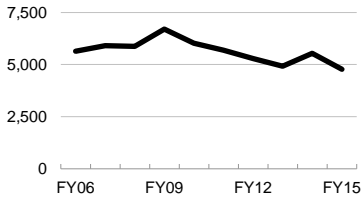


Figure 33: Misdemeanor

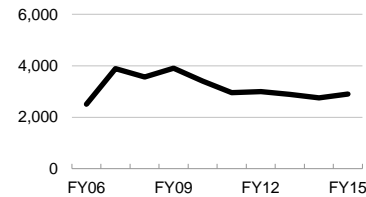


Figure 34: PI/PD/WD Civil Unlimited

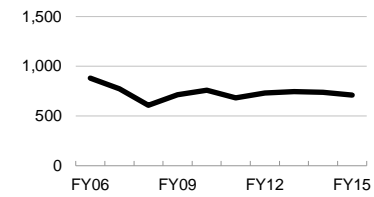


Figure 35: Other Civil Unlimited

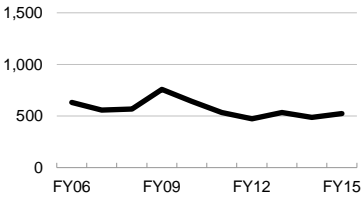


Figure 36: Civil Limited

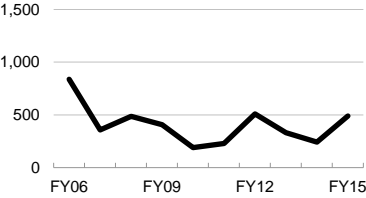
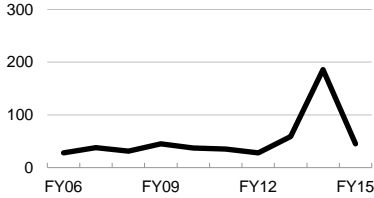


Figure 37: Probate and Mental Health



Court Trials

Figure 38: Felony

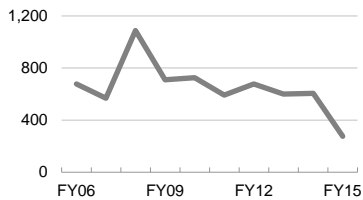


Figure 39: Misdemeanor and Infractions

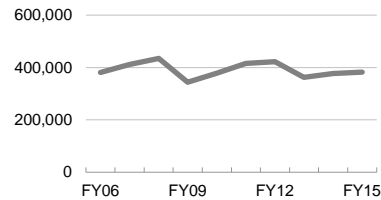


Figure 40: PI/PD/WD Civil Unlimited

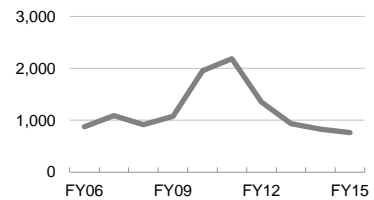


Figure 41: Other Civil Unlimited

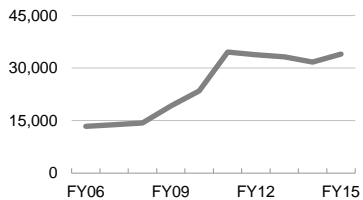


Figure 42: Civil Limited

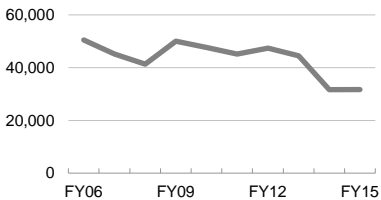
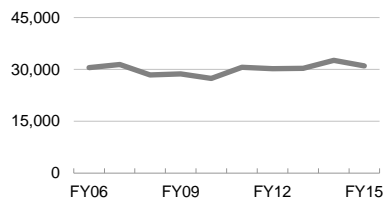


