



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

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Title

Judicial Workload Assessment: 2022 Update
of the Judicial Needs Assessment

Agenda Item Type

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Submitted by

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Executive Summary

The *Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment*, a report to the Legislature required by Government Code section 69614(c)(1), shows that 98 new judicial officers are needed based on workload. This analysis is based on judicial caseweights that were established in 2019. The mandated report also includes information about the conversion of additional subordinate judicial officers to fulfill the reporting requirement of Government Code section 69614(c)(3).

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 2001.¹ At that meeting, the Judicial Council also directed staff to assess statewide judicial need using workload standards developed by the National Center for State Courts. That initial needs assessment and priority ranking was approved by the Judicial Council at its October 2001 meeting.²

¹ Judicial Council of Cal., Research and Planning Unit Rep., *A New Process for Assessing Judicial Needs in California* (Aug. 24, 2001), www.courts.ca.gov/documents/judneedsreview.pdf.

² Judicial Council of Cal., Research and Planning Unit Rep., *Results of Statewide Assessment of Judicial Needs Including List of Recommended New Judgeships* (Oct. 26, 2001), www.courts.ca.gov/documents/stateassess.pdf.

At its August 2004 meeting, the council approved technical modifications to the judicial workload methodology and modified the priority ranking of the new judgeships.³ At its February 2007 meeting, after the state Legislature created 50 new judgeships,⁴ the council approved a subsequent reranking of the remaining 100 top-priority judgeships to reflect changes in workload since the 2004 report. The council also approved the methodology for identifying the number and location of subordinate judicial officer (SJO) positions that should be converted to judgeships.

In October 2007, Assembly Bill 159 (Stats. 2007, ch. 722) was enacted, authorizing 50 additional new judgeships; all but two had remained unfunded and unfilled until 2019. In 2018, two judgeships were funded and allocated to the Superior Court of Riverside County. The 2019 Budget Act funded 25 new trial court judgeships. The 2022 Budget Act funded the remaining 23 judgeships. AB 159 also authorized the conversion of 162 vacant SJO positions—identified according to the council-approved methodology—at a rate of no more than 16 per year. Assembly Bill 2763 (Stats. 2010, ch. 690) authorized 10 additional conversions per year, if the conversions were to result in judges being assigned to family or juvenile law calendars previously presided over by SJOs.

In more recent years, the council has made further refinements to the methodology used to calculate judicial need. Updated caseweights to measure the amount of time that judicial officers need for case processing work were approved by the council in December 2011⁵ and again in September 2019.⁶ At its December 2013 meeting, the council adopted a recommendation that any judgeships approved and funded be based on the most recent judicial needs assessment approved by the council.⁷ And in December 2014, the council adopted a revision to the prioritization method used to allocate any new judgeships. The revision lowers the initial qualifying threshold from 1.0 full-time equivalent (FTE) position to 0.8 FTE so that courts with fewer judicial officers have a greater opportunity to become eligible for new judgeships.⁸

³ Judicial Council of Cal., Office of Court Research Rep., *Update of Judicial Needs Study* (Aug. 9, 2004), www.courts.ca.gov/documents/0804item6.pdf.

⁴ In September 2006, Senate Bill 56 was enacted (Stats. 2006, ch. 390), authorizing 50 new judgeships; funding in fiscal year (FY) 2006–07 was provided for one month and ongoing thereafter.

⁵ Judicial Council of Cal., Senate Bill 56 Working Group Rep., *Judicial Workload Assessment: Updated Caseweights* (Nov. 7, 2011), www.courts.ca.gov/documents/jc-121211-item3.pdf.

⁶ Judicial Council of Cal., Workload Assessment Adv. Com. Rep., *Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights* (Sept. 10, 2019), <https://www.courts.ca.gov/documents/20190924-19-083.pdf>.

