



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

www.courts.ca.gov/waac.htm
waac@jud.ca.gov

WORKLOAD ASSESSMENT ADVISORY COMMITTEE

MATERIALS FOR NOVEMBER 18, 2019

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Request for ADA accommodations should be made at least three business days before the meeting and directed to: JCCAccessCoordinator@jud.ca.gov

WORKLOAD ASSESSMENT ADVISORY COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: November 18, 2019
Time: 12:00 p.m. – 1:00 p.m.
Public Call-in Number: 1-877-820-7831; passcode 3826880 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to waac@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the August 29, 2019, Workload Assessment Advisory Committee meeting.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to waac@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Business Management Services/Office of Court Research. Only written comments received by 12:00 p.m. on November 15, 2019 will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS (ITEMS 1-4)

Item 1

Adjustment Request Process (ARPs) (Action Required)

Receive and prepare to address two ARPs for 2020. A third ARP may be referred to the committee at the November 21 Trial Court Budget Advisory Committee and is also attached.

Presenters: Hon. Lorna A. Alksne, Chair
Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Business Management Services, Office of Court Research

Item 2

Workload Study Approach/Methodology (Action Required)

Discuss the current approach to workload studies and determine over the next year if there are new approaches to measure workload in the courts.

Presenters: Hon. Lorna A. Alksne, Chair
Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Business Management Services, Office of Court Research

Item 3

Next WAAC Meeting, February 2020 (Action Required)

Determine the next committee meeting

Presenters: Hon. Lorna A. Alksne, Chair

IV. INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

Info 1

Welcome New Members

Presenter: Hon. Lorna A. Alksne, Chair

Info 2

September & October 2019 Recap

Provide an update on the September 24 Judicial Council meeting and the October 23 Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executive Advisory Committee (CEAC) Joint Meeting.

Presenters: Hon. Lorna A. Alksne, Chair
Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Business Management Services, Office of Court Research

Info 3

WAAC Annual Agenda

Provide an overview of the 2019 annual agenda; discuss new and pending items to be added to the plan.

Presenters: Hon. Lorna A. Alksne, Chair
Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Business
Management Services, Office of Court Research

Info 4

Mandated Studies

Provide an update on the Judicial Council's Report to the Legislature on:

- *Standards and Measures that Promote the Fair and Efficient Administration of Justice*, as required under Government Code section 77001.
- *The Need for New Judgeships in the Superior Courts – 2019 Update of the Judicial Needs Assessment*, as required under Government Code section 69614(c)(1) & (3).

Presenters: Hon. Lorna A. Alksne, Chair
Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Business
Management Services, Office of Court Research

V. A D J O U R N M E N T

Adjourn



JUDICIAL COUNCIL OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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WORKLOAD ASSESSMENT ADVISORY COMMITTEE MINUTES OF OPEN MEETING

August 15, 2019

10:00 a.m. – 2:00 p.m.

Judicial Council San Francisco Office, 455 Golden Gate Avenue, 3rd Floor, Sequoia Room

Advisory Body Hon. Lorna A. Alksne, Hon. Kirk H. Nakamura, Ms. Stephanie Cameron, Ms. Sherri R. Carter, Ms. Arlene D. Junior, Mr. Michael Planet, Hon. Lawrence P. Riff, Hon. Jennifer K. Rockwell, Ms. Bonnie Sloan (by phone), Ms. Kim Turner, Hon. Garrett L. Wong

Advisory Body Hon. Charles R. Brehmer, Hon. Joyce Hinrichs, and Mr. James Kim
Members Absent:

Others Present: Nicholas Armstrong,Carolynn Bernabe, Khulan Erdenebaatar, Leah Rose-Goodwin, Kristin Greenaway

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 10:03 a.m., and took roll call. A public comment was received from the presiding judge of the Superior Court of San Benito County urging the committee to continue to support the workload needs of smaller courts.

Approval of Minutes

The advisory body reviewed and approved the minutes of the May 29, 2019 and July 29, 2019, Workload Assessment Advisory Committee meetings.

DISCUSSION AND ACTION ITEMS (ITEMS 1-2)

Item 1

2018 Judicial Workload Study Update (Action Required)

Review and discuss the Judicial Workload Study (JWS) focusing on additional analysis performed at the direction of the Judicial Council following the July 2019 meeting.

Presenters: Hon. Lorna A. Alksne, Chair

Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Office of Court Research
At the May 29, 2019 meeting, the committee approved the use of median and a single set of caseweights for most casetypes to give voice to all courts and the use of overall average for complex civil separately. Staff made presentation on the proposed additional models for the JWS caseweights which reflects direction from the Judicial Council, at its July 18, 2019 meeting, to perform additional analysis to ensure the model best represents courts of all sizes. Staff

highlighted pros and cons of the models, explained variations in the weights and looked at ways to adjust for outliers.

The committee recommended using the aggregated average instead of median for calculating the caseweight for complex civil and unlimited civil. Complex civil is a subset of unlimited civil and similar on how they are represented in large courts.

Action:

The committee will recommend that the Judicial Council adopt the proposed Judicial Workload Study updated model parameters that are used as part of the formula for assessing judicial need in the trial courts:

- 1. adopt a model that applies a single set of caseweights, but excludes cluster 1 courts from the calculation of the caseweights;*
- 2. adopt the use of the median for the development of those caseweights with the proposed amendment to use the overall means method instead of median for complex civil and unlimited civil.*

Item 2:

2019 Judicial Needs Assessment and Prioritization

Once the proposed amendment to the judicial caseweights gets approval from the Judicial Council at its September meeting, staff will update the Judicial Needs Assessment biennial report to the Legislature based on the updated caseweights and filings data which will generate the ranking and prioritization for new judgeships.

Presenter: Ms. Kristin Greenaway, Supervising Analyst, Judicial Council Office of Court Research

Action:

The committee will recommend to the Judicial Council to approve an updated Judicial Needs Assessment per Government Code section 69614(c)(1) based on the new judicial workload measures and the established methodology for prioritization of judgeships. The updated needs assessment would replace a preliminary version that was completed in 2018 using workload measures developed in 2011.

Next Steps

1. Submit report proposing adoption of the updated 2018 Judicial Workload Study Model at the Judicial Council September 23-24 meeting.
2. Resubmit the 2018 Judicial Needs Assessment with New Model Parameters and updated filings proposing adoption of the priority ranking list for judgeships based on the 2018 Judicial Workload Study Model update.

Additional Action Items:

1. Look at how AB 1058 cases are assessed on judicial need and how the authorized position related to 1058 funding is reported;
2. Contemplate and refine ways to study the small courts;
3. JWS refresh every 5 years whether to consider work on shorter turnaround time;

4. Ms. Sherri R. Carter to provide a copy of a document on judicial workload impact not measured
5. Staff to provide committee an updated Judicial Needs Assessment; and
6. Committee proposed to form a subcommittee to look at complex civil and unlimited civil.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 11:39 a.m..

Approved by the advisory body on _____, 2019.

DRAFT



SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY

240 Church Street, Salinas, California 93901 - (831) 775-5400
www.monterey.courts.ca.gov

LYDIA M. VILLARREAL
Presiding Judge
2018 - 2020

JULIE R. CULVER
Asst. Presiding Judge

CHRIS RUHL
Court Executive Officer

January 15, 2019

Martin Hoshino
Administrative Director
Judicial Council of California

Via Email

RE: WAFM Adjustment Request – Monterey Superior Court

Dear Mr. Hoshino:

Pursuant to the December 3, 2018 email to Presiding Judges and Court Executive Officers from Leah Rose-Goodwin, please accept this letter as the Monterey County Superior Court's request for a Workload-based Allocation and Funding Methodology (WAFM) Adjustment.

As you will see below, this is not so much a request for specific funding. It is more a request that would likely impact all courts in assessing trial court judicial and staff resource needs for purposes of calculating courts' Assessed Judicial Need (AJN), Resource Assessment Study (RAS) staffing needs, and WAFM share. **In particular, we request that AJN, RAS and WAFM be adjusted to take into account courts' varying degrees of need for language access services and the resultant impact on case processing workload.**

One of the benefits of working for more than one trial court in different areas of the state is that one gets to see the impact that economics, demographics, etc. have on court operations.

Since coming to Monterey from Mendocino, I have been struck by the high needs for language access in this Court. That is not surprising, as the population of Monterey County is nearly 60% Latino/a. In addition, with the very large percentage of migrant and immigrant agricultural workers (Monterey also has the highest percentage of non-citizens of any county in the state), we are seeing greater and greater need not only for Spanish language access services, but also for an increasing number of indigenous Mexican or Central American languages. More than 54% of this county's population speaks a language other than English, according to recent census data: <https://www.census.gov/quickfacts/fact/table/montereycountycalifornia/RHI725217>

I see all of this playing out in very concrete ways in our courtrooms. Cases requiring an interpreter (or interpreters) take longer to process – especially in the courtroom – thus requiring both more judicial time and more staff time than cases that do not involve interpreters. And that additional time is further magnified in cases involving speakers of indigenous Mexican or Central American languages, which often require use of a Spanish “relay” interpreter in addition to an interpreter in the indigenous language.¹

All of that is to say – I am seeing that in a county and court like Monterey, with such a relatively high need for interpreters and language access, there appears to be more judicial and staff time needed to process cases than in counties and courts without, or with substantially less, such need.

I decided to inquire with JCC’s Office of Court Research (OCR) about this. Specifically I asked whether either the Judicial Needs Assessment or RAS take this practical consideration into account in any way in assessing either judicial or staff need in the trial courts.

OCR indicated that this consideration is not captured very well in either the RAS or Judicial Workload models. Although their workload studies do capture time spent on cases requiring interpreter services, that case processing time is only used to calculate the average case processing time, or caseweight, for a given case type. That caseweight is then applied statewide; so there is no differentiation between courts with potentially greater workloads due to a higher percentage of cases requiring interpreter services, and those with more linguistically homogeneous populations.

Of course, there is a nexus between this and the related need to create a sustainable and adequate funding stream for Language Access services, and in particular for interpreter services. But this request deals specifically with the impact of language access needs on judicial and non-interpreter court staff resources.

We also understand there would be a need for more detailed data on how the workload and processing time for interpreter cases is different than for non-interpreter cases. Perhaps this is something that could be included in the current initiatives concerning Data Analytics, to help create an analytical framework for assessing the impact that language access needs have on the workload of all California trial courts.

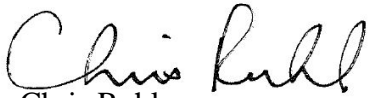
I have not yet asked court staff here in Monterey to quantify exactly how many of our cases require an interpreter (including indigenous languages that require an additional, relay interpreter). But if that would help inform your consideration of this request for purposes of either AJN or RAS/WAFM, we would certainly do so.

¹ Another unique but significant operational/workload impact when looking for interpreters for Mexican or Central American indigenous languages is the time it takes *just to determine which language is needed*. For example, if we are told that a litigant needs a Triqui interpreter, we will find an interpreter who speaks Triqui. Often we find that we have brought in an interpreter who speaks a different kind of Triqui. (The analogy that has been given to us is: If we were told a party needs a romance language, we would not know which romance language. If we guess French and the party speaks Spanish, we still have no communication.) So we then need to look for a new interpreter. We have found we need to look for an interpreter from the party’s particular home region or community in Mexico or Central America. We are often looking for a needle in a haystack. It is especially daunting when the interpreter is needed in a criminal case in which a party has a right to a speedy trial.

And of course, we would be happy to respond to any questions or provide any other additional information to likewise help inform your consideration of this request.

Thank you and the Trial Court Budget Advisory Committee (TCBAC) for the opportunity to submit this WAFM Adjustment Request.

Sincerely,

A handwritten signature in black ink that reads "Chris Ruhl". The signature is written in a cursive style with a large initial "C".

Chris Ruhl

Executive Officer

Superior Court of California, County of Monterey

240 Church Street

Salinas, CA 93901

(831) 775-5678

CC: Trial Court Budget Advisory Committee



December 14, 2018

Martin Hoshino
Administrative Director
Judicial Council of California
455 Golden Gate Ave.
San Francisco, CA

Re: Workload-Based Allocation and Funding Methodology (WAFM) Adjustment Request

Dear Mr. Hoshino,

Please accept the attached WAFM Adjustment Request, jointly proposed by the Superior Courts of Los Angeles and San Diego, to include in the RAS and WAFM models the workload from certification hospital hearings under Welfare and Institutions Code 5256 and other sections, as proposed in the attached request.

Sincerely,

Handwritten signature of Sherri R. Carter in blue ink.

Sherri R. Carter
Executive Officer/Clerk of Court
Los Angeles Superior Court

Handwritten signature of Michael M. Roddy in blue ink.

Michael M. Roddy
Executive Officer
San Diego Superior Court

c: Hon. Jonathan B. Conklin, Trial Court Budget Advisory Committee Chair
tcbac@jud.ca.gov

Proposal to adopt a new RAS case weight for, and to include in WAFM, certification hearings performed under Welfare and Institutions Code sections 5256 et seq.

Jointly proposed by the Los Angeles Superior Court and the San Diego Superior Court.

1. A description of how the factor is not currently accounted for in WAFM.

The Welfare and Institutions Code requires hearing officers for the purpose of conducting hospital-based hearings under section 5256.1 and other sections (see below for more detail). In certain counties, the Superior Court funds the costs of these hearing officers per California Rule of Court 10.810(d), which includes as allowable costs "mental health hearing officer" under Function 10. The workload involved in these hearings is not captured by RAS/WAFM.

First, the workload of the certification hearings is not picked up through any existing workload categories in RAS/WAFM. Certification hearings are done after a "5150 hold" is placed upon an individual, and the hospital holding the individual desires to extend the hold. The hearings are not "subsequent" hearings related to any other type of filing measured by RAS. They do not typically arise pursuant to an LPS Conservatorship, a question of competence to stand trial, or other mental health proceeding; the court is not involved in a 5150 hold. This is orphaned workload; RAS does not capture this workload in any case category and thus WAFM does not fund it.

Second, JCC staff does not include certification as new filings under RAS/WAFM. In fact, until revisions were made to the JBSIS Manual in January, 2018, JBSIS was not able to capture these hearings as workload. JBSIS Manual v2.3 (replaced by v3.0 as of FY18-19) allowed for reporting of these hearings – but not under JBSIS Row 200, which captures new filings used for measurement of workload.¹ Recognizing this gap, the CEAC JBSIS Subcommittee recommended, and the Judicial Council adopted, changes to the JBSIS Manual v3.0 that allow courts to report certification hearings on Row 200 as new filings.

Recognizing differences across the state in how the certification hearings are held, JBSIS Manual v3.0 includes the following definition of reportable workload:

A certification filing should only be counted if the certification hearing is handled by a judge, subordinate judicial officer (SJO), mental health hearing officer of the court, or other court- employed personnel. A certification filing should not be

¹ Technical note: In the Data Matrix under JBSIS v2.3, the JBSIS column in which they were captured, Column 10, did not map onto Row 200, which captures workload. JBSIS Manual v3.0 allows Column 10 filings to be reported on Row 200.

counted if the certification hearing is handled by county personnel not employed by the court. [Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS), Report to the Judicial Council of December 18, 2017, p. 52.

As noted in the *Report to the Judicial Council* from December 18, 2017, recommending the above revisions to the JBSIS Manual (among other changes), CEAC suggests:

Because of the significant changes to the Mental Health case type categories, the Workload Assessment Advisory Committee (WAAC) will need to evaluate which filings data to use in RAS. [Judicial Branch: Revisions to the Judicial Branch Statistical Information System (JBSIS), Report to the Judicial Council of December 18, 2017, p. 60.

A first step, however, is to determine that this workload belongs in RAS/WAFM. If it is decided that the certification hearings captured by JBSIS should count as workload in RAS, a case weight can be assigned to them and JBSIS-reported workload data can be incorporated in RAS/WAFM.

2. Identification and description of the basis for which adjustment is requested.

The Welfare and Institutions Code requires hearing officers for the purpose of conducting hospital-based hearings as cited below (i.e., "certification review hearings" following involuntary hospitalization under section 5250).

WIC 5256: When a person is certified for intensive treatment pursuant to Sections 5250 and 5270.15, a certification review hearing shall be held unless judicial review has been requested as provided in Sections 5275 and 5276. The certification review hearing shall be within four days of the date on which the person is certified for a period of intensive treatment unless postponed by request of the person or his or her attorney or advocate. Hearings may be postponed for 48 hours or, in counties with a population of 100,000 or less, until the next regularly scheduled hearing date.

WIC 5256.1: The certification review hearing shall be conducted by either a court-appointed commissioner or a referee, or a certification review hearing officer.[...]

WIC 5270.15: (a) Upon the completion of a 14-day period of intensive treatment pursuant to Section 5250, the person may be certified for an additional period of not more than 30 days of intensive treatment[...] (b) A person certified for an additional 30 days pursuant to this article shall be provided a certification review hearing in accordance with Section 5256 unless a judicial review is requested pursuant to Article 5 (commencing with Section 5275).

And see Doe v. Gallinot, 486 F.Supp. 983 (1979), which requires a due process hearing for patients certified for involuntary psychiatric treatment.

In certain counties, the Superior Court funds the costs of these hearing officers per California Rule of Court 10.810(d), which includes as allowable costs "mental health hearing officer" under Function 10. However, RAS does not capture this workload and therefore WAFM does not fund it (see next section).

3. A detailed analysis of why the adjustment is necessary.

No other funding is available for this mandated work. These certification hearings are a statutory mandate.

In both the Los Angeles and San Diego courts, significant court resources are spent on this work (authorized under CRC 10.810):

- In FY17-18, the Los Angeles Superior Court spent \$2.7 million on court-employed hearing referees and support staff dedicated solely to certification hearings.
- In FY17-18, the San Diego Superior court spent \$652,040 on court-employed hearing referees and support staff dedicated solely to certification hearings. *Note: This does not include \$55,537 in employee costs for Riese hearings, which is reimbursed by the County of San Diego.*

These funds are available only from the Courts' WAFM-related allocation; no other funding sources are available. The lack of inclusion in the RAS/WAFM model means that those funds must be reallocated from other areas, reducing each Court's ability to adequately meet other obligations.

4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader application.

Any Court that meets the JBSIS definition of court-provided hearing officer in JBSIS Manual 3.0 would be able to report certification hearings and receive RAS/WAFM workload credit for them.

5. Detailed description of staffing need(s) and/or costs required to support the unaccounted for factor. *Employee compensation must be based on WAFM compensation levels, not the requesting court's actual cost.

The RAS case weight is yet to be determined. In FY17-18, the Los Angeles Superior Court spent \$2.7 million on compensation for 15 Mental Health Hearing Officers and four support staff. San

Diego spent \$652,040 on compensation for 2.9 FTEs Mental Health Hearing Officers and 1.4 FTEs support staff.