Figure 43: Probate and Mental Health



Appendix F: Assessed Judicial Need, 2016 Update

	A	B	C
County	Authorized and funded Judicial Positions¹	2016 Assessed Judicial Need	Funded AJN-AJP (B-A)
Amador	2.3	2.8	0.5
Butte	13.0	14.6	1.6
Calaveras	2.3	2.7	0.4
Del Norte	2.8	3.0	0.2
El Dorado	9.0	9.1	0.1
Fresno	49.0	61.8	12.8
Humboldt	8.0	10.4	2.4
Imperial	11.3	12.9	1.6
Kern	43.0	56.8	13.8
Kings	8.6	11.7	3.1
Lake	4.7	5.5	0.8
Lassen	2.3	2.6	0.3
Madera	9.3	10.3	1.0
Merced	12.0	15.0	3.0
Napa	8.0	8.0	0.0
Placer	14.5	19.2	4.7
Riverside	76.0	122.8	46.8
Sacramento	72.5	82.9	10.4
San Benito	2.3	2.6	0.3
San Bernardino	86.0	134.1	48.1
San Joaquin	33.5	42.2	8.7
San Luis Obispo	15.0	16.9	1.9
Santa Cruz	13.5	13.6	0.1
Shasta	12.0	16.7	4.7
Sonoma	23.0	23.8	0.8
Stanislaus	24.0	31.5	7.5
Sutter	5.3	6.8	1.5
Tehama	4.3	5.8	1.5
Tulare	23.0	27.5	4.5
Ventura	33.0	38.0	5.0
Yuba	5.3	5.9	0.5
Total need:			188.5
¹ Authorized judicial positions, not including judgeships that were authorized under AB 159.			

Appendix G: Subordinate Judicial Officer Conversions

Fiscal Years 2007–08 through 2015–16

Background

California rule of court 10.700 provides for the use of subordinate judicial officers (SJOs) to perform subordinate judicial duties. A presiding judge may also assign a SJO to act as a temporary judge where lawful if the presiding judge determines that it is necessary for the effective administration of justice because of a shortage of judges.

During the 1980s and 1990s, the shortage of judicial positions across the state led many trial courts to create SJO positions to manage their caseloads. The stagnation in the number of new judgeships combined with the growth in the number of SJO positions created an imbalance in many courts, with SJOs spending much of their time working as temporary judges.

To restore the appropriate balance between judges and SJOs in the trial courts, in 2007 the Legislature passed AB 159 which authorized the conversion of 162 SJO positions to judgeships in 25 courts where the judicial workload assessment determined that the number of SJOs exceeded the workload appropriate to SJOs.

Table 1: Subordinate Judicial Officer Conversions

Courts Still Eligible for SJO Conversions	Positions Eligible for Conversion	Conversions									Total Conversions to Date	Positions Remaining to Convert
		2007-08	2008-09	2009-10	2010-11	2011-12*	2012-13	2013-14	2014-15	2015-16		
Contra Costa	7	3	0	1	0	0	0				4	3
Los Angeles	79	4	5	7	7	8	6	7	7	7	58	21
Napa	1	0	0	0	0	0	0				0	1
Placer	2	0	0	0	0	0	0				0	2
San Diego	7	2	0	0	0	0	1	1		2	6	1
San Mateo	2	0	0	0	0	0	0				0	2
Orange	17	1	2	2	2	3	2	2			14	3
Sacramento	6	1	2	0	0	2	0				5	1
Courts That Have Completed Their SJO Conversions												
Alameda	6	0	0	1	2	3	0				6	0
El Dorado	2	0	1	0	1	0	0				2	0
Fresno	3	0	1	0	1	0	0	1			3	0
Imperial	1	0	0	0	1	0	0				1	0
Kern	1	0	1	0	0	0	0				1	0
Marin	2	0	0	0	0	1	1				2	0
Merced	2	0	1	0	0	1	0				2	0
Riverside	6	1	1	0	0	1	3				6	0
San Francisco	2	1	0	1	0	0	0				2	0
San Luis Obispo	2	1	0	0	0	0	0		1		2	0
Santa Barbara	2	0	0	2	0	0	0				2	0
Santa Cruz	2	0	0	0	0	1	0		1		2	0
Solano	3	1	2	0	0	0	0				3	0
Sonoma	2	0	0	1	1	0	0				2	0
Stanislaus	1	0	0	0	1	0	0				1	0
Tulare	2	0	0	1	0	0	0		1		2	0
Yolo	2	1	0	0	0	0	0	0	1		2	0
Total	162	16	16	16	16	20	13	11	9	11	128	34

Last Updated: August 5, 2016

* Note that total conversions in FY 2011-2012 exceed 16 because of the enactment of Senate Bill 405, which increased the number of allowable conversions in specific circumstances for this fiscal year.

Shaded rows represent courts that have completed all of the conversions for which they are eligible.