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

⁸ Judicial Council of Cal., Workload Assessment Adv. Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships* (Nov. 7, 2014), www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

Updates of assessed judicial needs were approved by the Judicial Council, as directed by statute, in 2008, 2010, 2012, 2014, 2016, 2018, and 2020.⁹ An interim update to the 2018 assessed judicial needs report was issued in 2019, after the Judicial Council approved a new set of caseweights in September 2019.

Analysis/Rationale

Government Code section 69614(c)(1) requires that the judicial needs assessment be updated biennially in even-numbered years. The 2020 Judicial Needs Assessment, which reports on the filings-based need for judicial officers in the trial courts, shows that 98 FTE judicial officers are needed in 17 courts (see table 2 in Attachment A).¹⁰

The California Budget Act of 2022 authorized and funded 23 new trial court judgeships. The determination of which courts are to receive judgeships is based on the Judicial Council's prioritization and ranking methodology. The methodology first identifies the number of judgeships needed in each court by comparing the number of authorized judicial positions to the most recent judicial needs assessment. Any court needing at least 0.8 FTE of a judgeship becomes eligible per the council policy adopted in December 2014. Next, a prioritization method that accounts for both the absolute and the relative need of a court is applied to determine the order in which each judgeship needed in each court should be allocated. Courts that need more than one new judgeship to meet workload-based need will appear multiple times on the list until all positions have been allocated.

Fiscal Impact and Policy Implications

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

Attachments and Links

1. Attachment A: *The Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment*

⁹ Assessed judicial need updates are available at www.courts.ca.gov/documents/100808item1.pdf (2008); www.courts.ca.gov/documents/20101029infojudge.pdf (2010); www.courts.ca.gov/documents/jc-20121026-item2.pdf (2012); www.courts.ca.gov/documents/jc-20141212-itemT.pdf (2014); <https://www.courts.ca.gov/documents/jc-20161028-16-161.pdf> (2016); https://www.courts.ca.gov/documents/lr-2018-JC-judicial-needs-assessment-GC69614_c_1-and-3.pdf (2018); https://www.courts.ca.gov/documents/2019_Update_of_the_Judicial_Needs_Assessment.pdf (2019); and www.courts.ca.gov/documents/2020_Update_of_the_Judicial_Needs_Assessment.pdf (2020).

¹⁰ The 2020 Judicial Needs Assessment is based on a three-year average of filings from FY 2018–19 through FY 2020–21.



The Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment

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

NOVEMBER 2022



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OF CALIFORNIA

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Access to Justice Requires Having Sufficient Judicial Resources

Government Code section 69614(c)(1) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court, using the uniform criteria for the allocation of judgeships described in Government Code section 69614(b). Government Code section 69614(c)(3) requires the Judicial Council to report on the status of the conversion of additional subordinate judicial officer (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. In recent years, the branch has received funding for the 50 judgeships authorized by AB 159 (Stats. 2007, ch. 722): two judgeships were funded in 2018, 25 were funded in 2019, and, most recently, 23 were funded in 2022. This funding has greatly minimized the gap between the number of authorized judgeships and judicial need. However, there continues to be workload-based judicial need in some superior courts.

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 2018 time study conducted 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 2019.²

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.

2022 Judicial Needs Assessment

The 2022 statewide assessed judicial need shows that 1,905.5 FTE judicial officers are needed statewide.³ The needs assessment is based on an average of the three most recent years of

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

² Judicial Council of Cal., Workload Assessment Advisory Com. Rep., *Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights* (Sept. 10, 2019), www.courts.ca.gov/documents/20190924-19-083.pdf.

³ In 2007, Assembly Bill 159 (Stats. 2007, ch. 722) authorized 50 new judgeships. Of the 50 authorized judgeships, two were funded in 2018 and allocated to the Superior Court of Riverside County, 25 were funded in the 2019 Budget Act, and the remaining 23 judgeships were funded in the 2022 Budget Act.

available filings data to ensure that the workload assessment is based on the most current data available. Table 1 summarizes the current statewide authorized judicial positions (AJPs) and the assessed judicial need.