6. Description of the consequence to the public and access to justice without the funding.

Because RAS/WAFM does not cover this mandated work, the work must be funded from other areas of the Court. Given the fact that all California trial courts are under-resourced, filling this funding gap means that other important services – window clerks, courtroom clerks, or clerical employees processing documents, for instance – are not available to serve the public.

7. Description of the consequences to the requesting court(s) of not receiving the funding.

Because these hearings are statutorily mandated, they must be conducted. The consequences of not receiving the funding to support this work results in funding being taken from other areas of the Court.

8. Any additional information requested by the Fiscal Services Office, Funding Methodology sub-committee or TCBCAC deemed necessary to fully evaluate the request.

The people who are the subjects of certification hearings are among society's most vulnerable. Their liberty is at stake in deep and profound ways. The statutory protections offered by the Welfare and Institutions Code are among the most important duties of a Court. This work is obviously core workload; it deserves RAS/WAFM funding.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

(Action Item)

Title: Workload Formula Adjustment Request: El Dorado Superior Court
Date: 9/25/2019
Contact: Leah Rose-Goodwin, Manager
415-865-7708 | leah.rose-goodwin@jud.ca.gov

Issue

The Superior Court of El Dorado submitted an Adjustment Request to ask that the Workload Formula be adjusted to account for operating multiple locations. The court states that the model currently does not provide sufficient funding for operating multiple locations, particularly in smaller courts, in order to maintain “the expected standard and level of efficiency required by the Judicial Branch, and its own mission statement.”

This proposal was referred to the Funding Methodology Subcommittee for inclusion in its workplan for the current year. The Adjustment Request Policy states that FMS should provide its recommendation to TCBAC by January of the year in which the request may take effect.

Background

In early 2014, TCBAC previously reviewed a request for a change to the Workload Formula based on geography and operation of multiple locations where 25% or more of the population were served by an outlying location. A working group of FMS was formed to evaluate the request, submitted by the Superior Court of Mendocino County, and determine whether an adjustment was to be made. Ultimately, the group recommended that the request be denied. The basis for denial was that the Workload Formula and underlying Resource Assessment Study model properly identified the funding need based on workload but that it was the lack of full funding and not an omission in the workload model that made it difficult for the court to support a branch location. The committee denied the request for the adjustment, acknowledging instead that lack of full funding was an access to justice issue that fell outside the scope of the Adjustment Request Process and the purview of the committee.

At its June 17, 2019 meeting, FMS acknowledged receipt of the Adjustment Request from the El Dorado Superior Court and directed staff to review the request and confirm whether there had been any changes in council policy or circumstances that would warrant a new perspective on this issue.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

Analysis

The following factors were considered in reviewing this request:

Workload Measurement Policies

Staff Need Based on Courtwide Workload. The Workload Formula is based on the Resource Assessment Study (RAS) model that is driven by a court's average total filings. Filings are multiplied by caseweights for 22 different casetypes and then divided by the average work year to determine the number of full-time equivalents needed for the court's workload. These estimates are multiplied by ratios to determine the number of managers/supervisors and administrative staff needed. The ratios are based on average staffing ratios derived from data in the Schedule 7A, based on court size.

The model currently does not provide a basic level of staffing based on court location. An earlier analysis of court locations relative to workload, conducted in 2004 when the RAS model was first adopted, found that courts that operated multiple facilities varied in how outlying locations were used: outlying locations could be open fewer days per week or hours per day relative to the primary location; and outlying locations differed in the types of matters that they handled depending on the type of facility, local needs, or available resources. This variation was difficult to quantify in the workload model because either the underlying data needed are not currently collected by the Judicial Council or the time required to collect the data was too burdensome. It should be noted that the RAS model does factor in staff travel time between locations for courts that operate out of multiple sites.

Formula Adjustments That Account for Workload Need in Smaller Courts. The RAS model does make some adjustments that benefit primarily the smaller courts; these adjustments are intended to balance out some of the inefficiencies and lack of economies of scale that smaller courts and courts with multiple locations are facing. For example, staff FTE estimates are rounded up to the nearest whole value, so that a court with a need for 19.1 staff will get a workload need of 20. Other adjustments include a larger infractions caseweight and lower manager/supervisor and Program 90 ratios.

On the Workload Formula side, there are adjustments made for salary costs in smaller courts and to Operating Expenses and Equipment costs. Additionally, FMS is separately reviewing both OE&E expenditures and the effect of the formula on the cluster two courts (El Dorado is part of cluster two.) While the subcommittee has not reviewed those recommendations yet, the purpose of those analyses is to make sure that the Workload Formula is not disadvantaging smaller courts for many of the same reasons expressed in the Adjustment Request.

JUDICIAL COUNCIL OF CALIFORNIA
BUDGET SERVICES
Report to the Funding Methodology Subcommittee

Allocation of Resources as a Local Decision. The Workload Formula is not designed to be a staffing model; instead, workload need, expressed as FTE, is converted to dollars that courts can deploy in the manner that they choose. The model does not use the number of locations as a factor in making allocation decisions. One of the primary Workload Formula principles is that courts should locally determine how best to allocate funding.

Court Construction and Facilities Policies

Staff from the Judicial Council court construction and facilities policies were consulted to determine whether there had been any policy development in recent years regarding locations that courts should operate. The Site Selection and Acquisition Policies for Court Facilities (August 2009) and Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects (August 2019) were consulted. The scoring criteria utilized in the latter document assigns points for projects that realize cost avoidance or savings through operational or organizational efficiencies. Points are also assigned for “access to court services” which is defined as a court’s proportion of authorized judicial resources compared to assessed judicial need. Neither policy incorporates criteria for geographical considerations, including locations of population centers and then like.

California Rules of Court, Rule 10.182 addresses the operation and maintenance of court facilities, but purely from a physical plant perspective and not in terms of the operational needs of a court.

There do not appear to be any rules or standards regarding the criteria for siting or maintaining a particular court location or specific number of locations, such as proximity to population centers and transportation routes, the number and type of matters that should be transacted at an outlying location, and the like. The existence of many court facilities seems to be partly based on historical use patterns, often holdovers from the era before trial court unification when there were two tiers in the lower court system.

Recommendation

Based on the research conducted by staff, it is recommended that FMS deny the request.



SUPERIOR COURT OF CALIFORNIA COUNTY OF EL DORADO

2850 Fairlane Court Suite 110
Placerville, California 95667

The Superior Court of California, County of El Dorado respectfully submits the following WAFM Adjustment Request as the required resources to operate multiple location courts – specifically small courts with multiple locations – is not factored into the WAFM model at this time.

1. A description of how the factor is not currently accounted for in WAFM.

Courts with multiple locations, especially small courts, are not considered in the model for funding distribution. WAFM allocations follow filing trends, failing to take into consideration the minimum staffing level and resources required in each location simply to maintain an acceptable level of continuity of operations at each location. Multiple locations results in duplicative staffing and increased expenses that would not otherwise be incurred for a single-site court.

This Court is requesting that WAFM be modified to take into consideration the additional resources required to keep small, multi-location courts operating at the expected standard and level of efficiency required by the Judicial Branch, and its own mission statement.

2. Identification and description of the basis for which the adjustment is requested.

Our Court is spread out over 5 locations and 80 miles, with one courthouse located in South Lake Tahoe. Travel is often impacted in the winter and spring due to unpredictable weather and mountain conditions. The budget is insufficient to allow full time public access to justice due to the increased consumption of resources necessary to operate multiple court locations.

3. A detailed analysis of why the adjustment is necessary.

Due to WAFM underfunding in prior years, this Court has been reliant on court fees to help fund operational expenses. The significant decline in court fees collected has made the need for a WAFM adjustment even more critical. If our Court was in one centralized location, we would be able to fund sufficient staffing levels, due to substantial reductions in duplicative operational costs and staffing requirements. However, since we have multiple locations, we have had to fund greater operational costs, and stretch staffing over those locations.

WAFM funding adjusts pursuant to filing trends, recalculating the court's share on an annual basis. Consideration of multiple locations as a factor in determining "baseline resources," i.e. complement of staffing, necessary for court locations to remain able to serve the public at a standard level of operating should be part of the determining factor in WAFM allocations. Each Court location require minimum staffing levels beyond just clerical; administrative and support

positions are also be required. For example, our South Lake Tahoe branch is so far removed from other court locations, it requires its own operations manager, a minimum of administrative staff and court reporters, its own lead clerk, as well as clerical staff, simply to maintain operations.

Each location is at its minimum staffing level to function, with reduced public access. We are constantly moving staff – court reporters, clerks, IT staff – between locations to cover for absences due to illness, vacation, training, etc. These transfers raise an issue of liability and actual cost of unproductive driving time, which could be 15 minutes to an hour and a half, depending on locations. Orchestrating these scheduling moves takes a lot of administrative time as well as the aforementioned non-productive driving time, a resource that would be better spent if we had adequate funding to provide adequate staffing levels.

Each location requires duplicate services, such as IT support and equipment; court reporters; interpreters; operational equipment, often with contracts (copiers, postage meters, security equipment); increased vendor expenses due to the South Lake Tahoe location; and, services that would otherwise not be needed at all, such as a courier.

4. A description of whether the unaccounted for factor is unique to the applicant court(s) or has broader applications.

This issue is not unique to our court; in fact all small courts with multiple locations are at a disadvantage with the current model. Small fluctuations in funding to small courts have a direct impact on access to justice for residents in those courts’ counties. This Court has had fewer filings and therefore we receive a smaller allocation than larger courts, but are still required to maintain full time operations in 5 locations.

5. Detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by WAFM.

Duplicative expenses are required to maintain 5 court locations. El Dorado Court has had to reduce staffing well below WAFM need to fund operations:

Fiscal Year	WAFM Need	Actual Filled FTE Q4
FY 16/17	82	75.30
FY 17/18	76	71.00
FY18/19	74	69.80 (as of 12/31/18)

Due to its distant location, our South Lake Tahoe court requires 1 Court Operations Manager (\$117,031 average annual salary & benefits per FTE), 1 Child Custody Recommending Counselor (\$130,114), and 1 Lead Clerk (\$91,020), as well as sufficient clerks to provide basic services and support. The total cost for these 3 duplicative positions at one location alone is \$338,165.

Examples of duplicative operational expenses at each location are:

Description	Average/ location	# of locations	Annual expense
Janitorial	\$17,000.00	5	\$ 85,000.00
Postage Meter Lease	1,500.00	4	6,000.00
Copiers	2,500.00	5	12,500.00
Security Equip. Registration	512.00	5	2,560.00
Security Equip. Maintenance (for years not reimbursed by JCC – between replacements)	3,000.00	5	15,000.00
Sonitrol Building Security	3,840.00	5	19,200.00
Shredding services	750.00	5	3,750.00
Data Circuits for interconnecting court facilities	7609.00	4	30,437.00
Servers for each location (avg. every 5 years, <i>annual</i> average/amount stated here)	1,080.00	3	3,240.00
Annual remote server support contract	600.00	3	1,800.00
TOTAL	\$38,391.00		\$179,397.00

Contract court reporter and interpreter expenses are increased for multiple locations. Time could be more efficiently used in a single location, instead of hiring for multiple locations, and not being able to fully utilize the contractor for the entire day or half day.

Other annual operational costs would not be needed at all, such as:

Description	Annual Cost
Courier between courts	\$21,250.00
Fedex between SLT & West Slope	1,000.00
Travel Expense between courts	4,000.00
TOTAL	\$26,250.00

A centralized location is able to operate at a significantly reduced cost.

6. Description of the consequence to the public and access to justice without the funding.

El Dorado has closed its clerk's offices at 3 pm to the public; the phones turn off at 1 pm. Due to inadequate staffing levels, we have been forced to close non-priority divisions (civil, family law) from time to time to keep our mandated dockets covered (criminal and juvenile). Predicting when these one-day or temporary closures will occur is impossible, as it depends on unknown and uncontrollable events such as illness or accident caused vacancies. Not only is access to justice denied, the public is further inconvenienced by not knowing they cannot conduct their business until they arrive to a closed door. We recently had to shut down our mandated small claims night court program, resulting in even longer waits for litigants to get their day in court.

7. Description of the consequences to the requesting court(s) of not receiving the funding.

As our facilities must remain operational, without an increase in funding the Court's only recourse is to further reduce staffing, to utilize salary savings to meet operational expenses. This has a direct negative impact on access to justice. The goal and our mission statement has always been to improve services and increase access to justice for the public. Instead we are holding vacant FTE positions to utilize salary savings for operating costs.

- Shutdown of mandated programs, such as small claims night court
- Even longer wait times to get a court date
- Continued long wait for Court Recommended Counseling appointments
- Continued reduction in accessibility at all courthouse locations to court clerks (currently close at 3 pm each day, may need even shorter days)
- Continued reduction in accessibility to telephonic assistance (phones shut off at 1 pm)
- Inability to implement sustain some mandated services such as juvenile mediation services
- Increased occasional court or division closures
- Longer wait times for customer service, due to decreased staffing levels and open hours
- Difficulty maintaining certain grant related programs due to inability to fund matching requirements

8. Any additional information requested by the JCC Budget Services, Funding Methodology Subcommittee, and/or TCBAC deemed necessary to fully evaluate the request.

Workload Formula Adjustment Request Procedures (Version 3, Updated March 21, 2019)

Submission, review, and approval

The submission, review, and approval process is under the direction of the Judicial Council and is as follows:

1. Initial requests shall be submitted to the Administrative Director either by the trial court's Presiding Judge or Executive Officer no later than January 15 of each year.
2. The Administrative Director shall forward the request to the Director of Judicial Council Budget Services. The Director, in consultation with the Chair of the Trial Court Budget Advisory Committee (TCBAC) shall review each request and refer the request to the Funding Methodology Subcommittee (FMS) no later than April. If the request is more appropriately referred to another advisory committee, the Chair may do so immediately. The Chair will notify TCBAC no later than April of requests that have been referred to other advisory bodies.
3. FMS shall review the referral from TCBAC and prioritize the request into the proposed annual work plan to be submitted back to TCBAC no later than July.
4. Once prioritized, requests will be evaluated by FMS. The review of Workload Formula Adjustment Requests is a three-step process:
 - a. Initial review to determine whether the factor identified in a court's request should form the basis of a potential modification to the Workload Formula;
 - b. Evaluation of whether and how the modification should occur; and
 - c. Evaluation of whether—for those circumstances where it is determined that the factor should ultimately be included in the underlying Resource Assessment Study model (RAS)—an interim adjustment should be made to a trial court's Workload Formula pending a more formal adjustment to the RAS model.
5. FMS shall review any requests and present its recommendation(s) to TCBAC no later than January prior to the year proposed for implementation.
6. TCBAC shall make final recommendations to the Judicial Council for consideration no later than April. Requested adjustments that are approved by the Judicial Council shall be included in the allocation based on the timing included in the recommendation. TCBAC will make no further recommendations for changes to the Workload Formula impacting the next fiscal year.
7. Upon approval by the Judicial Council of an adjustment to the Workload Formula, the Director, in consultation with TCBAC, shall notify all trial courts. In some circumstances, the nature of the adjustment will automatically apply to all courts.
8. This policy does not preclude FMS from taking expedited action per the direction of TCBAC.

Trial court adjustment requests

Trial courts requesting an adjustment in accordance with the Workload Formula Adjustment Request Procedures shall be required to submit detailed information documenting the need for such adjustment as follows:

1. A description of how the factor is not currently accounted for in the Workload Formula;
2. Identification and description of the basis for which the adjustment is requested;
3. A detailed analysis of why the adjustment is necessary;
4. A description of whether the unaccounted-for factor is unique to the applicant court(s) or has broader applications;
5. A detailed description of staffing need(s) and/or costs required to support the factor that is unaccounted for by the Workload Formula;
6. A description of the consequence to the public and access to justice without the funding;
7. A description of the consequences to the requesting court(s) of not receiving the funding; and
8. Any additional information requested by Judicial Council Budget Services, FMS, and/or TCBAC deemed necessary to fully evaluate the request.

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As of September 16, 2019

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 23–24, 2019

Title

Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights

Agenda Item Type

Action Required

Effective Date

September 24, 2019

Rules, Forms, Standards, or Statutes Affected

None

Date of Report

September 10, 2019

Recommended by

Workload Assessment Advisory Committee
Hon. Lorna A. Alksne, Chair
Judicial Council staff
Kristin Greenaway, Supervising Research Analyst
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Executive Summary

The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council adopt the proposed Judicial Workload Study updated model parameters that are used as part of the formula for assessing judicial need in the trial courts. The council previously approved the Judicial Workload Study in 2001 and 2011; the current update accounts for changes in the law and practice that have affected judicial workload since the last study update in 2011. The recommendation also reflects direction from the Judicial Council, at its July 18, 2019 meeting, to perform additional analysis to ensure the model best represents courts of all sizes. Further, WAAC recommends that the council approve an updated Judicial Needs Assessment per Government Code section 69614(c)(1) based on the new judicial workload measures and the established methodology for prioritization of judgeships. The updated needs assessment would replace a preliminary version that was completed in 2018 using workload measures developed in 2011.

Recommendation

The Workload Assessment Advisory Committee recommends that the Judicial Council:

1. Approve the *2018 Judicial Workload Study Update–Draft Caseweights and Standards* for use in evaluating statewide judicial workload, including for use in the biennial judicial needs assessment, and to meet the requirements of Government Code section 69614(c)(2);
2. Approve the updated *2018 Update of the Judicial Needs Assessment* for transmittal to the Legislature. The updated *Needs Assessment* replaces a preliminary version that was issued in November 2018 prior to completion of the *2018 Judicial Workload Study Update*.

The *2018 Judicial Workload Study Update–Draft Caseweights and Standards* is available as Attachment A. Three supporting documents related to *2018 Update of the Judicial Needs Assessment* are the *2018 Judicial Workload Study Update: Draft Assessed Judge Need*, the *California Judicial Prioritization Methodology*, and the Priority Ranking list. They are available as Attachment B, Attachment C, and Attachment D, respectively.

Relevant Previous Council Action

The methodology for determining the number of judgeships needed in the trial courts was first approved by the Judicial Council in August 2001¹ and later modified and approved by the council in August 2004.² The August 2001 council action, among other things, approved a set of workload standards (caseweights) that would be used to conduct statewide assessments of judicial need. The council also directed staff to develop a process to periodically review and update the workload standards so that they continue to accurately represent judicial workload (Judicial Workload Study). The modification made in August 2004 revised how filings data are incorporated into the model. Rather than being based on a single year of filings, the council approved use of a three-year average to smooth out year-to-year fluctuations. The model was updated with new workload study data in 2010, and the resulting updated caseweights were approved by the Judicial Council in December 2011.³

Updates of the Judicial Needs Assessment were approved by the Judicial Council, first in 2007 and then, as directed by statute, biennially since 2008. The most recent Judicial Needs Assessment was submitted to the Legislature in November 2018 and was based on the most recent filings data at that time (fiscal years 2014–15, 2015–16, and 2016–17), and on the 2011 judicial workload measures, since the 2018 workload study had not been completed at the time the report was due.⁴ Therefore, the report was submitted as “preliminary” with the caveat that an updated needs assessment would be completed once the Judicial Workload Study update was completed.