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 27 and 28, 2016

Title	Agenda Item Type
Judicial Workload Assessment: 2016 Update of Judicial Needs Assessment	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	October 28, 2016
Recommended by	Date of Report
Workload Assessment Advisory Committee	October 5, 2016
Hon. Lorna A. Alksne, Chair	Contact
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Executive Summary

The Workload Assessment Advisory Committee recommends that the Judicial Council approve the *Need for New Judgeships in the Superior Courts: 2016 Update of the Judicial Needs Assessment* for transmission to the Legislature and the Governor. This report, which fulfills the requirements of Government Code section 69614(c)(1), shows that nearly 190 new judicial officers are needed to meet the workload-based need for new judgeships. This report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3). And, while not part of the legislative report itself, this report to the Judicial Council shows how new judicial resources might be distributed if any new judgeships were authorized and funded using the Council-approved methodology described in Government Code section 69614(b).

Recommendation

1. The Workload Assessment Advisory Committee recommends that the Judicial Council approve the attached report, *The Need for New Judgeships in the Superior Courts: 2016*

Update of the Judicial Needs Assessment, for transmission to the Legislature and the Governor;

2. The Workload Assessment Advisory Committee recommends that the Judicial Council approve the proposed priority ranking for any new authorized and funded judgeships.

Previous Council Action

The methodology for determining the number of judgeships needed in the trial courts was approved by the Judicial Council in August 2001.¹ At that meeting, the Judicial Council also directed staff to assess statewide judicial need 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.²

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.³ At its February 23, 2007, meeting, after the state Legislature created 50 new judgeships,⁴ the council approved a subsequent re-ranking 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.

Updates of the assessed judicial need were approved by the Judicial Council, as directed by statute, in 2008, 2010, 2012, and 2014.⁵

The council has made a few recent revisions to the methodology used to calculate judicial need. In December 2011, the council approved updated caseweights that measure the amount of time that judicial officers need for case processing work.⁶ At its December 2013 meeting, the council

¹ <http://www.courts.ca.gov/documents/judneedsreview.pdf>

² <http://www.courts.ca.gov/documents/stateassess.pdf>

³ <http://www.courts.ca.gov/documents/0804item6.pdf>

⁴ 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.

⁵ <http://www.courts.ca.gov/documents/100808item1.pdf> (2008);

<http://www.courts.ca.gov/documents/20101029infojudge.pdf> (2010); and <http://www.courts.ca.gov/documents/jc-20121026-item2.pdf> (2012); <http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf> (2014).

⁶ <http://www.courts.ca.gov/documents/jc-121211-item3.pdf>

adopted a recommendation that any judgeships approved and funded be based on the most recent Judicial Needs Assessment approved by the council.⁷ And finally, in December 2014, the Council adopted a revision to the prioritization method used to allocate any new judgeships that would lower the initial qualifying threshold from 1.0 FTE to 0.8 FTE so that courts with fewer judicial officers had a greater opportunity to become eligible for new judgeships.⁸

Rationale for Recommendation

The ability to have a critical criminal, family law, domestic violence, or civil matter addressed by the court should not be based on the judicial resources in the county in which one happens to reside. Access to the courts is fundamentally compromised by judicial shortages, and securing adequate judicial resources for the courts is a top priority for the Judicial Council. Reports on the critical shortage of judicial officers have been submitted to the council since 2001 and, since that time, have formed the basis of council requests to the Legislature to create new judgeships.

Government Code section 69614(c)(1) requires that the Judicial Needs Assessment be updated biennially in even-numbered years. The 2016 Needs Assessment, which reports on the filings-based need for judicial officers in the trial courts, shows that 188.5 FTE judicial officers are needed in 31 courts (see Attachment 1, Table 2).⁹ Without these needed resources, courts that have been determined to have a critical need for new judgeships will have to continue to try to process their caseloads with an insufficient number of judicial and support staff.

Should the Legislature authorize and fund new judicial resources, the Judicial Council's prioritization methodology would be used to allocate those judgeships in order of need. The methodology first identifies the number of judgeships needed in each court by comparing the number of authorized judicial positions to the most recent Judicial Needs Assessment. Any court needing at least 0.8 FTE of a judgeship becomes eligible per the Council policy adopted in December 2014. Next a prioritization method that accounts both for a court's absolute and relative need is applied to determine the order in which each judgeship needed in each court should be allocated. Courts that need more than one new judgeship to meet workload-based need will appear multiple times on the list until all positions have been allocated.