The 2022 update is based on filings from fiscal years 2018–19 through 2020–21. The fiscal year (FY) 2019–20 filings data have been adjusted to take account for the sharp decline in filings in the immediate months following the onset of the pandemic. Given the impacts the pandemic has had on the workload of the trial court—beginning in March 2020—the Workload Assessment Advisory Committee (WAAC) approved a different approach for the filings used in the workload model updates: Resource Assessment Study (RAS) and Judicial Workload.

The committee approved not using March to June 2020 actual filings data and instead replacing those months with data that is more representative of the expected trend in filings, by court and by month. During those months, many courts’ operations were constrained by shelter-in-place orders and physical distancing protocols, and the filings count for those months did not reflect actual court workload. In proposing the adjustment, the committee’s approach focused on retaining all of the policies and principles of the workload models, such as use of a three-year average of filings and periodic updates to model parameters. The approved committee approach uses the July 2019–February 2020 filings (eight months) for each court, by casetype, and extrapolated to a full year, adjusted for seasonality patterns observed based on the averages of FY 2017–18 and FY 2018–19 data. For workload analysis, any three-year data set that includes FY 2019–20 filings, this approach will be used.

Table 1. Statewide Need for Judicial Officers, 2020 and 2022 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJPs)	Authorized and Funded Judgeships and Authorized SJO Positions	Assessed Judicial Need (AJN)
2020	2,005	1,982	1,967.5
2022	2,005	2,005	1,905.5

Some Courts Continue to Need Judicial Resources

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized and funded positions in each court (see table A1 in the Appendix). 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 table A1 shows, under a pure workload analysis, two of California's two-judge courts—in Alpine and Sierra Counties—would need only 0.1 and 0.2 FTE judicial officers, respectively, but have the minimum 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 30 judicial officers that San Bernardino County requires 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 requires. 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.⁴ For example, the Kern County court has a judicial officer FTE need of 11.8, which rounds down to 11 new judgeships.

Based on the *2022 Update of the Judicial Needs Assessment*, 17 courts need new judgeships, for a total need of 98 judges (table 2). A map illustrating judge need is shown in figure A1. The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.⁵

⁴ Per the Judicial Council policy adopted in 2014, an exception is made for courts with a 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. See Judicial Council of Cal., Workload Assessment 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), www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

⁵ Judicial vacancies are reported monthly at www.courts.ca.gov/15893.htm.

Table 2. Need for New Judgeships, by Court

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2022 Assessed Judicial Need	Number of Judgeships Needed* (B – A)	Percentage Judicial Need Over AJP (C / A)
Tehama	4.3	5.6	1	23%
Lake	4.7	5.5	1	21%
Humboldt	8.0	9.3	1	13%
Shasta	13.0	14.9	1	8%
Orange	144.0	145.3	1	1%
Madera	10.3	12.3	2	19%
Kings	10.6	13.0	2	19%
Placer	15.5	17.5	2	13%
Merced	13.0	15.1	2	15%
Stanislaus	26.0	28.1	2	8%
Tulare	25.0	28.6	3	12%
Sacramento	77.5	82.2	4	5%
San Joaquin	35.5	41.8	6	17%
Fresno	53.0	60.0	7	13%
Kern	47.0	58.8	11	23%
Riverside	89.0	111.7	22	25%
San Bernardino	100.0	130.5	30	30%
Total			98	

* Rounded down to the nearest whole number.

Prioritization of New Judgeships

The California Budget Act of 2022 authorized and funded 23 new trial court judgeships upon adoption of the Judicial Council’s Judicial Needs Assessment.⁶ Table 3 lists the 12 trial courts that will be receiving the 23 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.⁷ The methodology was first approved by the Judicial Council in 2001 and is codified in Government Code section 69614(b). Appendix Table A2 lists the allocation order for each of the 98 judgeships needed in the California trial courts.

⁶ Dept. of Finance, *California Budget 2022–23*, “Judicial Branch,” www.ebudget.ca.gov/2022-23/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf (June 27, 2022).

⁷ 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.