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

² <https://www.courts.ca.gov/documents/0804item6.pdf>

³ <https://www.courts.ca.gov/documents/jc-121211-item3.pdf>.

⁴ https://www.courts.ca.gov/documents/lr-2018-JC-judicial-needs-assessment-GC69614_c_1-and-3.pdf.

Analysis/Rationale

Methodological considerations and Study Caveats

The Workload Assessment Advisory Committee (WAAC)⁵ will be refining the data gathering and analysis processes for this study over the next year or so and anticipates that judicial needs assessment will change over time and will continue to increase in accuracy.

The 2018 workload study represents several advancements in how judicial workload has been studied in California. Conducting the study in-house, using local expertise, means that the study design reflects California-specific issues and considerations. It is intended to become an iterative and evolving study that will be updated as needed to reflect ongoing changes in workload. Some caveats concerning the present analysis include:

- The present analysis may not reflect “typical workload” given the number of reforms made in the last few years. Additional study will be needed to determine the long-term effects of those reforms on court workload.
- The current methodology collects workload data at a specific point in time. Gathering data throughout the year will provide a better representation of average workload.
- The study methodology has evolved to best reflect the data and study participants; in successive iterations and updates to the workload study, it is expected that the results will normalize over time.
- Diversity in the size of courts and the matters that they process introduces complexity when estimating case weights. Gathering more data in the future and analyzing by court clusters will improve overall accuracy.
- Data is self-reported by participating judicial officers and is difficult to collect in a fully automated manner.

The study instrument and data collection methodology will continue to evolve to reflect advances in technology and data collection, as well as increasing local expertise.

Workload-based model

The Judicial Workload Study is a workload-based model used to assess judicial need in the trial courts. Also known as weighted caseload models, workload models are nationally considered an accepted methodology to assess judicial workload. Approximately 25 states have used this methodology to measure judicial workload.

The study has been previously conducted twice in California, in 2001 and 2011. The two previous studies were conducted by the National Center for State Courts with the assistance of Judicial Council staff. The 2018 study is the first time Judicial Council staff from the Office of Court Research (OCR)—with guidance and oversight from the Workload Assessment Advisory Committee (WAAC)—has conducted the study in-house. The 2018 proposed caseweights

⁵ See attachment F for the committee roster.

resulting from this effort build and improve on the well-established methodological foundation employed in the first two previous studies.

Workload study updates

Workload studies should be updated periodically to capture changes in law, technology, and court practice to best represent current resource need. The study updates are a reflection of current practices and resource allocation in courts, and special consideration is taken to ensure that the study data reflects “typical” workload. The 2018 Judicial Workload Study was conducted in the fall of 2018, a time of year that is considered to be fairly representative of court workload, being outside the peak vacation and holiday time frame. However, the 2018 study time frame includes a number of new initiatives and reforms to the criminal justice system that were approved over the past couple of years. Those reforms created new workload for courts, mostly in the form of petitions for review (e.g., Proposition 47, felony resentencing, etc.). In 2013, WAAC recommended a five-year update schedule to timely and adequately capture these changes.

Given the extent of the number of initiatives made to change criminal case processing in the last few years, it is uncertain whether the resulting workload will be sustained for the long-term or if it will taper off once most of the eligible petitions for review are completed. As a result, regular reviews of judicial workload should be made to see how workload changes, and a study update may need to be made sooner than the five-year interval.

Workload study methodology

The Judicial Workload Study seeks to measure the amount of time California judicial officers spend on case-related activities. The study relies on three basic components: (1) three-year annual average filings, (2) caseweights that provide the estimate of judicial time to process a case from filing to postdisposition, and (3) work-year value that quantifies the amount of time a judicial officer has available for case-related work activities in a year. The result is an estimate of need expressed as full-time equivalents (FTEs).

Table 1. Basic Components of Workload Study

$$\text{Assessed Need (FTE)} = \frac{(1) \text{ Filings} \times (2) \text{ Caseweights}}{(3) \text{ Workyear Value}}$$

A key aspect of the Judicial Workload Study is the development of the caseweights—the average time expended by a judicial officer to resolve a case of a specific type—from initial filing to disposition and including any postdisposition workload. Caseweights allow for an evaluation of workload that distinguishes the differing levels of complexity among case types. For example, on average, infraction cases require less judicial work while felonies require considerably more judicial work. Thus, caseweights allow for the case mix in different courts to be taken into consideration when evaluating judicial workload.

Time study

The Judicial Workload Study is based, in large part, on data collected during the time study phase of the study. A data collection instrument was pilot tested in two courts and then revised to incorporate feedback from the pilot. During the time study, judicial officers were asked to record time spent on daily activities using a web-based, password-protected interface, the Daily Time Log (see Attachment E). Trainings were held in each of the study courts to ensure consistency of responses and self-study materials were developed for those not able to attend. During the time study, a HelpDesk was available during business hours to answer questions about how to record responses or to manage any technical issues.

Time data were collected in both case-related and noncase-related activity over a four-week period in fall 2018. A single consecutive four-week period was selected to capture a typical range of court calendars and activities, particularly in smaller courts where certain calendars may only be heard once or twice per month. While a longer study period may capture even more range and detail, complete participation is harder to sustain over a longer period of time.

Case-related time was documented in 31 case types and 5 phases of case processing: (1) pretrial/predisposition, (2) nontrial/uncontested disposition, (3) trial/contested disposition, (4) posttrial/postdisposition, and (5) court supervision/probation. Noncase-related time included various activities such as administrative duties, education, vacation and sick leave, or community outreach.

Participation

Over 900 judicial officers in 19 courts participated in the study (see Table 2 and Graph 1)⁶. Study participation rates among judicial officers in the study courts was excellent, with an overall participation rate of 98 percent. The courts that participated included small, medium, and large courts; rural and urban courts; and all regions of the state—northern, coastal, central, and southern. The study requires significant investment of time and resources, and the courts that volunteered to participate in the study should be recognized for their significant contribution.

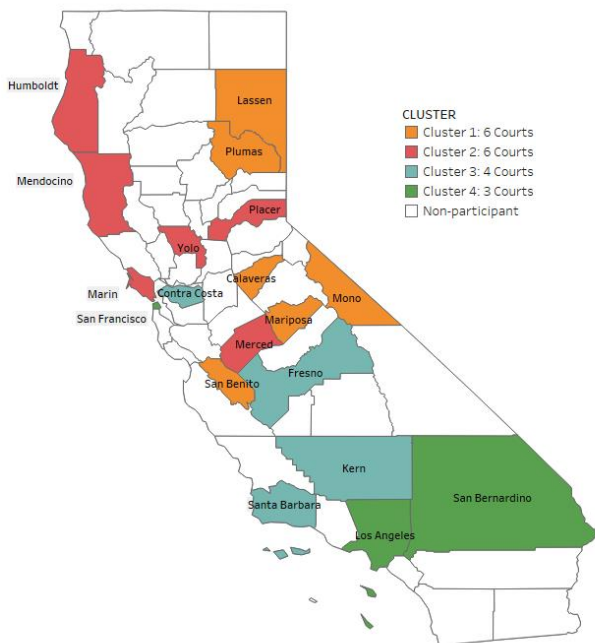
Table 2. Participating Courts (alphabetical order)

1	Calaveras	11	Merced
2	Contra Costa	12	Mono
3	Fresno*	13	Placer
4	Humboldt	14	Plumas
5	Kern	15	San Benito
6	Lassen	16	San Bernardino
7	Los Angeles*	17	San Francisco
8	Marin	18	Santa Barbara
9	Mariposa	19	Yolo
10	Mendocino		

*Partial court participation

⁶ Unless otherwise indicated, the entire bench participated.

Graph 1. Participating Courts (Map)



Posttime study

After submission of the time study data from all participating courts, it is necessary to (1) evaluate and validate the data collected to assess accuracy and address any anomalies in the data, and (2) determine if any adjustments are needed before development of the caseweights.

(1) Data validation

During the posttime study phase, Judicial Council staff conducted data validation calls with each of the study courts to gather information about any operational conditions and their causes during the time study that may have impacted the data collected. Staff discussed the preliminary time study findings and validated court data to ensure they accurately represent the amount of time judges need to resolve different types of cases.

The qualitative feedback was gathered as a critical component to understand and interpret the data but was not used to adjust the caseweights as was done in previous studies (2001, 2011). Some of the feedback received about impacts to judicial workload is highlighted below:

- New and amended laws, particularly changes made in recent years to reform the criminal justice system in California;
- Workload and staffing issues from unfunded legislative mandates;
- Evolution of workload towards rehabilitation and less on punishment, corresponding increase in specialty courts;
- Statewide trends in recent years of increased court filings for civil cases;
- Steady increase in mental health filings over the last 10 years; and

- Diversion programs that require additional court supervision and increase the number of hearings required as the offender proceeds through treatment.

(2) Adjustments

After case-related time entries were aggregated by case type and by court, and noncase-related time such as lunch, breaks, and administrative tasks were excluded from the data, the following adjustments were made to the time study data:

- The time study data was aggregated into 21 case type caseweights, matching up with the same data categories as used in the study workload study (RAS, or the Resource Assessment Study model);
- Data collected on case-related, but noncase type specific time were proportionally distributed to case type categories; and
- For courts that had less than 100% participation, staff weighted the results received so that the time reported represented full participation.

Integrating 2018 updated caseweights with prior caseweights

Because the prior Judicial Workload Study was conducted in 2011, a method to develop updated caseweights to capture contemporary workload experiences was required. The method would need to reasonably integrate and incorporate current workload data with the foundational data created in 2011. Methodological consideration was given to (1) what “average” should be used to best represent the data—mean or median; and (2) whether a separate set of caseweights should be developed to address the unique characteristics of courts of different sizes.

The first methodological issue considered was whether to continue to use the existing means method or the median method to develop caseweights. The methodology used in the 2011 Judicial Workload Study was the overall means method where total time entries were divided by the sum of filings for the participating courts to establish caseweights. This approach gives more “weight” to the larger courts in the study and is a reasonable approach when the court sizes do not vary much. But the 2018 study had much more variance in court size, which meant that the 2011 approach was not ideal because the caseweights would have been determined almost entirely by larger courts. For example, the largest court in the study had over 300 judicial officer participants while one of the smallest courts had 3 participants. This would have meant that the data from the large court would have received 100 times more weight than the small court data.

For those reasons, the staff recommendation to the Workload Assessment Advisory Committee was to use the median method. To create the median value, staff first had to develop caseweights for each participating court, by case category. Then, the median value was calculated based on each court’s caseweight, by case category. An example, using simulated data, of how a median value was calculated is shown below (see Graph 2).

Graph 2. Statewide Median Caseweight

Court	Caseweight (Case Type 1)
A	25
B	30
C	60
D	28
E	29
F	31
G	35
Median	30

Another consideration was whether to establish a separate set of caseweights for small courts because small courts do not have the economies of scale, technologies, and other resources that large courts have access to. However, a closer look at filings data and time entries submitted by the small courts revealed too many anomalies to make an accurate estimate of case processing times exclusively for small courts. For example, some small courts process less than 10 filings per year for certain case types. This means it is possible that those courts did not process a case during the four-week study period. To develop an accurate set of small court specific caseweights, a longer workload study with more small court participants may be necessary.

Additional analysis conducted

At the July 18, 2019 council meeting, staff were asked to take additional time and perform further analysis to:

- Ensure proper representation of small, medium, and large courts; and
- Confirm the model recognizes the unique environment of the small courts, while also reflecting the efficiencies that are found in larger courts.

Following the Judicial Council meeting, WAAC convened by telephone to discuss the council direction and offer feedback on the additional analysis to be performed. The comprehensive study data set meant that no additional data would need to be collected to establish the weights, but that refinements would be made in the methodology used to generate the weights to ensure the best fit to the data set. Some of the findings of the additional analysis confirmed that there was significant variation in the study data amongst small, medium, and large courts, and some workload in the small courts could not be adequately captured in a four-week study period simply because certain types of matters or cases do not occur with sufficient frequency in the small courts.

Different approaches were tested to try to address the issue of variance in the smallest courts. While those produced nearly identical results in terms of the overall judicial need and corresponding prioritization method, the methodology that was ultimately recommended by the committee had additional benefits that made it the recommended option. This model creates a

single set of caseweights but removes the cluster 1 court data from the calculation of the weights. This model addresses the feedback received from the Judicial Council to reevaluate the measurement of different-sized courts by setting aside the highly variable cluster 1 courts. The results produced by this model have face validity and fit with expected outcomes.

The inclusion of the state's smallest courts may be inflating the overall statewide need due to the fact that cluster 1 courts are statutorily authorized to have 2.3 judicial officers regardless of workload need and their unique circumstances may require a different approach to how they are studied⁷. That being said, cluster 1 courts will continue to be measured according to workload and monitored to assess growing need beyond their authorized 2.3 judicial officers. Additionally, other components of judicial workload measurement, such as the prioritization methodology for new judgeships, have policies in place that benefit those courts that are on the verge of needing additional judgeships.⁸

Measuring civil unlimited workload

At the May 2019 WAAC meeting, the committee recommended a different approach for calculating the caseweight for complex civil cases. Complex civil cases differ from other case types in two key ways. First, not all courts handle this workload. For the 2018 study, only 11 of the 19 participating courts submitted complex civil time data, and some smaller courts did not process any complex cases during the study period. Second, the kinds of complex civil cases handled at larger courts are very different than those handled in smaller courts. WAAC members discussed that larger courts handle consolidated cases, which are more time consuming and resource intensive.

At the August 2019 WAAC meeting, staff recommended that the caseweight established for unlimited civil cases should also be constructed in the same manner as complex civil. Similar to complex cases, large courts process a majority of the unlimited civil cases. In the 2018 study, large courts accounted for 85 percent of the total time spent on unlimited civil cases and 81 percent of total unlimited civil filings. Large courts also process a higher share of the more complicated unlimited civil cases involving personal injury and property damage.

Because large courts process a disproportionately high share of complex cases as well as unlimited civil cases, those courts' data should largely determine the statewide caseweight for both complex civil and unlimited civil cases. Hence, the overall means method is more appropriate for unlimited civil and complex civil cases, as it weights the data towards the courts that mostly handle this workload. This proposed approach for calculating the caseweight for complex civil and unlimited civil was approved by WAAC at its August 15, 2019 meeting.

⁷http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?chapter=5.&lawCode=GOV&title=8.&article=3.

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

Policy implications

Government Code section 69614(c)(1)⁹ requires the Judicial Council to report on the statewide need for judicial officers every November of even-numbered years. The 2018 preliminary report, *The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of Judicial Needs*, was based on 2011 caseweights and a three-year average of filings from FY 2014–15 through FY 2016–17 resulting in a statewide need of 1,929.9 judicial officers. If the proposed caseweights are adopted and were applied to the same filings data (FY 2014–15 through FY 2016–17), the result would be a statewide need of 2,012.7; a net increase of 82 full-time equivalent (FTE) judicial officers. However, the Government Code specifies that the three prior years of filings data be used. Applying the proposed updated caseweights and the most recent filings from FY 2015–16 through FY 2017–18 results in a statewide assessed need of 1,976 judicial officers (see Attachment B).

If the Judicial Council approves the new caseweights (see Attachment A), the assessed judicial need will be resubmitted using the updated caseweights along with the most recent three-year filings data (FY 2015–16 through FY 2017–18). This assessment will form the basis of the prioritization list for any new judgeships that might be authorized and funded for the judicial branch (see Attachment D).

The assessed statewide need for new judgeships is calculated by adding the judicial need among only the courts that have fewer judgeships than their workload demands. Judicial officer FTE need—the difference between the assessed judicial need and the authorized judicial positions—is rounded down to the nearest whole number to arrive at the number of judgeships needed for each court.¹⁰ Based on the proposed updated caseweights and the most recent filings from FY 2015–16 through FY 2017–18, there is a need for 173 judgeships in 19 courts.

Comments

Throughout the study, the participating courts provided input on both (1) pretime study activities and materials, including training and study tools; and (2) posttime study, particularly during the data validation meetings with each of the study courts. Additionally, status updates were presented to WAAC—for their guidance and oversight—throughout the Judicial Workload Study period at both its February 8, 2018, and February 26, 2019 meetings. The 2018 Judicial Workload Study with updated model parameters was presented at the May 29, 2019 WAAC meeting and posted for public comment. No public comment was received.

⁹ See <https://codes.findlaw.com/ca/government-code/gov-sect-69614.html>.

¹⁰ Per the Judicial Council policy adopted in 2014, an exception is made for courts with judicial FTE need of more than 0.8, but less than 1. For such courts, their actual judicial officer FTE need is reported without any rounding down. In 2018, there were no courts with judicial officer FTEs in the range of 0.8 and 1. See Judicial Council of Cal., Advisory Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships* (Nov. 7, 2014), <http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf>.

Following the July 18, 2019 Judicial Council meeting, there were two public meetings of WAAC on July 28, 2019, and August 15, 2019. A public comment was received at the latter meeting from the presiding judge of the Superior Court of San Benito County urging the committee to continue to support the workload needs of smaller courts.

Alternatives considered

The committee discussed various methodological approaches that ultimately were rejected in favor of the recommended approach.

Fiscal and Operational Impacts

If approved, the new set of caseweights will be incorporated into the model used to calculate the statewide need for judicial officers. Any new judgeships that might be authorized and funded for the judicial branch will be allocated on the basis of these caseweights until such time as they are updated.