Attachment 2 shows the priority list based on the 2016 Judicial Needs Assessment. While a statewide total of 188.5 judgeships are needed, there are 173 judgeships allocated according to the ranking methodology. Fractional FTE need and courts that have judicial need below 0.8 FTE are not eligible for new judgeships and do not appear on the final list.

⁷ Assembly Bill 2745 (Stats. 2014, ch. 311) amends Government Code section 69614.2 to reflect this change.

⁸ <http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf>

⁹ The 2016 Needs Assessment is based on a three-year average of filings from FY 2012–2013 through FY 2014–2015.

Comments, Alternatives Considered, and Policy Implications

Comments

This proposal was discussed at the October 12, 2016 WAAC meeting. Since the methodologies for determining judicial need and allocating new judgeships are functions that are statutorily delegated to the Judicial Council, the proposal was not circulated for public comment.

Alternatives Considered

Production of this report is a legislative mandate and no alternatives were considered.

Policy Implications

Implementation Requirements, Costs, and Operational Impacts

There are no costs to the branch associated with production of this report, other than the staff time needed to prepare said reports and analyses. The funding associated with any new judgeships that may be authorized for the judicial branch as a result of this analysis is incorporated into the budget change proposals and/or the legislation that is sponsored to request new judgeships.

Relevant Strategic Plan Goals and Operational Plan Objectives

The Judicial Needs Assessment update is consistent with Goal II, Independence and Accountability, of the Judicial Branch 2006-2012 Strategic Plan, the duration of which was extended through 2016.

Attachments

1. *The Need for New Judgeships in the Superior Courts: 2016 Update of the Judicial Needs Assessment*
2. Prioritization of New Judgeships based on 2016 Judicial Needs Assessment

The Need for New Judgeships in the Superior Courts: 2016 Update of the Judicial Needs Assessment

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

NOVEMBER 2016



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE



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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 over 60 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing resources to meet the workload-based need for new judgeships has been a top priority for the Judicial Council for many years.

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 1963.¹ 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).

2016 Statewide Judicial Need Shows a Critical Need for New Judgeships

Consistent with reports submitted in previous years, the 2016 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 2012–2013 through 2014–2015, showing that 2,048.6 FTE judicial officers are needed statewide, compared to 1,960.1 FTE authorized and

¹ Henry O. Lawson and Barbara J. Glente, *Workload Measures in the Courts* (Williamsburg, VA: National Center for State Courts, 1980).

funded positions. There are separate columns showing the number of authorized judicial positions and those that are both authorized and funded. 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 6 percent since the 2014 Judicial Needs Assessment. Lower overall filings counts in recent years account for the slight decline in statewide assessed judicial need, though most of the declines have occurred in less-complex casetypes that require relatively little judicial time.

Table 1: Statewide Need for Judicial Officers, 2014 and 2016 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJP) ²	Authorized and Funded Judgeships and Authorized Subordinate Judicial Officer Positions	Assessed Judicial Need (AJN)
2014	2,013.2	1,963.2	2,171.3
2016 ³	2,010.1	1,960.1	2,048.6
Change (2014 to 2016)	-3.1	-3.1	-122.7

Nearly 189 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 statewide number of authorized and funded positions from the statewide assessed judicial need; 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. This statutory minimum applies 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, two of California’s two-judge courts would need only 0.2 FTE judicial officers, but have 2.3 FTE authorized positions. These courts thus show a negative number in the need for new judicial officers. This negative number does not and should not offset the 47 judicial officers that Riverside needs to meet its workload-based need. In other words, the fact that some courts may have more authorized positions than

² Includes the 50 judgeships that were authorized by AB 159 (Stats. 2007, ch. 722) but never funded nor filled.

³ AJP changed since the last assessment because the Superior Court of California, County of Contra Costa applied for a reduction in 3.0 FTE subordinate judicial officers in August 2016 and as a result of fractional changes in other courts. See

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, would provide 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 2016 Judicial Needs Assessment, 31 courts need new judgeships, for a total need of 188.5 FTEs (Table 2). The need estimate does not include judicial vacancies, resulting from retirements, elevations, or other changes, that have not yet been filled.⁴