Attachments and Links

1. Attachment A: 2018 Judicial Workload Study Update–Draft Caseweights and Standards
2. Attachment B: 2018 Judicial Workload Study Update: Draft Assessed Judge Need
3. Attachment C: California Judicial Prioritization Methodology
4. Attachment D: Priority Ranking
5. Attachment E: Daily Time Log
6. Attachment F: Workload Assessment Advisory Committee Membership, May 2019

Attachment A

2018 Judicial Workload Study Update - Draft Caseweights and Standards

Work Year Value	77,400
3-Year Average Filings	FY2015, FY2016, FY2017
<i>Draft</i>	
2018 Caseweights ^{1,2,3}	
Case Type	1 Caseweight / Median <i>minutes per filing</i>
<i>Criminal</i>	
Felony	204
Misdemeanor - Traffic	15
Misdemeanor - Non-Traffic	45
Infractions	1.3
<i>Civil</i>	
Complex	707
Asbestos	553
Unlimited Civil	115
Limited Civil (without UD)	15
Limited Civil - Unlawful Detainer	13
Small Claims	20
<i>Family Law</i>	
Family Law - Dissolution	85
Family Law - Parentage	127
Family Law - Child Support	43
Family Law - Domestic Violence	56
Family Law - Other Petitions	133
<i>Juvenile</i>	
Juvenile Dependency	199
Juvenile Delinquency	149
<i>Probate and Mental Health</i>	
Probate - Other	79
Conservatorship/Guardianship	119
Mental Health	46
EDD	0.4

¹ Caseweights are minutes per filing (from initial filing to post disposition)

² Caseweights are calculated based on data from cluster 2-4 study courts; cluster 1 study courts are excluded

³ Complex Civil and Unlimited Civil caseweights are calculated based on overall average instead of median

Attachment B

2018 Judicial Workload Study Update: Draft Assessed Judge Need

Cluster	Court	Authorized and Funded Judicial Positions	2018 ¹			2019 ²			
			Preliminary Reported Assessed Judgeship Need	Preliminary Judicial Officer Need (+)	Draft % need over AJP (C/A)	Draft Assessed Judgeship Need	Difference Need and Authorized (E-A)	Draft Judicial Officer Need (+)	Draft % need over AJP (F/A)
		A	B	D	E	F	G	H	
4	Alameda*	83	77.1		-7%	65.5	-17.5		-21%
1	Alpine	2.3	0.2		-93%	0.1	-2.2		-95%
1	Amador	2.3	2.6		14%	2.7	0.4		20%
2	Butte	13	13.0		0%	13.7	0.7		5%
1	Calaveras	2.3	2.4		5%	2.5	0.2		9%
1	Colusa	2.3	1.5		-34%	1.7	-0.6		-26%
3	Contra Costa	42	39.6		-6%	39.4	-2.6		-6%
1	Del Norte	2.8	2.3		-18%	2.3	-0.5		-19%
3	El Dorado	9	7.8		-13%	7.7	-1.3		-15%
3	Fresno	49	56.9	7	16%	62.2	13.2	13	27%
1	Glenn	2.3	1.8		-22%	2.0	-0.3		-12%
2	Humboldt	8	9.4	1	17%	9.8	1.8	1	22%
2	Imperial	11.3	12.3	1	9%	12.7	1.4	1	12%
1	Inyo	2.3	1.4		-41%	1.5	-0.8		-33%
3	Kern	43	53.5	10	24%	59.1	16.1	16	37%
2	Kings	8.6	11.0	2	28%	11.4	2.8	2	33%
2	Lake	4.7	5.3		14%	5.9	1.2	1	26%
1	Lassen	2.3	2.2		-3%	2.3	0.0		1%
4	Los Angeles	585.25	533.3		-9%	520.0	-65.2		-11%
2	Madera	9.3	9.4		1%	11.4	2.1	2	22%
2	Marin	12.7	10.1		-21%	9.5	-3.2		-25%
1	Mariposa	2.3	0.9		-61%	1.1	-1.2		-52%
2	Mendocino	8.4	7.0		-16%	7.6	-0.8		-9%
2	Merced	12	13.2	1	10%	15.1	3.1	3	26%
1	Modoc	2.3	0.8		-66%	1.0	-1.3		-58%
1	Mono	2.3	0.9		-59%	1.1	-1.2		-53%
3	Monterey	21.2	19.1		-10%	21.1	-0.1		0%
2	Napa	8	7.0		-12%	7.3	-0.7		-9%
2	Nevada	7.6	4.5		-40%	4.8	-2.8		-36%
4	Orange	144	135.0		-6%	143.4	-0.6		0%
2	Placer	14.5	17.4	2	20%	17.4	2.9	2	20%
1	Plumas	2.3	1.2		-50%	1.2	-1.1		-46%
4	Riverside	80	116.2	36	45%	117.3	37.3	37	47%
4	Sacramento	72.5	84.3	11	16%	93.1	20.6	20	28%
1	San Benito	2.3	2.6		13%	2.9	0.6		25%
4	San Bernardino	88	126.2	38	43%	137.8	49.8	49	57%
4	San Diego	154	132.3		-14%	133.9	-20.1		-13%
4	San Francisco	55.9	43.8		-22%	39.3	-16.6		-30%
3	San Joaquin	33.5	38.6	5	15%	41.8	8.3	8	25%
2	San Luis Obispo	15	14.6		-2%	15.2	0.2		1%
3	San Mateo	33	28.6		-13%	29.2	-3.8		-12%
3	Santa Barbara	24	21.8		-9%	23.1	-0.9		-4%
4	Santa Clara	82	62.2		-24%	66.8	-15.2		-19%
2	Santa Cruz	13.5	12.2		-9%	12.8	-0.7		-5%
2	Shasta	12	14.4	2	20%	15.9	3.9	3	33%
1	Sierra	2.3	0.2		-90%	0.2	-2.1		-90%
2	Siskiyou	5	3.1		-37%	3.6	-1.4		-29%
3	Solano	23	21.5		-6%	22.6	-0.4		-2%
3	Sonoma	23	22.4		-3%	22.8	-0.2		-1%
3	Stanislaus	24	28.2	4	18%	30.0	6.0	5	25%
2	Sutter	5.3	6.6	1	24%	6.8	1.5	1	29%
2	Tehama	4.33	5.4	1	25%	5.9	1.6	1	36%
1	Trinity	2.3	1.4		-39%	1.5	-0.8		-33%
3	Tulare	23	25.6	2	11%	27.7	4.7	4	20%
2	Tuolumne	4.75	4.6		-3%	4.8	0.1		1%
3	Ventura	33	36.3	3	10%	37.7	4.7	4	14%
2	Yolo	12.4	10.9		-12%	12.7	0.3		2%
2	Yuba	5.33	5.4		2%	5.6	0.3		5%
		1956	1930	127		1976		173	

* The preliminary 2018 assessed judge need for the Superior Court of California, County of Alameda was based on filings counts that were later amended in JBSIS. The resulting judicial need was higher than if the amended filings had been used.

** The qualifying threshold only applies to those courts with a judicial need between 0.8 FTE and .99 FTE. To illustrate, a court with a judicial need of 0.85 would get one judgeship eligible for prioritization. But a court with a judicial need of 2.85 FTE would have two judgeships eligible for prioritization—not three.

¹ For 2018, the three year average filings used to estimate need are FY2014-15, 2015-16, 2016-17

² For 2019, the three year average filings used to estimate need are FY2015-16, 2016-17, 2017-18

Attachment C

California Judicial Prioritization Methodology

May 2019

The intent of the prioritization method is to consider courts with greatest need relative to current complement and to improve access to courts for the greatest number of users.¹ Also, feedback from courts received at the time that the method was developed suggested that the availability of facilities should be a consideration when determining an allocation schedule for judgeships.²

The model was first approved by the Judicial Council in 2001 and is codified in Government Code section 69614(b).

Some of the major policy considerations embedded in the methodology are as follows:

- 1) **Estimate judicial need using the most recent Judicial Needs Assessment:** the judicial need in each court is calculated by subtracting the number of authorized judicial positions (AJP) from the number of positions needed in each court, as measured by the biennial judicial needs assessment. The resulting product is then rounded down to the nearest whole number. In December 2013, the Judicial Council adopted a recommendation that the most current judicial needs data be used in making allocation decisions.³
- 2) **Courts with a judicial need of at least 0.8 FTE should be qualified to obtain a new judgeship:** In December 2014, the Judicial Council approved a policy change that lowered the qualifying threshold to obtain a new judgeship to 0.8 FTE (it had been 1.0 FTE previously).⁴ The change was made in response to requests from smaller courts whose judicial need fell just below the threshold level needed to qualify for a new judgeship even though their workload need, expressed as a percent of total available judicial resources, may exceed that of larger courts. To illustrate, a court with 2.3 FTE authorized judicial positions and a judicial workload need equivalent to 3.1 FTE has a need for 0.8 FTE judicial officers. The difference represents a 35% shortfall over the number of authorized positions (0.8 divided by 2.3). Even though the number of judicial positions in this example court is small, the court is operating with 35% fewer judicial resources than the workload model shows that they need.

The qualifying threshold only applies to those courts with a judicial need between 0.8 FTE and .99 FTE. To illustrate, a court with a judicial need of 0.85 would get one judgeship eligible for prioritization. But a court with a judicial need of 2.85 FTE would have two judgeships eligible for prioritization—not three.

¹ October 2001 report to Judicial Council, <http://www.courts.ca.gov/documents/stateassess.pdf>.

² Ibid., at page 9

³ <http://www.courts.ca.gov/documents/jc-20131213-itemV.pdf>

⁴ <http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf>

Generating the Prioritization List

California's methodology uses a mathematical formula to be able to assess judicial need and prioritize needed judgeships in rank order for courts of vastly different sizes. The approach taken is based on the methodology that is used to apportion seats in Congress where similar scale issues exist.

- 1) The first step is to establish a ranking based on the minutes of judicial need multiplied by the ranking scores used in the Huntington-Hill Method.⁵ Each court's judicial need minutes is divided by the rank scores and an allocation number (from 1-to N) is assigned to each needed judgeship in each court.

If allocations were made at this point, only a court's absolute need would be factored into the calculation and courts with the highest numerical need would be prioritized to receive judgeships.

- 2) A second ranking score is calculated by multiplying the ranking score from step 1 by the percentage need for each judgeship in each court. In cases where courts need more than one judgeship, the percentage need for the second judgeship is calculated by assuming that the court has been given the previous judgeship, and so on. At this point, if a ranking were done on the basis of these results, the courts with the highest numbers of judges need and the greatest percentage need would be prioritized for new judgeships.
- 3) The final adjustment takes the second ranking score and divides it by "1" for the first new judgeship needed in a county, and "2" for the second needed judgeship, etc. This adjustment applies more weight to the first judgeship needed in each court; the end result is that judgeships are distributed more widely across the state, which is in keeping with the principles adopted by the council.

The priority list is generated on the basis of this last adjustment by sorting the rank scores across all courts on the list highest to lowest.

⁵ <http://www.census.gov/population/apportionment/about/computing.html> or fairly clear explanation here: https://en.wikipedia.org/wiki/Huntington%E2%80%93Hill_method

Attachment D - Priority Ranking

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

Workload Assessment Advisory Committee

As of May 29, 2019

Hon. Lorna A. Alksne, Chair

Assistant Presiding Judge of the Superior Court of California,
County of San Diego

Hon. Kirk H. Nakamura

Assistant Presiding Judge of the Superior Court of California,
County of Orange

Hon. Charles R. Brehmer

Presiding Judge of the Superior Court of California,
County of Kern

Mr. Michael D. Planet

Court Executive Officer
Superior Court of California,
County of Ventura

Ms. Stephanie Cameron

Court Executive Officer
Superior Court of California,
County of Tulare

Hon. Lawrence P. Riff

Judge of the Superior Court of California,
County of Los Angeles

Ms. Sherri R. Carter

Court Executive Officer
Superior Court of California,
County of Los Angeles

Hon. Jennifer K. Rockwell

Judge of the Superior Court of California,
County of Sacramento

Hon. Joyce D. Hinrichs

Presiding Judge of the Superior Court of California,
County of Humboldt

Ms. Bonnie Sloan

Court Executive Officer
Superior Court of California,
County of Yuba

Ms. Arlene D. Junior

Court Executive Officer
Superior Court of California,
County of Sonoma

Ms. Kim Turner

Court Executive Officer
Superior Court of California,
County of Mendocino

Mr. James Kim

Court Executive Officer
Superior Court of California,
County of Marin

Hon. Garrett L. Wong

Judge of the Superior Court of California,
County of San Francisco

Workload Assessment Advisory Committee

As of May 29, 2019

JUDICIAL COUNCIL LEAD COMMITTEE STAFF

Ms. Kristin Greenaway

Supervising Analyst

Office of Court Research, Business Management Services

Judicial Council of California

Ms. Leah Rose-Goodwin

Manager

Office of Court Research, Business Management Services

Judicial Council of California

Workload Assessment Advisory Committee
Annual Agenda¹—2019

Approved by Executive and Planning Committee: March 13, 2019

I. COMMITTEE INFORMATION

Chair:	Hon. Lorna Alksne, Superior Court of San Diego County
Lead Staff:	Ms. Leah Rose-Goodwin, Manager, Budget Services Ms. Kristin Greenaway, Supervising Research Analyst, Budget Services
<p>Committee’s Charge/Membership:</p> <p>Per Rule 10.66 adopted effective January 1, 2015, the committee makes recommendations to the council on judicial administration standards and measures that provide for the equitable allocation of resources across courts to promote the fair and efficient administration of justice. The committee must recommend:</p> <ol style="list-style-type: none"> (1) Improvements to performance measures and implementation plans and any modifications to the Judicial Workload Assessment and the Resource Assessment Study Model; (2) Processes, study design, and methodologies that should be used to measure and report on court administration; and (3) Studies and analyses to update and amend case weights through time studies, focus groups, or other methods. <p>Rule 10.66(c) sets forth the membership position categories of the committee. The Workload Assessment Advisory Committee (WAAC) currently has 14 members. The current committee roster is available on the committee’s web page.</p>	
<p>Subcommittees/Working Groups²:</p> <p>None at this time.</p>	

¹ The annual agenda outlines the work a committee will focus on in the coming year and identifies areas of collaboration with other advisory bodies and the Judicial Council staff resources.

² California Rules of Court, rule 10.30 (c) allows an advisory body to form subgroups, composed entirely of current members of the advisory body, to carry out the body’s duties, subject to available resources, with the approval of its oversight committee.

II. COMMITTEE PROJECTS

#	New or One-Time Projects ³	
1.	Project Title: Interim Updates to Resource Assessment Study Model	Priority 2⁴
<p>Project Summary⁵: As new laws are passed or changes in court data collected are made, updates may need to be made to the workload models to reflect those changes. As needed, the Workload Assessment Advisory Committee will review those updates and propose changes to the model as needed.</p> <p>Status/Timeline: Ongoing/TBD.</p> <p>Fiscal Impact/Resources: Changes made will be accomplished within existing resources. The trial courts may need to be consulted to help define the changes needed.</p> <p>Internal/External Stakeholders: Department of Finance and Legislature.</p> <p>AC Collaboration: TBD/As needed.</p>		
2.	Project Title: Workload Modeling (various, TBD)	Priority 2⁴
<p>Project Summary⁵: The judicial branch seeks to become a more data-driven organization; as part of that effort, the branch may need to implement new workload models to allocate resources more effectively. In last year’s annual agenda, WAAC partnered with TCBAC and the Family and Juvenile Law Advisory Committee to develop a new allocation methodology for AB 1058 funding. Similarly, WAAC may be called upon to provide its expertise in developing funding models for other funding streams.</p>		

³ All proposed projects for the year must be included on the Annual Agenda. If a project implements policy or is a program, identify it as *implementation* or a *program* in the project description and attach the Judicial Council authorization/assignment or prior approved Annual Agenda to this Annual Agenda.

⁴ For non-rules and forms projects, select priority level 1 (must be done) or 2 (should be done). For rules and forms proposals, select one of the following priority levels: 1(a) Urgently needed to conform to the law; 1(b) Urgently needed to respond to a recent change in the law; 1(c) Adoption or amendment of rules or forms by a specified date required by statute or council decision; 1(d) Provides significant cost savings and efficiencies, generates significant revenue, or avoids a significant loss of revenue; 1(e) Urgently needed to remedy a problem that is causing significant cost or inconvenience to the courts or the public; 1(f) Otherwise urgent and necessary, such as a proposal that would mitigate exposure to immediate or severe financial or legal risk; 2(a) Useful, but not necessary, to implement statutory changes; 2(b) Helpful in otherwise advancing Judicial Council goals and objectives.

⁵ A key objective is a strategic aim, purpose, or “end of action” to be achieved for the coming year.

#	New or One-Time Projects ³
	<p><i>Status/Timeline:</i> Ongoing/TBD.</p> <p><i>Fiscal Impact/Resources:</i> Changes made will be accomplished within existing resources. The trial courts may need to be consulted to help define the changes needed.</p> <p><i>Internal/External Stakeholders:</i> Department of Finance and Legislature</p> <p><i>AC Collaboration:</i> TBD/As needed.</p>

#	Ongoing Projects and Activities ³	
1.	Project Title: Judicial Workload Study Update	Priority 1⁴
<p>Project Summary⁵: The Judicial Council is obligated to report on the number of judicial officers needed in the trial courts based on workload in a biennial report to the legislature under Government Code section 69614(c)(1). This assessment, formally called the Judicial Needs Assessment, draws on a workload study that is updated periodically to reflect changes in the law, technology, and case processing practices. In October 2013, the Workload Assessment Advisory Committee approved a motion stating that the workload studies (both staff and judicial) should be updated every 5 years, though not concurrently. The judicial workload study is used to update the caseweights (i.e., time per filing) and other model parameters that are needed to estimate workload-based need for judicial officers. In the previous year, the time study portion of the workload study was completed. Over 900 judicial officers (judges, commissioners, and pro tems) from 19 courts submitted data on their daily activities for a four-week period. The data are currently being cleaned, validated, and analyzed.</p> <p>The committee’s work in the coming year will be to finalize the workload measures and seek council approval for their adoption. When necessary, the chair will make presentations to the Trial Court Presiding Judges Advisory Committee (TCPJAC) and Court Executives Advisory Committee so that committee members can be apprised of the work of the committee.</p> <p>Status/Timeline: Ongoing; expected completion date is mid-2019.</p> <p>Fiscal Impact/Resources: The study is being conducted with existing JC resources, primarily from the Budget Services, Research and Evaluation Unit.</p> <p>Internal/External Stakeholders: Stakeholders include the trial courts and the Department of Finance; Legislators use the study results as the basis for legislation proposed for new judgeships.</p> <p>AC Collaboration: We will keep TCPJAC informed, but they will not be asked to do more than serve in an advisory capacity.</p>		
2.	Project Title: Judicial Needs Assessment (Interim Update)	Priority 1⁴
<p>Project Summary: Government Code section 61614(c)(1) requires the Judicial Council to prepare biennial updates of the Judicial Needs Assessment in even-numbered years. An assessment was issued in November 2018, but the workload analysis was done on the basis of the old caseweights. An updated assessment will be issued in November 2019 to reflect the most current workload measures.</p> <p>Status/Timeline: Will be completed by November 1, 2019.</p>		

#	Ongoing Projects and Activities³	
	<p>Fiscal Impact/Resources: Completion of this report requires 0.25 FTE of an analyst (existing position) for a two-month period of time.</p> <p>Internal/External Stakeholders: The needs assessment is used as the basis for Budget Change Proposals for new judgeships, Subordinate Judicial Officers conversion requests, and to seek authorization for additional judgeships.</p> <p>AC Collaboration: None.</p>	
3.	<p>Project Title: Report to Legislature on Judicial Administration Standards and Measures that Promote the Fair and Efficient Administration of Justice, Pursuant to Government Code Section 77001.5</p>	<p>Priority 1</p>
	<p>Project Summary: Government Code section 77001.5 requires the Judicial Council to report to the Legislature annually on judicial administration standards and measures.</p> <p>Status/Timeline: The report will be completed by November 1, 2019.</p> <p>Fiscal Impact/Resources: .10 FTE Senior Analyst or Analyst (existing position) for a three-month period.</p> <p>Internal/External Stakeholders: None</p> <p>AC Collaboration: None</p>	

III. LIST OF 2018 PROJECT ACCOMPLISHMENTS

#	Project Highlights and Achievements
1.	Judicial Needs Assessment, submitted to Legislature on November 1, 2018.
2.	Report on Standards and Measures (Gov Code § 77001.5), submitted to Legislature on November 1, 2018.
3.	Time study portion of Judicial Workload Study completed; over 900 judicial officers (judges, commissioners, and pro tems) from 19 courts participated.