Table 2: Need for New Judgeships, by Court

	A	B	C	D
County	Authorized and funded Judicial Positions ¹	2016 Assessed Judicial Need	AJP-AJN (B-A)	% need over AJP (C/A)
Amador	2.3	2.8	0.5	22%
Butte	13.0	14.6	1.6	12%
Calaveras	2.3	2.7	0.4	19%
Del Norte	2.8	3.0	0.2	7%
El Dorado	9.0	9.1	0.1	1%
Fresno	49.0	61.8	12.8	26%
Humboldt	8.0	10.4	2.4	30%
Imperial	11.3	12.9	1.6	14%
Kern	43.0	56.8	13.8	32%
Kings	8.6	11.7	3.1	36%
Lake	4.7	5.5	0.8	16%
Lassen	2.3	2.6	0.3	13%
Madera	9.3	10.3	1.0	11%
Merced	12.0	15.0	3.0	25%
Napa	8.0	8.0	0.05	1%
Placer	14.5	19.2	4.7	33%
Riverside	76.0	122.8	46.8	62%
Sacramento	72.5	82.9	10.4	14%
San Benito	2.3	2.6	0.3	12%
San Bernardino	86.0	134.1	48.1	56%
San Joaquin	33.5	42.2	8.7	26%
San Luis Obispo	15.0	16.9	1.9	13%
Santa Cruz	13.5	13.6	0.1	0%
Shasta	12.0	16.7	4.7	39%
Sonoma	23.0	23.8	0.8	3%
Stanislaus	24.0	31.5	7.5	31%
Sutter	5.3	6.8	1.5	28%
Tehama	4.3	5.8	1.5	34%
Tulare	23.0	27.5	4.5	19%
Ventura	33.0	38.0	5.0	15%
Yuba	5.3	5.9	0.5	10%
Total need:			188.5	

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

⁴ 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.⁵

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. 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 2013–2014 (Gov. Code, § 69617); fiscal year 2014–2015 (Gov. Code, § 69618); and fiscal year 2015–2016 (Gov. Code, § 69619), but no additional SJO positions above the 16 authorized per year have been 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.

⁵ As authorized by Gov. Code, § 69615(c)(1)(C))

Appendix A: Assessed Judicial Need Compared to Authorized Positions

	A	B	C	D
County	Authorized and funded Judicial Positions ¹	2016 Assessed Judicial Need	AJN- AJP (B-A)	% need over AJP (C/A)
Alameda	85.0	67.7	-17.3	n/a
Alpine	2.3	0.2	-2.1	n/a
Amador	2.3	2.8	0.5	22%
Butte	13.0	14.6	1.6	12%
Calaveras	2.3	2.7	0.4	19%
Colusa	2.3	1.6	-0.7	n/a
Contra Costa	43.0	40.9	-2.1	n/a
Del Norte	2.8	3.0	0.2	7%
El Dorado	9.0	9.1	0.1	1%
Fresno	49.0	61.8	12.8	26%
Glenn	2.3	1.6	-0.7	n/a
Humboldt	8.0	10.4	2.4	30%
Imperial	11.3	12.9	1.6	14%
Inyo	2.3	1.5	-0.8	n/a
Kern	43.0	56.8	13.8	32%
Kings	8.6	11.7	3.1	36%
Lake	4.7	5.5	0.8	16%
Lassen	2.3	2.6	0.3	13%
Los Angeles	585.3	573.3	-12.0	n/a
Madera	9.3	10.3	1.0	11%
Marin	12.7	10.6	-2.1	n/a
Mariposa	2.3	1.0	-1.3	n/a
Mendocino	8.4	7.5	-0.9	n/a
Merced	12.0	15.0	3.0	25%
Modoc	2.3	0.9	-1.4	n/a
Mono	2.3	1.0	-1.3	n/a
Monterey	21.2	20.5	-0.7	n/a
Napa	8.0	8.0	0.0	1%
Nevada	7.6	4.9	-2.7	n/a
Orange	144.0	144.0	0.0	n/a
Placer	14.5	19.2	4.7	33%
Plumas	2.3	1.2	-1.1	n/a
Riverside	76.0	122.8	46.8	62%
Sacramento	72.5	82.9	10.4	14%
San Benito	2.3	2.6	0.3	12%
San Bernardino	86.0	134.1	48.1	56%
San Diego	154.0	142.9	-11.1	n/a
San Francisco	55.9	48.4	-7.5	n/a
San Joaquin	33.5	42.2	8.7	26%
San Luis Obispo	15.0	16.9	1.9	13%
San Mateo	33.0	29.1	-3.9	n/a
Santa Barbara	24.0	22.4	-1.6	n/a
Santa Clara	89.0	66.9	-22.1	n/a
Santa Cruz	13.5	13.6	0.1	0%
Shasta	12.0	16.7	4.7	39%
Sierra	2.3	0.2	-2.1	n/a
Siskiyou	5.0	3.2	-1.8	n/a
Solano	23.0	22.6	-0.4	n/a
Sonoma	23.0	23.8	0.8	3%
Stanislaus	24.0	31.5	7.5	31%
Sutter	5.3	6.8	1.5	28%
Tehama	4.3	5.8	1.5	34%
Trinity	2.3	1.5	-0.8	n/a
Tulare	23.0	27.5	4.5	19%
Tuolumne	4.8	4.5	-0.2	n/a
Ventura	33.0	38.0	5.0	15%
Yolo	12.4	11.0	-1.4	n/a
Yuba	5.3	5.9	0.5	10%