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

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION 77001.5

NOVEMBER 2019



**JUDICIAL COUNCIL
OF CALIFORNIA**

OPERATIONS AND PROGRAMS DIVISION
BUSINESS MANAGEMENT SERVICES

JUDICIAL COUNCIL OF CALIFORNIA

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Chair of the Judicial Council*

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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. (Gov. Code, § 77001.5)

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 toward 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.

Quantitative Measures of Court Performance

The National Center for State Courts (NCSC) developed *CourTools* to provide trial courts with “a set of balanced and realistic performance measures that are practical to implement and use.”² *CourTools* draws on previous work conducted on trial court performance—primarily the Trial Court Performance Standards developed by the NCSC and published in 1997—but also on relevant

¹ For more information on the rationale for selecting these quantitative measures and how they align with the legislative mandate in Government Code section 77001.5, see the 2012 report to the Legislature on judicial administration standards at www.courts.ca.gov/documents/lr-Jud-Admin-Stand-and-measures-122712.pdf.

² See “CourTools: Giving the Courts the Tools to Measure Success” (National Center for State Courts, 2005), www.courtools.org.

measures from other successful public and private organizations. Courts in California use the *CalCourTools* program, which builds on the *CourTools* measures developed by the NCSC and endorsed by the Conference of Chief Justices and the Conference of State Court Administrators.

California courts are able to report on some but not all *CourTools* performance measures. Table 1 shows the two measures for which data in the California trial courts are available: clearance rates and time to disposition.

Table 1: Status of *CourTools* Data in California Trial Courts

NCSC's <i>CourTools</i>	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

Caseload clearance is a measure of the number of cases cleared (disposed of) as a percentage of the number of cases filed during a given time period. Because clearance rates provide only a snapshot at a point in time, they are an indirect measure of whether a court is disposing of cases in a timely fashion or a backlog of cases is growing. A court should aim to dispose of as many cases as were filed over a selected time period, thus maintaining a clearance rate of around 1.0, or 100 percent. Monitoring clearance rates by case type helps a court identify those areas needing the most attention.

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 can serve as a starting point for monitoring court performance.

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

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

Trials by Type of Proceeding

The number and types of trials are important data elements to break out separately from the data on the stage of a 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 describes the quality of the data on these additional measures of court operations.

Table 2: Status of Data in California Trial Courts

Caseflow Management Data	Availability	Scope	Data 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 Rates⁵

In fiscal year 2017–18,⁶ the most recent year for which data are available, clearance rates both increased and decreased for various case types compared to rates from the previous fiscal year (see Appendix B).

- **Civil.** In 2017–18, 55 courts fully reported all civil case type dispositions for clearance rate calculations compared to all 58 courts in 2016–17. Total unlimited civil clearance rate increased from the previous year (from 86 to 88 percent), with increases in three unlimited civil case types: motor vehicle unlimited clearance rate increased from 83 to 89 percent, “other” unlimited civil complaints and petitions clearance rate increased from 86 to 87 percent, and small claims appeals clearance rate increased from 73 to 80 percent. “Other”

³ The stage of a 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 court’s best efforts, the stage and manner of disposition may be beyond the authority of the court to affect substantially.

⁴ All findings reported here refer to trial court data submitted through June 30, 2018. These data are reported in more detail in the *2019 Court Statistics Report*, available at www.courts.ca.gov/13421.htm.

⁵ Although most courts reported disposition data for calculating case clearance rates, a few were unable to give this information for certain case types. Changes in a court’s case management system is the most common reason for incomplete or missing disposition data. Only one court was unable to give disposition data for any case type.

⁶ All further references to year ranges are to fiscal years unless otherwise indicated.

personal injury / property damage / wrongful death clearance rate was the only unlimited civil case type that decreased from 92 to 91 percent. The limited civil clearance rate decreased from 91 to 66 percent,⁷ and small claims clearance rate increased from 98 to 100 percent.

- **Criminal.** In 2017–18, 52 courts fully reported all criminal case type dispositions for clearance rate calculations compared to 53 courts in 2016–17. Criminal clearance rates for all case types decreased. The felony clearance rate decreased from 91 to 85 percent, while nontraffic misdemeanor clearance rate decreased from 68 to 67 percent and nontraffic infraction clearance rate dropped from 49 to 46 percent. The traffic misdemeanor clearance rate decreased from 72 to 68 percent, and traffic infraction clearance rate decreased from 83 to 82 percent.
- **Family and juvenile.** In 2017–18, 54 courts fully reported all family and juvenile case type dispositions for clearance rate calculations compared to 56 courts in 2016–17. Various family and juvenile case type clearance rates saw both increases and decreases. The rate for family law–marital decreased from 94 to 86 percent, while the “other” family law petition clearance rate decreased from 104 to 83 percent. The total clearance rate for delinquency cases decreased from 79 to 77 percent, and the total dependency clearance rate increased from 78 to 84 percent.
- **Probate and mental health.** In 2017–18, 54 courts fully reported all probate and mental health case type dispositions for clearance rate calculations compared to 55 courts in 2016–17. Both probate and total mental health cases demonstrated a slight decrease in clearance rate. The probate clearance rate decreased from 71 to 70 percent. Total mental health clearance rate decreased from 86 to 84 percent.

Time to Disposition

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

- **Civil.** In 2017–18, the percentage of unlimited civil cases disposed of within the recommended time increased by 1 percent, while limited civil cases increased by 3 percent. Unlawful detainer cases increased 4 percent, while small claims cases experienced a 2 percent decrease in cases disposed in the recommended time (see Appendix C).
 - **Unlimited civil.** The goals for unlimited civil cases are 100 percent of cases disposed of within 24 months, 85 percent disposed of within 18 months, and 75 percent disposed of

⁷ The Superior Court of Los Angeles County reported dispositions for all case types except limited civil. The absence of this data largely drives the limited civil clearance rate decrease.

- within 12 months. In 2017–18, the percentage of unlimited civil cases disposed of within 24 months increased 1 percent from 84 to 85 percent; the percentage of cases disposed of within 18 months remained at 77 percent; and the percentage of cases disposed of within 12 months decreased 2 percent from 66 to 64 percent.
- *Limited civil.* 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 2017–18, the percentage of limited civil cases disposed of within 24 months increased by 3 percentage points to 96 percent; the percentage of cases disposed of within 18 months increased 3 percent from 91 to 94 percent; and the percentage of cases disposed of within 12 months also increased, by 2 percentage points, to 85 percent.
 - *Unlawful detainer.* 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 2017–18, the percentage of cases disposed of within 45 days increased 4 percentage points to 77 percent; the percentage of cases disposed of within 30 days increased by 6 percentage points to 62 percent.
 - *Small claims.* 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.⁸ In 2017–18, the percentage of cases disposed of within 70 days decreased 1 percentage point to 58 percent; the percentage of cases disposed of in less than 90 days decreased 2 percentage points to 68 percent.
 - ***Criminal.*** In 2017–18, the percentage of criminal cases disposed of within the recommended time standards all declined from the previous year (see Appendix C).
 - *Felony.* The goals for felony cases are as follows: All cases (except for capital cases) are to be 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 within 45 days, and 100 percent within 90 days. In 2017–18, the percentage of felonies disposed of in less than 12 months decreased from 87 to 79 percent. The percentage of felony cases resulting in bindovers or certified pleas disposed of within 30 days declined 3 percentage points to 39 percent; the percentage of such cases disposed of within 45 days also declined 3 percentage points to 49 percent; and the percentage of cases disposed of within 90 days declined 2 percentage points to 66 percent of cases.
 - *Misdemeanor.* 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 of within 120 days. In 2017–18, the percentage of cases disposed of within 30 days

⁸ 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 reported in the *2019 Court Statistics Report*—which report the percentage of cases disposed of within 70 and 90 days of filing. This issue will be addressed by the Judicial Branch Statistical Information System (JBSIS) subcommittee of the Court Executives Advisory Committee during upcoming reviews of disposition data standards.

decreased by 2 percentage points to 50 percent, the percentage of cases disposed of at the 90-day mark declined 2 percentage points to 68 percent, and the percentage of cases disposed of in less than 120 days declined 1 percentage point to 75 percent.

- ***Family and juvenile.*** Time standards for family law cases are stated 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 unable to consistently and accurately report on these measures. Future reports will include this data as collection using these measures improves.

Stage of Case at Disposition (see Appendix D)

- ***Civil***
 - Seventy-nine percent of unlimited civil cases are disposed of before trial.
 - Of the remaining unlimited civil cases disposed of by a trial, the vast majority (89 percent) are bench trials. Only 3 percent of unlimited civil trials are adjudicated by a jury.
 - In limited civil cases, only 7 percent of filings are disposed of by trial, with 99 percent of those conducted as bench trials.
 - In small claims, the majority (59 percent) of dispositions are after trial.
- ***Criminal***
 - Nearly all felony cases (97 percent) are disposed of before trial.
 - Of the felonies disposed of after trial, 89 percent are jury trials.
 - In felonies disposed of before trial, 66 percent result in felony convictions. In felonies disposed of after jury trial, 76 percent result in a felony conviction. For felony cases disposed of after bench trial, 81 percent end in a felony conviction.
 - The vast majority of both nontraffic misdemeanors and traffic misdemeanors (99 percent of both) are disposed of before trial.
 - Of the misdemeanors disposed of after trial, 42 percent of nontraffic cases and 60 percent of traffic cases are disposed of by bench trial, with the remainder disposed of by jury trial.

Trials by Type of Proceeding (see Appendix E)

- ***Jury trials.*** The total number of jury trials decreased 6 percent, from 8,122 in 2016–17 to 7,616 in 2017–18. During this time, the number of felony jury trials decreased by 10 percent, from 4,374 to 3,919. During the same period, misdemeanor jury trials went from 2,368 to 2,438, a 3 percent increase. The number of probate and mental health jury trials increased 14 percent, from 22 to 25. For civil cases, the number of personal injury / property damage unlimited civil jury trials decreased 5 percent to 655 trials, “other” unlimited civil jury trials

increased 4 percent to 458 trials, and limited civil jury trials decreased 47 percent to 121 trials.

- **Court trials.** The total number of court trials decreased by 16 percent from 376,524 in 2016–17 to 314,656 in 2017–18 across all case types. In 2017–18, 470 felony court trials were reported, an increase of 79 percent from the 263 felony court trials of the previous year. The number of court trials for misdemeanor and infraction cases decreased by 22 percent to 220,941 trials. The number of personal injury / property damage unlimited civil trials increased by 17 percent to 862. “Other” unlimited civil court trials increased by 3 percent to 35,829. Limited civil court trials decreased 23 percent to 16,521. Probate and mental health trials increased by 7 percent to 40,033 court trials.

Judicial Workload and Resources

- The 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 2019 Judicial Needs Assessment, 19 courts need new judgeships, for a total need of 173 full-time equivalent judicial officers (see Appendix F).
- Although the conversion of subordinate judicial officers (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 restores 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 2017–18, a total of 6 conversions of SJO positions to judgeships were completed; 15 additional conversions were completed in 2018–19 (see Appendix G).
- A total of 155 SJO positions have been converted to judgeships since 2007–08 (see Appendix G).

Workload Models Update

The weighted caseload model has been the national standard for evaluating the workload of judges and court staff for over two decades.⁹ 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, although a felony or an infraction case each represents one filing for the court, they have very different impacts on the court’s workload. Weighting caseloads 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.

⁹ See Victor E. Flango, *Assessing the Need for Judges and Court Support Staff* (National Center for State Courts, 1996).

The Judicial Council has approved workload models that use weighted caseload to assess where new judgeships and additional nonjudicial resources are most urgently needed and will have the biggest impact. The relative weight applied to different types of cases, however, requires periodic review because of changes in the law, rules of court, technology, and practice, all of which affect the average 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 accurately reflect the current amount of time required to resolve cases.

The Judicial Council's Workload Assessment Advisory Committee has recommended that judicial and staff workload models be updated every five years to ensure that the models used to measure workload and to allocate resources utilize the most up-to-date information possible. The staff workload model was updated, and new weights were finalized in 2017. The judicial workload model was updated in 2018, and new weights were finalized in 2019.

In addition to updates to these two models, the Judicial Council also adopted a recommendation to refresh the model that is used to allocate SJO conversions.¹⁰ Under Government Code section 69615, a total of 162 SJO positions were identified as in need of conversion to ensure 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 2002–03 through 2004–05.

Because 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 are allocated in the most effective manner.

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 courts' ability to provide fair and efficient administration of justice.

¹⁰ Judicial Council of Cal., Internal Com. Rep., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 2015), www.courts.ca.gov/documents/jc-20150821-itemL.pdf.

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.)

Appendix A: Standards of Judicial Administration, Standard 2.2

(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:

Appendix A: Standards of Judicial Administration, Standard 2.2

(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

Appendix A: Standards of Judicial Administration, Standard 2.2

- (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;

Appendix A: Standards of Judicial Administration, Standard 2.2

- (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.

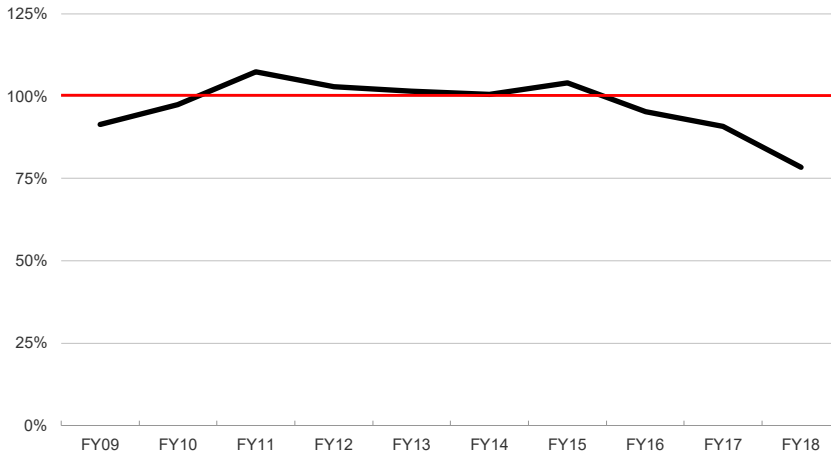
(Subd (o) amended effective January 1, 2007; adopted effective January 1, 2004.)

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
 Fiscal Years 2008–09 through 2017–18

Superior Courts
Figures 1–7

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

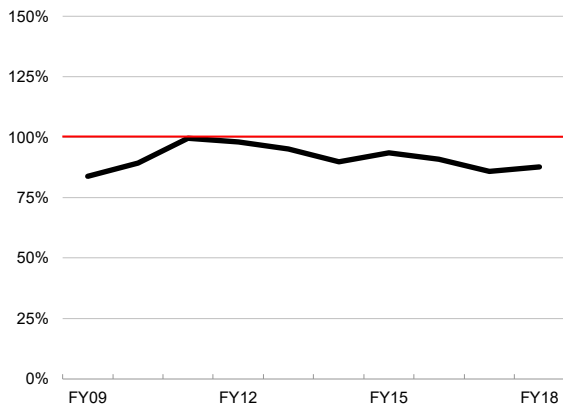


Figure 3: Motor Vehicle PI/PD/WD

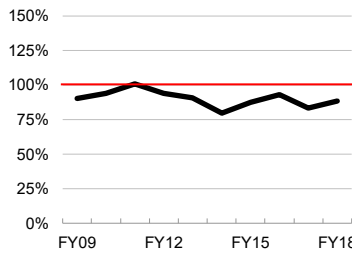


Figure 4: Other PI/PD/WD

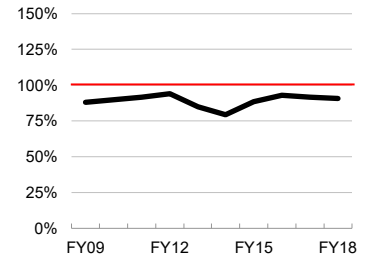


Figure 5: Civil Complaints

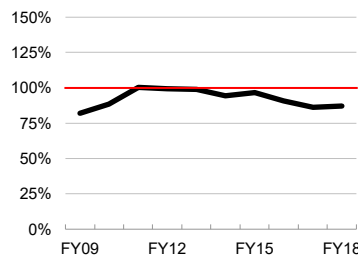


Figure 6: Civil Limited

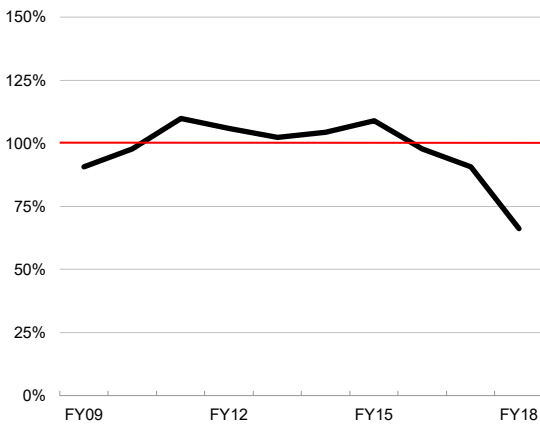


Figure 7: Small Claims

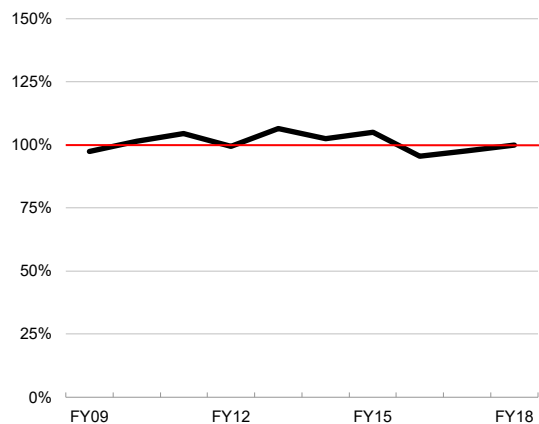
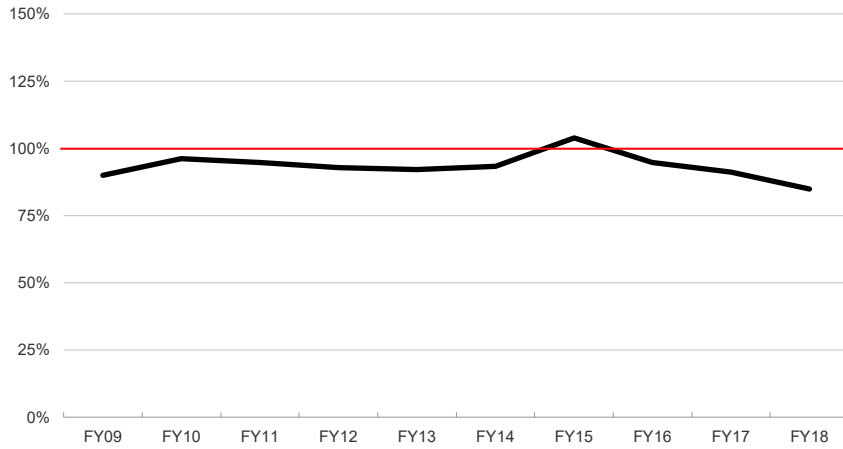