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.

Attachment 2: Prioritization of New Judgeships based on 2016 Judicial Needs Assessment

Allocation order	Court	Allocation order	Court	Allocation order	Court
1	Riverside	61	Riverside	121	San Joaquin
2	San Bernardino	62	Madera	122	Sacramento
3	Riverside	63	San Bernardino	123	San Bernardino
4	San Bernardino	64	Shasta	124	Riverside
5	Kern	65	Humboldt	125	San Bernardino
6	Fresno	66	Fresno	126	Riverside
7	Riverside	67	San Joaquin	127	San Bernardino
8	San Bernardino	68	Placer	128	Fresno
9	San Joaquin	69	Riverside	129	Riverside
10	Stanislaus	70	San Bernardino	130	Kern
11	Shasta	71	Stanislaus	131	Stanislaus
12	Riverside	72	Kern	132	San Bernardino
13	Sacramento	73	Riverside	133	Riverside
14	San Bernardino	74	San Bernardino	134	Sacramento
15	Placer	75	Sacramento	135	San Bernardino
16	Kern	76	Riverside	136	Riverside
17	Kings	77	San Bernardino	137	San Bernardino
18	Riverside	78	Fresno	138	San Joaquin
19	San Bernardino	79	Riverside	139	Riverside
20	Tulare	80	San Bernardino	140	San Bernardino
21	Fresno	81	Tulare	141	Fresno
22	Ventura	82	Ventura	142	Kern
23	Merced	83	Kern	143	Riverside
24	Riverside	84	San Joaquin	144	San Bernardino
25	Humboldt	85	Riverside	145	Riverside
26	San Bernardino	86	San Bernardino	146	San Bernardino
27	San Joaquin	87	Kings	147	Sacramento
28	Stanislaus	88	Stanislaus	148	Riverside
29	Riverside	89	Riverside	149	San Bernardino
30	San Bernardino	90	Sacramento	150	Riverside
31	Kern	91	San Bernardino	151	San Bernardino
32	Tehama	92	Shasta	152	Riverside
33	Sacramento	93	Fresno	153	Kern
34	Sutter	94	Riverside	154	Fresno
35	Riverside	95	San Bernardino	155	San Bernardino
36	San Bernardino	96	Kern	156	Riverside
37	Fresno	97	Placer	157	San Bernardino
38	Shasta	98	Riverside	158	Riverside
39	Placer	99	San Bernardino	159	San Bernardino
40	Riverside	100	Riverside	160	Sacramento
41	San Bernardino	101	San Bernardino	161	Riverside
42	San Luis Obispo	102	San Joaquin	162	San Bernardino
43	Kern	103	Fresno	163	Riverside
44	Riverside	104	Riverside	164	San Bernardino
45	San Bernardino	105	Sacramento	165	Riverside
46	San Joaquin	106	San Bernardino	166	San Bernardino
47	Imperial	107	Kern	167	Riverside
48	Kings	108	Riverside	168	San Bernardino
49	Stanislaus	109	San Bernardino	169	Riverside
50	Butte	110	Stanislaus	170	San Bernardino
51	Tulare	111	Ventura	171	San Bernardino
52	Fresno	112	Riverside	172	Riverside
53	Riverside	113	San Bernardino	173	San Bernardino
54	San Bernardino	114	Tulare		
55	Ventura	115	Riverside		
56	Sacramento	116	San Bernardino		
57	Riverside	117	Fresno		
58	San Bernardino	118	Kern		
59	Kern	119	Riverside		
60	Merced	120	San Bernardino		