Figure 8: Felony



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

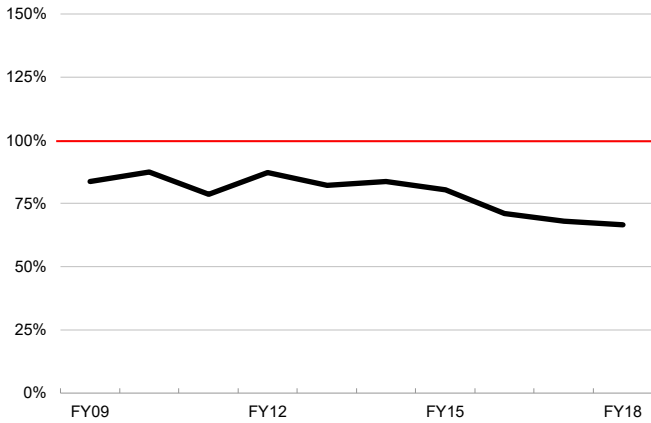


Figure 10: Traffic Misdemeanor

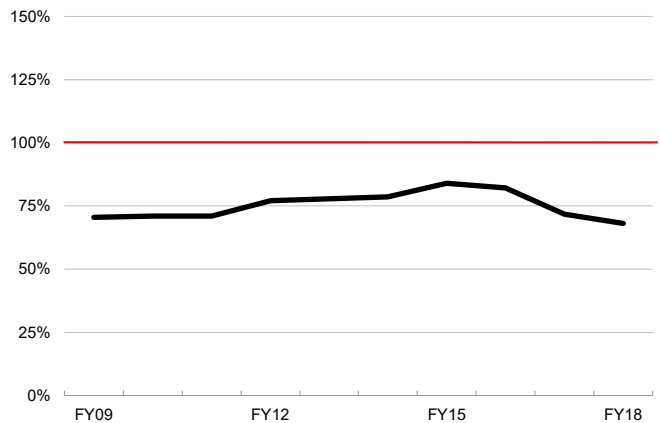


Figure 11: Nontraffic Infraction

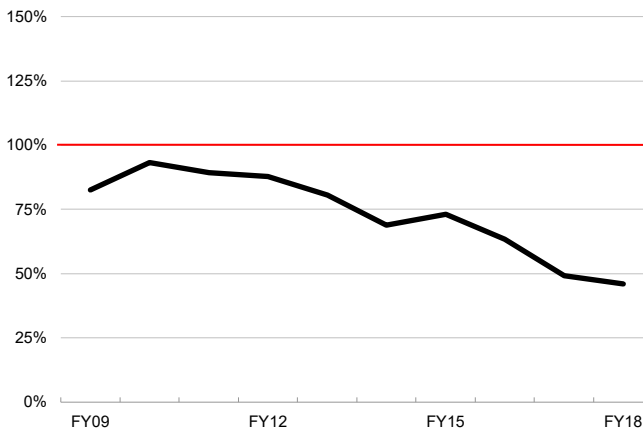
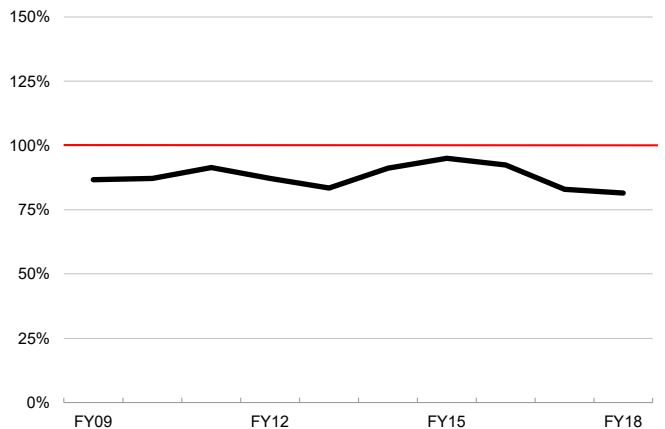


Figure 12: Traffic Infraction



**Appendix B (continued): CalCourTools: Caseload Clearance Rates
Family Law, Juvenile Delinquency, Juvenile Dependency
Fiscal Years 2008–09 through 2017–18**

**Superior Courts
Figures 13–16**

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

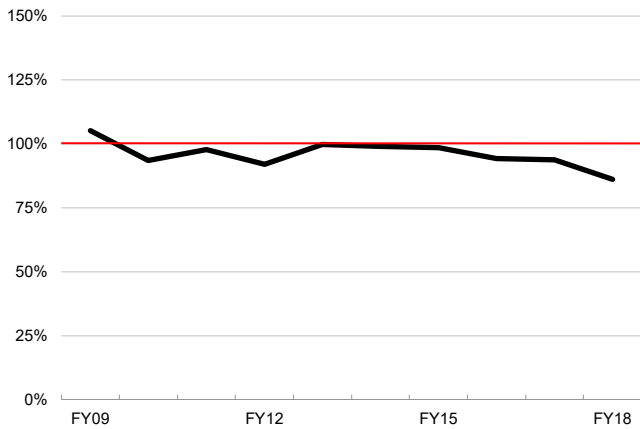


Figure 14: Family Law Petitions

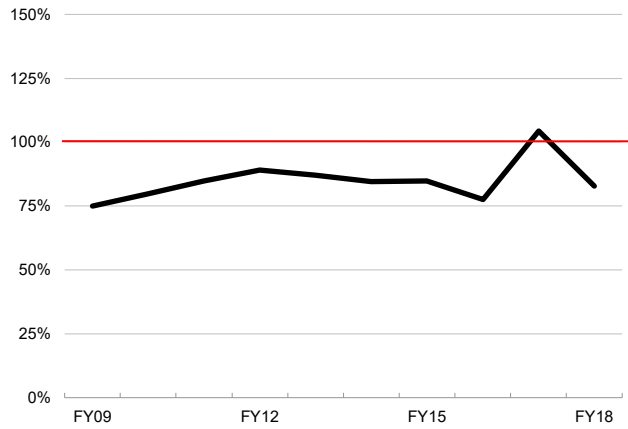


Figure 15: Juvenile Delinquency

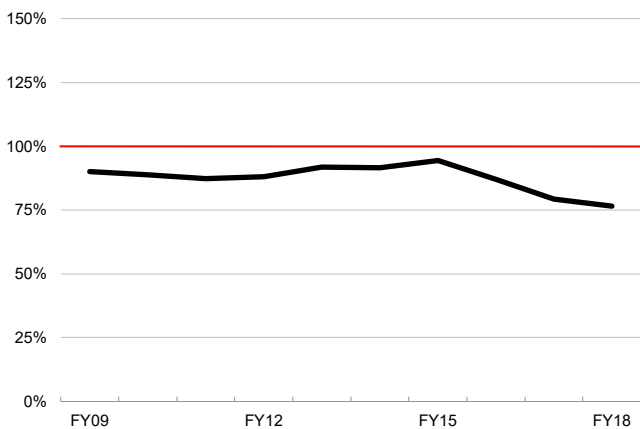
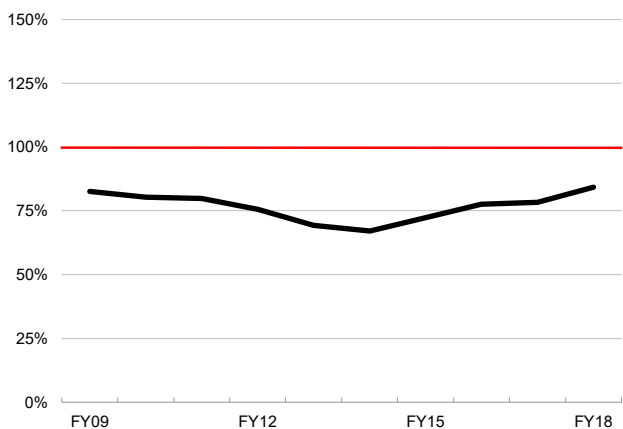


Figure 16: Juvenile Dependency



Appendix B (continued): CalCourTools: Caseload Clearance Rates
Probate, Mental Health, Appeals, Habeas Corpus
Fiscal Years 2008–09 through 2017–18

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

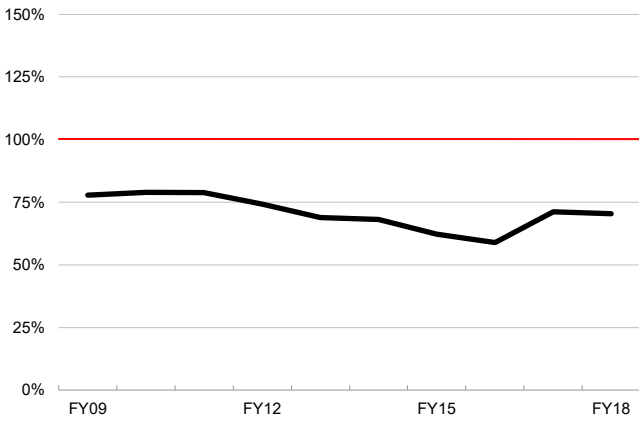


Figure 18: Mental Health

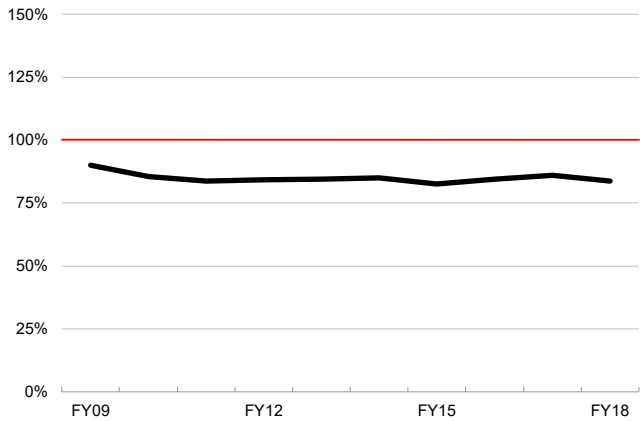


Figure 19: Appeals

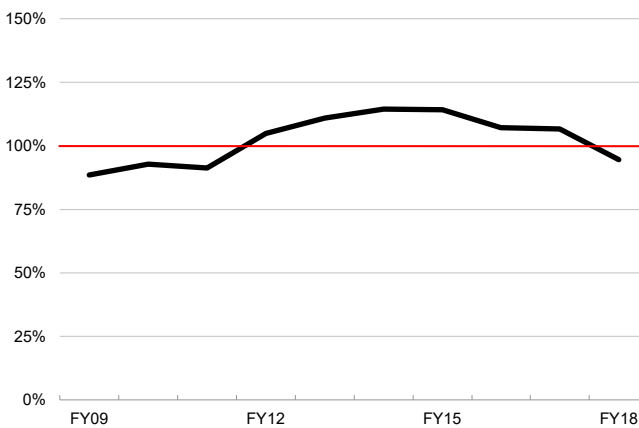
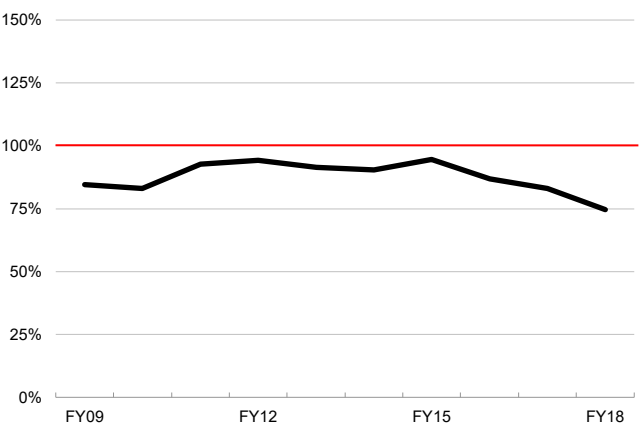


Figure 20: Criminal Habeas Corpus



**Appendix C: CalCourTools: Time to Disposition
Civil Unlimited, Civil Limited, Small Claims**

Fiscal Years 2008–09 through 2017–18

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

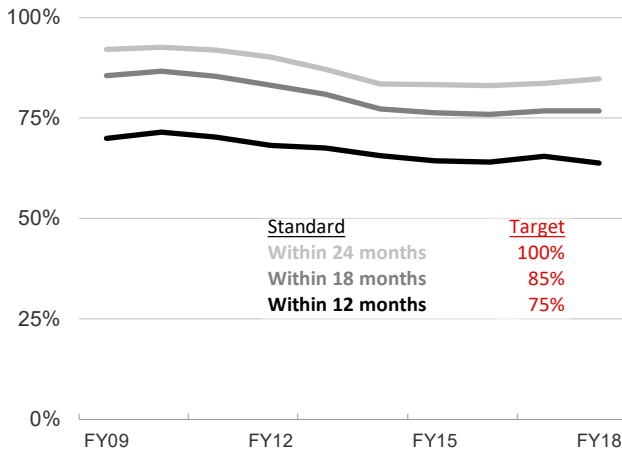


Figure 22: Limited Civil

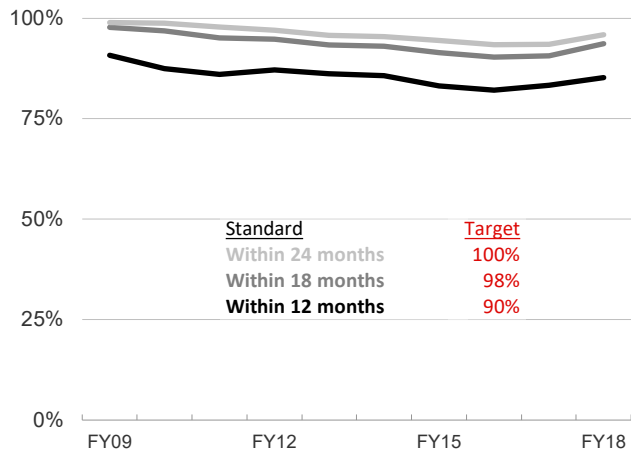


Figure 23: Unlawful Detainer

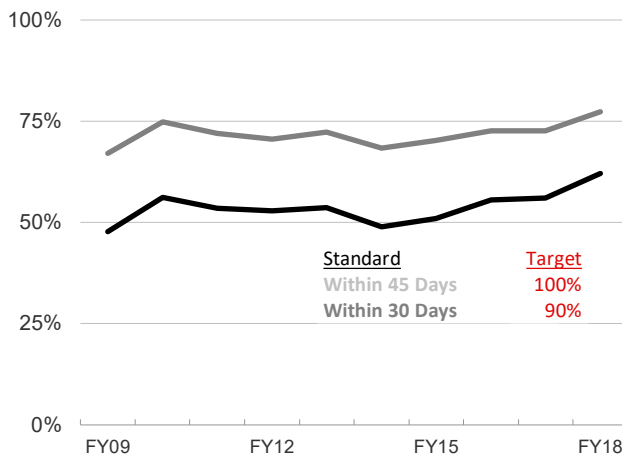


Figure 24: Small Claims

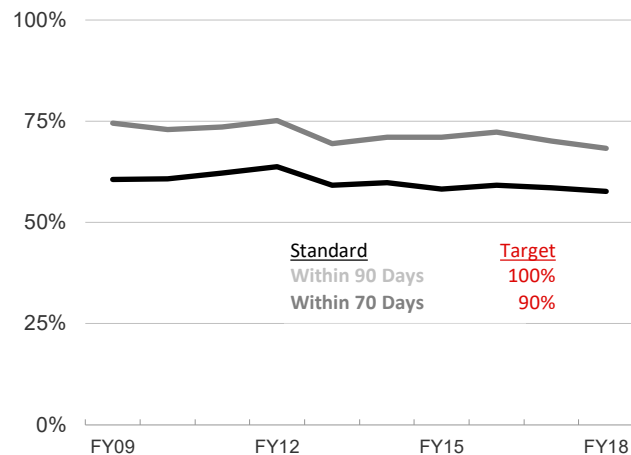
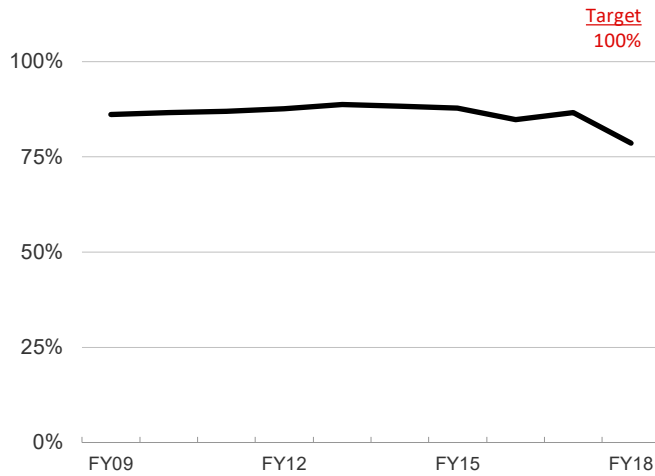


Figure 25: Felonies disposed within 12 months



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

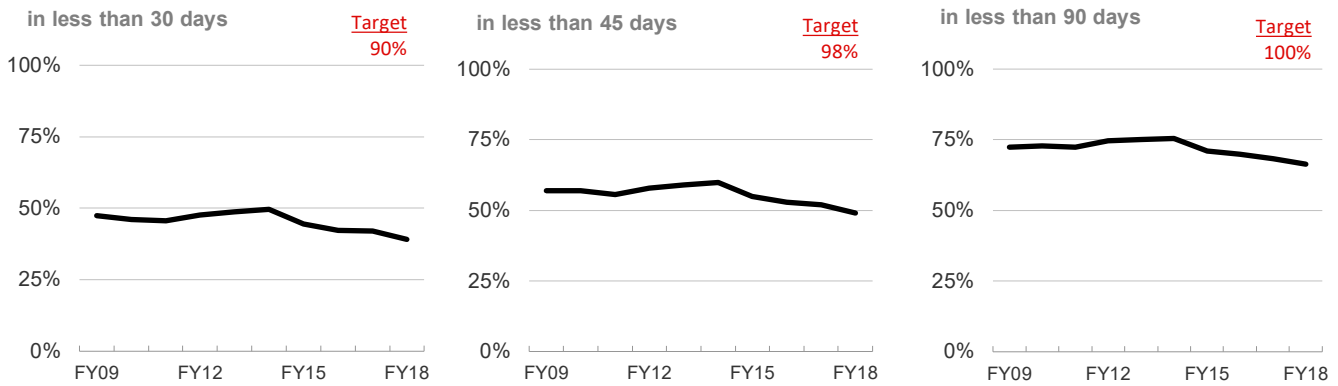


Figure 27: Misdemeanors disposed

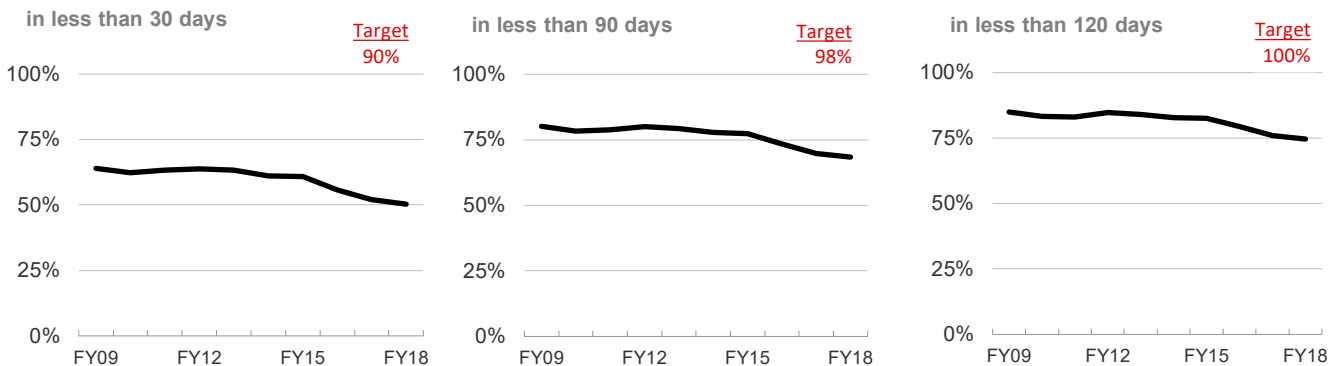


Figure 28: How and at what stage are civil cases resolved?

Unlimited Civil

Number disposed before trial



Number disposed after trial

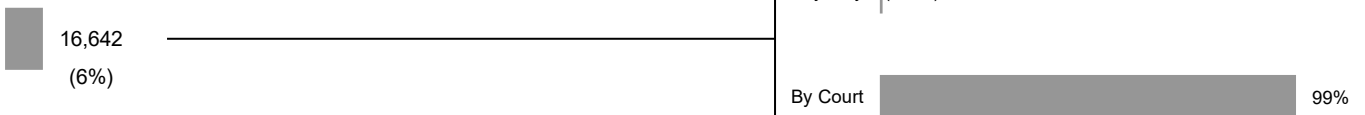


Limited Civil

Number disposed before trial



Number disposed after trial



Small Claims

Number disposed before trial



Number disposed after trial

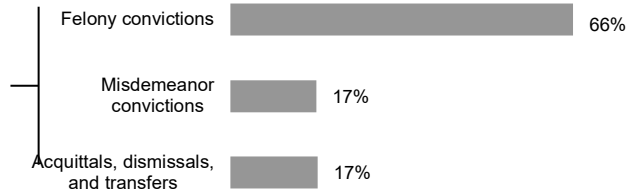


Figure 29: How and at what stage are felony cases resolved?

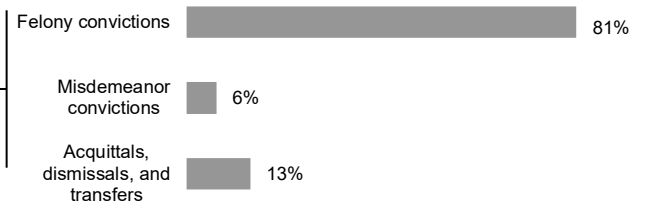
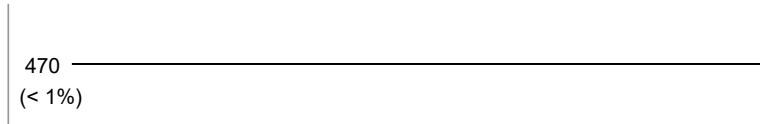
Total felony dispositions (not including felony petitions)



Number disposed before trial



Court trials



Jury trials

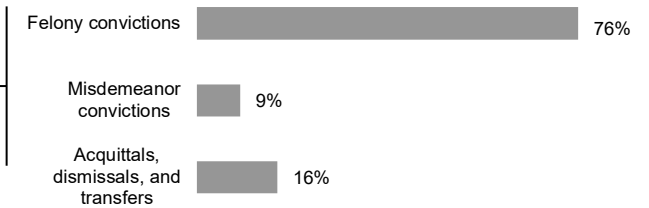
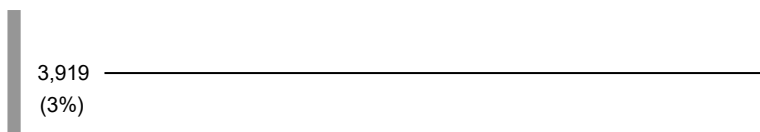
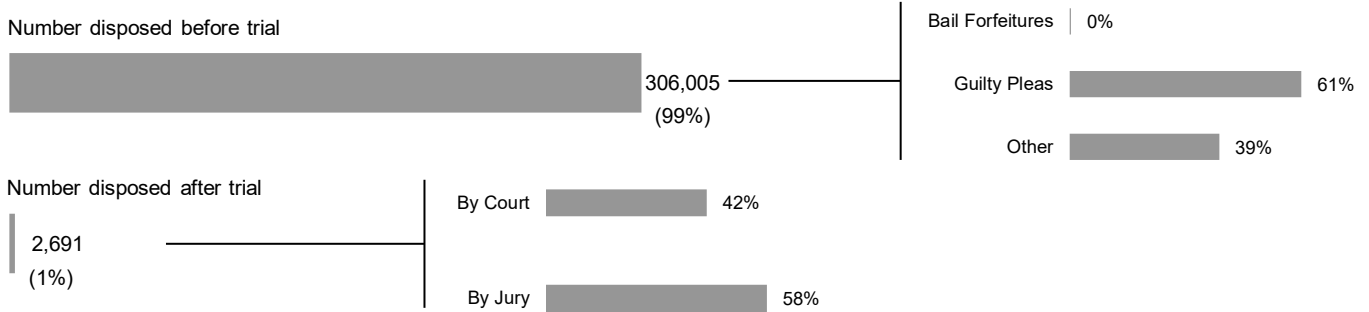
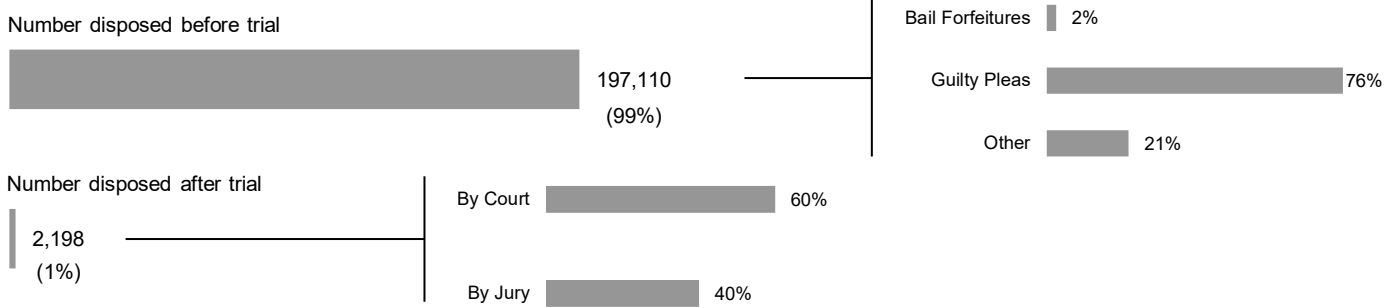


Figure 30: How and at what stage are misdemeanor and infraction cases resolved?

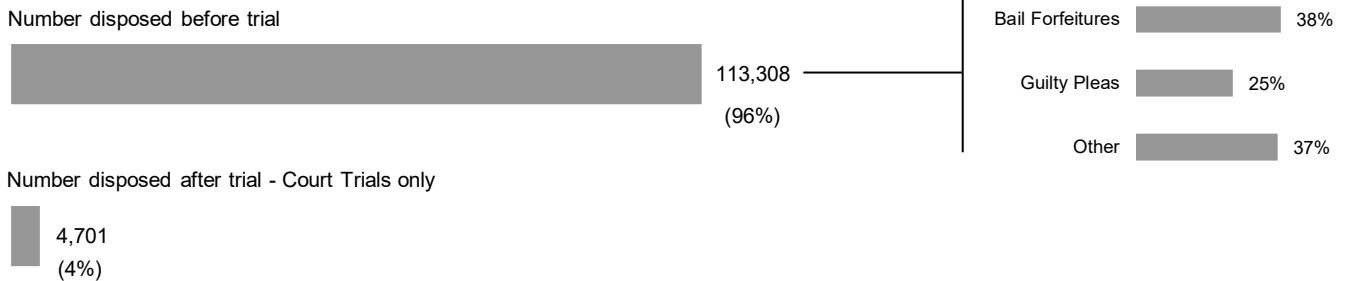
Nontraffic Misdemeanors



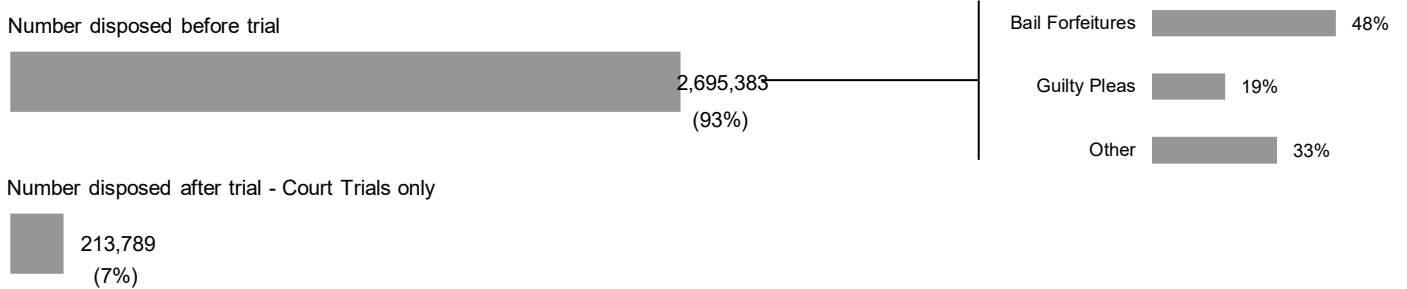
Traffic Misdemeanors



Nontraffic Infractions

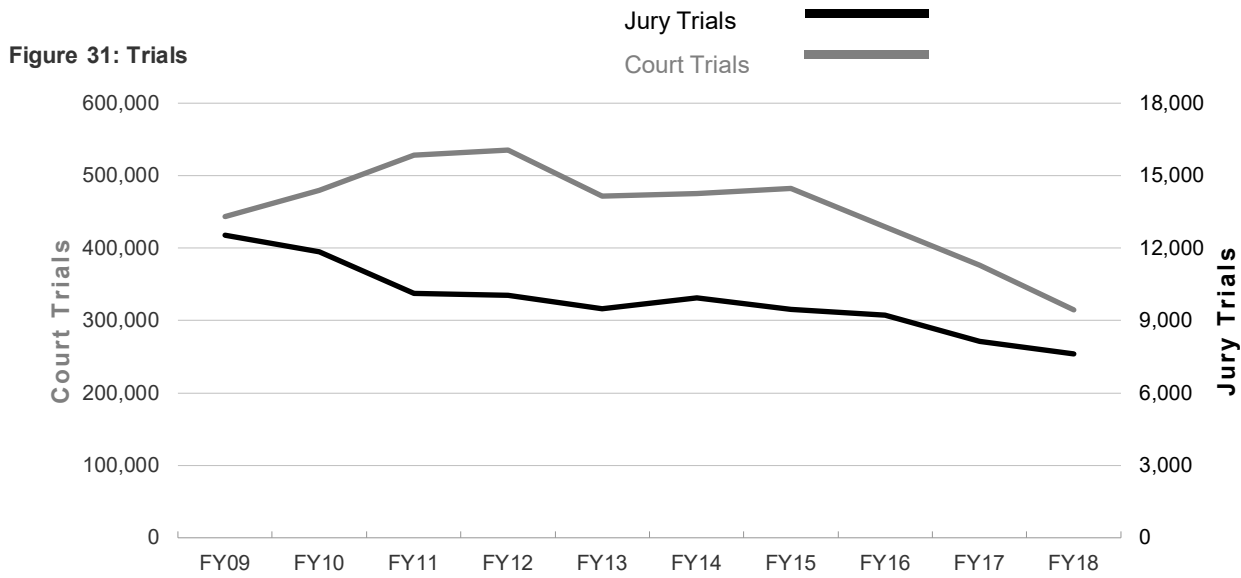


Traffic Infractions



Appendix E: Caseflow Management Data
Trials By Type of Proceeding
Fiscal Years 2008–09 through 2017–18

Superior Courts
Figures 31–43



Jury Trials

Figure 32: Felony

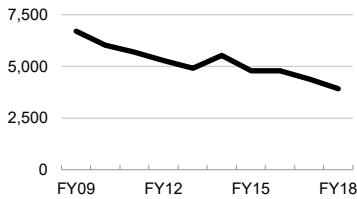


Figure 33: Misdemeanor

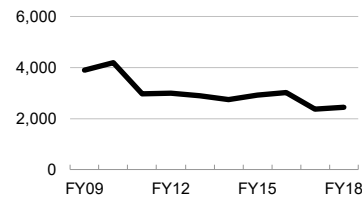


Figure 34: PI/PD/WD Civil Unlimited

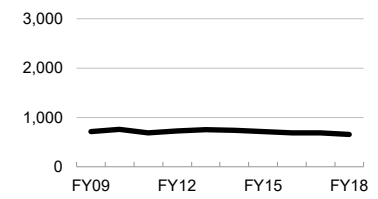


Figure 35: Other Civil Unlimited

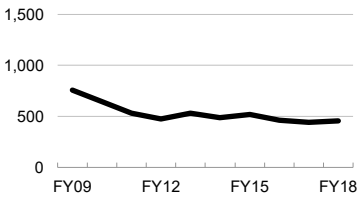


Figure 36: Civil Limited

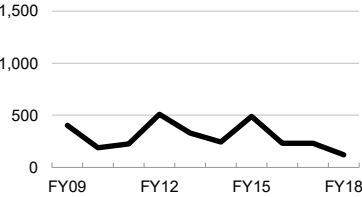
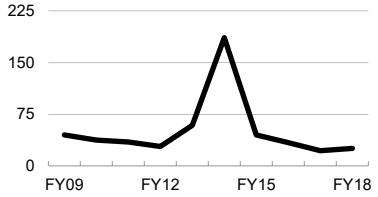


Figure 37: Probate and Mental Health



Court Trials

Figure 38: Felony

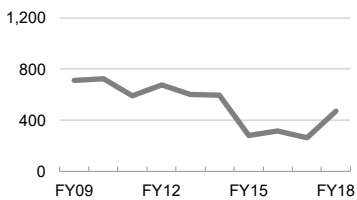


Figure 39: Misdemeanor and Infractions

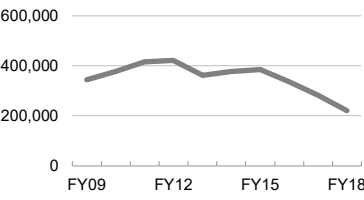


Figure 40: PI/PD/WD Civil Unlimited

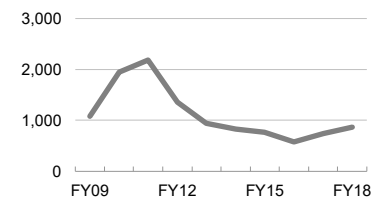


Figure 41: Other Civil Unlimited

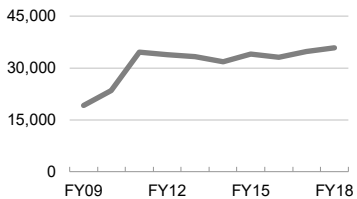


Figure 42: Civil Limited

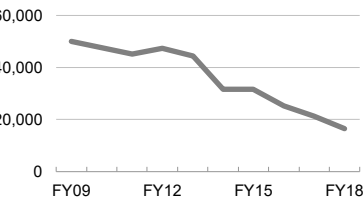
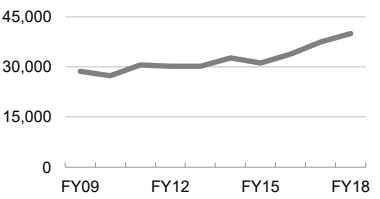


Figure 43: Probate and Mental Health



Appendix F: 2019 Judicial Needs Assessment

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2019 Assessed Judicial Need	Number of Judgeships Needed† (B-A)	Percentage of Judicial Need Over AJP (C/A)
Imperial	11.30	12.7	1	12
Humboldt	8.00	9.8	1	22
Lake	4.70	5.9	1	26
Sutter	5.30	6.8	1	29
Tehama	4.33	5.9	1	36
Placer	14.50	17.4	2	20
Madera	9.30	11.4	2	22
Kings	8.60	11.4	2	33
Merced	12.00	15.1	3	26
Shasta	12.00	15.9	3	33
Ventura	33.00	37.7	4	14
Tulare	23.00	27.7	4	20
Stanislaus	24.00	30.0	5	25
San Joaquin	33.50	41.8	8	25
Fresno	49.00	62.2	13	27
Kern	43.00	59.1	16	37
Sacramento	72.50	93.1	20	28
Riverside	80.00	117.3	37	47
San Bernardino	88.00	137.8	49	57
			173	

* Does not include the 25 judgeships authorized and funded by the 2019 Budget Act.

† Rounded down to the nearest whole number

Appendix G: Subordinate Judicial Officer Conversions

Fiscal Years 2007–08 through 2018-19

Background

Rule 10.700 of the California Rules of Court provides for the use of subordinate judicial officers (SJOs) to perform subordinate judicial duties. A presiding judge may also assign an 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 Assembly Bill 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

	Positions Eligible for Conversion	SJO Conversions													Total Conversions to Date	Positions Remaining to Convert
		07-08	08-09	09-10	10-11	11-12*	12-13	13-14	14-15	15-16	16-17	17-18	18-19			
Courts Still Eligible for SJO Conversions																
Los Angeles	79	4	5	7	7	8	6	7	7	7	5	5	9	77	2	
Placer	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	
														0		
Unallocated SJO Conversion Positions**																
	3														3	
Courts That Have Completed Their SJO Conversions																
Alameda	6	0	0	1	2	3	0	0	0	0	0	0	0	6	0	
Contra Costa	4	3	0	1	0	0	0	0	0	0	0	0	0	4	0	
El Dorado	2	0	1	0	1	0	0	0	0	0	0	0	0	2	0	
Fresno	3	0	1	0	1	0	0	1	0	0	0	0	0	3	0	
Imperial	1	0	0	0	1	0	0	0	0	0	0	0	0	1	0	
Kern	1	0	1	0	0	0	0	0	0	0	0	0	0	1	0	
Marin	2	0	0	0	0	1	1	0	0	0	0	0	0	2	0	
Merced	2	0	1	0	0	1	0	0	0	0	0	0	0	2	0	
Napa	1	0	0	0	0	0	0	0	0	0	0	0	1	1	0	
Orange	17	1	2	2	2	3	2	2	0	0	0	0	3	17	0	
Riverside	6	1	1	0	0	1	3	0	0	0	0	0	0	6	0	
Sacramento	6	1	2	0	0	2	0	0	0	0	1	0	0	6	0	
San Diego	7	2	0	0	0	0	1	1	0	2	0	1	0	7	0	
San Francisco	2	1	0	1	0	0	0	0	0	0	0	0	0	2	0	
San Luis Obispo	2	1	0	0	0	0	0	0	1	0	0	0	0	2	0	
San Mateo	2	0	0	0	0	0	0	0	0	0	0	0	2	2	0	
Santa Barbara	2	0	0	2	0	0	0	0	0	0	0	0	0	2	0	
Santa Cruz	2	0	0	0	0	1	0	0	0	1	0	0	0	2	0	
Solano	3	1	2	0	0	0	0	0	0	0	0	0	0	3	0	
Sonoma	2	0	0	1	1	0	0	0	0	0	0	0	0	2	0	
Stanislaus	1	0	0	0	1	0	0	0	0	0	0	0	0	1	0	
Tulare	2	0	0	1	0	0	0	0	1	0	0	0	0	2	0	
Yolo	2	1	0	0	0	0	0	0	1	0	0	0	0	2	0	
Total	162	16	16	16	16	20	13	11	9	11	6	6	15	155	7	

Last Updated: July 2019

*The 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.

**Three positions became newly available for reallocation as a result of the Contra Costa Superior Court's elimination of 3 conversion eligible SJO positions.

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



The Need for New Judgeships in the Superior Courts: 2019 Update of the Judicial Needs Assessment

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

NOVEMBER 2019



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

JUDICIAL COUNCIL OF CALIFORNIA

Hon. Tani G. Cantil-Sakauye
*Chief Justice of California and
Chair of the Judicial Council*

Martin Hoshino
*Administrative Director
Judicial Council*

OPERATIONS AND PROGRAMS DIVISION

Robert Oyung
Chief Operating Officer

BUSINESS MANAGEMENT SERVICES

Leah Rose-Goodwin
Manager, Office of Court Research

Kristin Greenaway
Supervising Research Analyst, Office of Court Research

Khulan Erdenebaatar
*Senior Research Analyst, Office of Court Research
Primary Author of Report*

This report is an update to *The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of the Judicial Needs Assessment*. It is based on new workload measures that were developed from the 2018 Judicial Workload Study, which was in progress when the preliminary 2018 report was published. The new measures were approved by the Judicial Council at its meeting on September 24, 2019.

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 (SJO) 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 in all California trial courts, leaving some with serious shortfalls—as high as 57 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 2018, in which over 900 judicial officers in 19 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 2018 time study were approved by the Judicial Council in September 2019.

The caseweights are used to estimate judicial officer need by multiplying each caseweight by a three-year rolling average of filings for that case type and dividing by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalent (FTE) judicial positions.

¹ Harry O. Lawson and Barbara J. Gletne, *Workload Measures in the Court* (National Center for State Courts, 1980).

Judicial Workload Measures Must be Updated to Reflect Current Case Processing Need

Periodically, the workload measures that are used to assess workload need must be updated to reflect changes in the law, technology, or case processing practices. The updated caseweights approved by the Judicial Council reflect typical case processing times based on the most recent workload study period and reflect recent changes to judicial workload resulting from legislative and other policy changes that occurred up through the study period.

Such changes may also affect the practices of the court's justice partners, which can, in turn, affect court workload. Although filings have been declining, the workload associated with some types of filings has increased—because of, for example, the need to hold more hearings and the increased complexity of cases coming before the court (e.g., increasing mental health and substance abuse issues, as well as larger numbers of defendants with multiple cases). On the other hand, judicial workload in other areas not affected by such law and policy changes may have declined. The net impact of workload increases v. decreases may vary by jurisdiction depending on each court's unique mix of cases.

2019 Statewide Judicial Need Shows a Critical Need for New Judgeships

The 2019 Judicial Needs Assessment shows a shortage of judges relative to the workload needs in California's trial courts. Table 1, which summarizes the statewide judicial need compared to available resources based on a three-year average of filings, from fiscal years 2015–16 through 2017–18, shows that 1,975.5 FTE judicial officers are needed statewide.

Table 1 shows that the total assessed need for judicial officers based on current workload measures is 1,976 FTE. The Preliminary 2018 Update of the Judicial Needs Assessment findings are also shown. Differences between the Preliminary 2018 Update and the 2019 Update are based in part on changes to the workload measures and in part on updated filings data. The needs assessment is always based on the three most recent years of filings data available—at the time of the Preliminary 2018 Update, fiscal years 2014–15 through 2016–17. The 2019 Update is based on filings from fiscal years 2015–16 through 2017–18. Using the most recent filings data available ensures that the workload assessment is based on the most current data available.

Table 1. Statewide Need for Judicial Officers, 2018 (preliminary) and 2019 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJP)*	Authorized and Funded Judgeships and Authorized SJO Positions	Assessed Judicial Need (AJN)
2018 [†] (preliminary)	2,004.1	1,956.1	1,929.9
2019	2,004.1	1,956.1	1,975.5

* Includes the 48 judgeships that were authorized by Assembly Bill 159 (Stats. 2007, ch. 722) but never funded or filled. AB 159 originally authorized 50 judgeships, and 2 were funded in 2018 and allocated to the Superior Court of Riverside County. See Stats. 2018, ch. 45, § 6.

Does not include the 25 judgeships authorized and funded by the 2019 Budget Act.

[†] Preliminary 2018 Update of the Judicial Needs Assessment.

173 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 (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: the net statewide calculations of judicial need do not accurately identify the court’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—Alpine and Sierra Counties—would need only 0.1 and 0.2 FTE judicial officers, respectively, 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 37 judicial officers that Riverside County needs to meet its workload-based need.

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. Judicial officer FTE need—the difference between the assessed judicial need and the authorized judicial positions—is rounded down to the nearest whole number to arrive at the number of judgeships needed for each court.² For example, Tulare County has a judicial officer FTE need of 4.7, which rounds down to 4 new judgeships.

² Per the Judicial Council policy adopted in 2014, an exception is made for courts with judicial FTE need of more than 0.8, but less than 1.0. For such courts, their actual judicial officer FTE need is reported without any rounding down. In 2018, there were no courts with judicial officer FTEs in the range of 0.8–1.0. See Judicial Council of Cal., Advisory Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed*

Based on the 2019 Update of the Judicial Needs Assessment, 19 courts need new judgeships, for a total need of 173 judges (Table 2). A map illustrating judge need is shown in Appendix B. The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.³

Table 2. Need for New Judgeships, by Court

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2019 Assessed Judicial Need	Number of Judgeships Needed[†] (B – A)	Percentage Judicial Need Over AJP (C / A)
Imperial	11.30	12.7	1	12
Humboldt	8.00	9.8	1	22
Lake	4.70	5.9	1	26
Sutter	5.30	6.8	1	29
Tehama	4.33	5.9	1	36
Placer	14.50	17.4	2	20
Madera	9.30	11.4	2	22
Kings	8.60	11.4	2	33
Merced	12.00	15.1	3	26
Shasta	12.00	15.9	3	33
Ventura	33.00	37.7	4	14
Tulare	23.00	27.7	4	20
Stanislaus	24.00	30.0	5	25
San Joaquin	33.50	41.8	8	25
Fresno	49.00	62.2	13	27
Kern	43.00	59.1	16	37
Sacramento	72.50	93.1	20	28
Riverside	80.00	117.3	37	47
San Bernardino	88.00	137.8	49	57
Total			173	

* Does not include the 25 judgeships authorized and funded by the 2019 Budget Act.

† Rounded down to the nearest whole number.

Revision to Methodology Used to Prioritize New Judgeships (Nov. 7, 2014), www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

³ Judicial vacancies are reported monthly at www.courts.ca.gov/15893.htm.

Prioritization of New Judgeships

The California Budget Act of 2019 authorized and funded 25 new trial court judgeships upon adoption of the Judicial Council’s Judicial Needs Assessment.⁴ Table 3 lists the twelve trial courts that will be receiving the 25 new judgeships.

The determination of which courts are to receive judgeships is based on the Judicial Council’s prioritization and ranking methodology, which considers courts with the greatest need relative to the current complement of judicial officers and the goal to improve access to courts for the greatest number of users.⁵ The methodology was first approved by the Judicial Council in 2001 and is codified in Government Code section 69614(b). Appendix C lists the allocation order for each of the 173 judgeships needed in the California trial courts.

Table 3. Allocation of 25 New Judgeships Approved in Budget Act of 2019

Court	Number of New Judgeships
Fresno	2
Kern	2
Kings	1
Merced	1
Riverside	5
Sacramento	3
San Bernardino	6
San Joaquin	1
Shasta	1
Stanislaus	1
Tulare	1
Ventura	1
Total	25

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 SJO positions (above the 16 authorized per year) that result in judges being posted to family or juvenile assignments previously held by SJOs.⁶

Conversions of additional positions were authorized for fiscal year 2011–12 (Gov. Code, § 69616), and under this authority 4 SJO positions were converted to judgeships—1 each in the

⁴ Dept. of Finance, *California Budget 2019–20*, Summary: Judicial Branch, www.ebudget.ca.gov/2019-20/pdf/Enacted/BudgetSummary/JudicialBranch.pdf (as of Oct. 9, 2019).

⁵ Judicial Council of Cal., Staff Rep., *Results of statewide assessment of judicial needs including list of recommended new judgeships* (Oct. 26, 2001), www.courts.ca.gov/documents/stateassess.pdf.

⁶ As authorized by Gov. Code, § 69615(c)(1)(C).

superior courts of Alameda (June 2012), Los Angeles (Jan. 2012), Orange (Jan. 2012), and Sacramento (Mar. 2012) Counties. The courts that converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

Conversions of 10 additional positions had been authorized for each fiscal year from 2013–14 through 2017–18 (Gov. Code, §§ 69617–69619.6, respectively), but no additional SJO positions above the 16 authorized per year were 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.

Appendix A. Assessed Judicial Need Compared to Authorized Positions

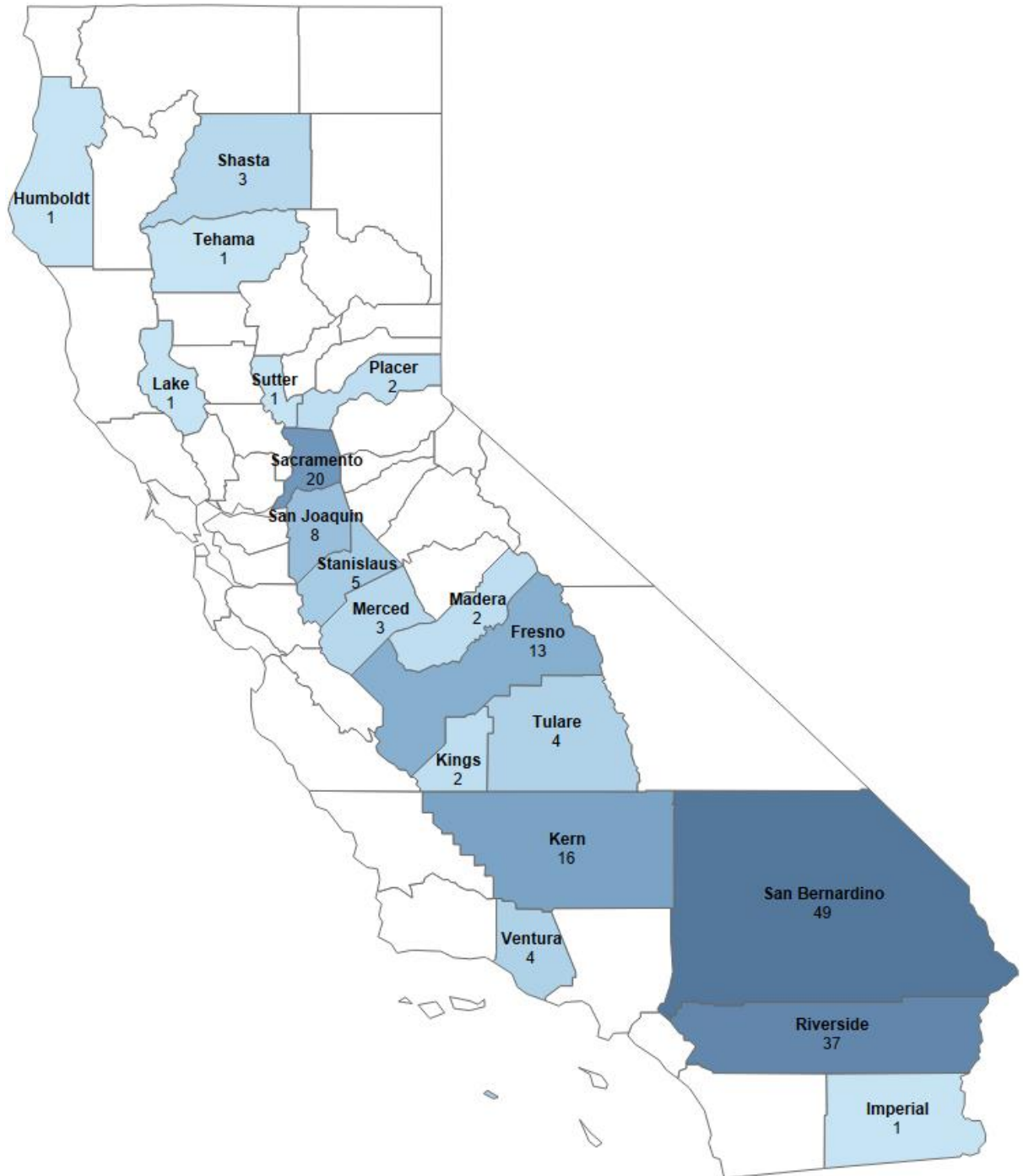
Court	A Authorized and Funded Judicial Positions*	B 2019 Assessed Judicial Need	C AJN - AJP (B - A)	D Percentage Judicial Need Over AJP (C / A)†
San Bernardino	88.00	137.8	49.8	57
Riverside	80.00	117.3	37.3	47
Kern	43.00	59.1	16.1	37
Tehama	4.33	5.9	1.6	36
Kings	8.60	11.4	2.8	33
Shasta	12.00	15.9	3.9	33
Sutter	5.30	6.8	1.5	29
Sacramento	72.50	93.1	20.6	28
Fresno	49.00	62.2	13.2	27
Lake	4.70	5.9	1.2	26
Merced	12.00	15.1	3.1	26
San Benito	2.30	2.9	0.6	25
Stanislaus	24.00	30.0	6.0	25
San Joaquin	33.50	41.8	8.3	25
Madera	9.30	11.4	2.1	22
Humboldt	8.00	9.8	1.8	22
Tulare	23.00	27.7	4.7	20
Placer	14.50	17.4	2.9	20
Amador	2.30	2.7	0.4	20
Ventura	33.00	37.7	4.7	14
Imperial	11.30	12.7	1.4	12
Calaveras	2.30	2.5	0.2	9
Butte	13.00	13.7	0.7	5
Yuba	5.33	5.6	0.3	5
Yolo	12.40	12.7	0.3	2
San Luis Obispo	15.00	15.2	0.2	1
Tuolumne	4.75	4.8	0.1	1
Lassen	2.30	2.3	0.0	1
Monterey	21.20	21.1	-0.1	0
Orange	144.00	143.4	-0.6	0
Sonoma	23.00	22.8	-0.2	-1
Solano	23.00	22.6	-0.4	-2
Santa Barbara	24.00	23.1	-0.9	-4
Santa Cruz	13.50	12.8	-0.7	-5
Contra Costa	42.00	39.4	-2.6	-6
Mendocino	8.40	7.6	-0.8	-9
Napa	8.00	7.3	-0.7	-9
Los Angeles	585.25	520.0	-65.2	-11
San Mateo	33.00	29.2	-3.8	-12
Glenn	2.30	2.0	-0.3	-12
San Diego	154.00	133.9	-20.1	-13
El Dorado	9.00	7.7	-1.3	-15

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2019 Assessed Judicial Need	AJN - AJP (B - A)	Percentage Judicial Need Over AJP (C / A)†
Santa Clara	82.00	66.8	-15.2	-19
Del Norte	2.80	2.3	-0.5	-19
Alameda	83.00	65.5	-17.5	-21
Marin	12.70	9.5	-3.2	-25
Colusa	2.30	1.7	-0.6	-26
Siskiyou	5.00	3.6	-1.4	-29
San Francisco	55.90	39.3	-16.6	-30
Inyo	2.30	1.5	-0.8	-33
Trinity	2.30	1.5	-0.8	-33
Nevada	7.60	4.8	-2.8	-36
Plumas	2.30	1.2	-1.1	-46
Mariposa	2.30	1.1	-1.2	-52
Mono	2.30	1.1	-1.2	-53
Modoc	2.30	1.0	-1.3	-58
Sierra	2.30	0.2	-2.1	-90
Alpine	2.30	0.1	-2.2	-95

* Authorized judicial positions (AJP) include both judgeships and subordinate judicial officer positions. Authorized judgeships consist of those codified in Government Code sections 69580–69611 plus the 50 judgeships that were authorized and funded by Senate Bill 56 (Stats. 2006, ch. 390), but not the 48 judgeships that were authorized with AB 159 but never funded. The authorized judicial positions also do not include the 25 judgeships authorized and funded in California Budget Act of 2019.

† Percentages in Appendix A differ slightly from those in table 2, Need for New Judgeships, by Court. Percentages in Appendix A are calculated based on the *actual* differences between AJN and AJP, whereas the percentages in table 2 are based on *rounded-down* differences between AJN and AJP, as explained on pages 3.

Appendix B. 2019 Judgeship Needs Map: Number of Judges Needed in California Courts Based on Workload



Appendix C. Allocation Order of New Judgeships

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