Table 3. Allocation of 23 New Judgeships Approved in Budget Act of 2022

Court	Number of New Judgeships
San Bernardino	6
Riverside	4
Kern	2
Sacramento	2
Fresno	2
San Joaquin	1
Stanislaus	1
Tulare	1
Kings	1
Madera	1
Sutter	1
Placer	1
Total	23

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.⁸

Conversions of additional positions were authorized for FY 2011–12 (Gov. Code, § 69616), and under this authority four SJO positions were converted to judgeships—one each in the Superior Courts of Alameda (June 2012), Los Angeles (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.

Adequate Judicial Resources Helps Ensure Timely Access to Justice

Timely access to justice for all Californians is a judicial branch priority. Funding in recent years has provided for additional judicial resources across the state, greatly reducing the gap in overall need. This report identifies the need for new judgeships in some superior courts.

⁸ As authorized by Gov. Code, § 69615(c)(1)(C).

Appendix: Judicial Needs Resources

Table A1. Assessed Judicial Need Compared to Authorized Positions

Court	A Authorized and Funded Judicial Positions*	B 2022 Assessed Judicial Need (AJN)	C AJN – AJP (B – A)	D Percentage Judicial Need Over AJP (C / A)†
San Bernardino	100	130.5	30.5	30%
Tehama	4	5.6	1.2	29%
Riverside	89	111.7	22.7	26%
Kern	47	58.8	11.8	25%
Kings	11	13.0	2.4	23%
Madera	10	12.3	2.0	20%
Lake	5	5.5	0.8	18%
San Joaquin	36	41.8	6.3	18%
Merced	13	15.1	2.1	16%
Humboldt	8	9.3	1.3	16%
Shasta	13	14.9	1.9	15%
Tulare	25	28.6	3.6	15%
Fresno	53	60.0	7.0	13%
Placer	16	17.5	2.0	13%
San Benito	3	2.8	0.3	12%
Sutter	6	7.0	0.7	11%
Stanislaus	26	28.1	2.1	8%
Sacramento	78	82.2	4.7	6%
Calaveras	2	2.4	0.1	5%
Amador	3	3.1	0.1	2%
Monterey	21	21.5	0.3	1%
Del Norte	3	2.8	0.0	1%
Orange	144	145.3	1.3	1%
Yuba	5	5.4	0.0	0%
Butte	13	12.8	-0.2	-2%
Ventura	34	32.8	-1.2	-3%
Tuolumne	5	4.5	-0.2	-5%
Sonoma	23	21.0	-2.0	-9%
Yolo	12	11.3	-1.1	-9%
San Luis Obispo	15	13.6	-1.4	-9%
Glenn	2	2.1	-0.2	-9%
Contra Costa	42	37.9	-4.1	-10%
Solano	23	20.4	-2.6	-11%
Santa Cruz	14	11.9	-1.6	-12%
Napa	8	7.0	-1.0	-12%
Los Angeles	585	511.7	-73.6	-13%

Court	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2022 Assessed Judicial Need (AJN)	AJN – AJP (B – A)	Percentage Judicial Need Over AJP (C / A)†
Lassen	2	2.0	-0.3	-14%
San Diego	154	132.6	-21.4	-14%
El Dorado	9	7.7	-1.3	-14%
Imperial	11	9.5	-1.8	-16%
Santa Barbara	24	20.0	-4.0	-17%
San Mateo	33	26.7	-6.3	-19%
Mendocino	8	6.4	-2.0	-24%
Siskiyou	5	3.8	-1.2	-24%
Santa Clara	82	62.3	-19.7	-24%
Marin	13	9.5	-3.2	-25%
Alameda	83	59.5	-23.5	-28%
Colusa	2	1.6	-0.7	-30%
San Francisco	56	38.7	-17.2	-31%
Inyo	2	1.5	-0.8	-34%
Nevada	8	4.9	-2.7	-36%
Trinity	2	1.5	-0.8	-36%
Mariposa	2	1.3	-1.0	-42%
Plumas	2	1.1	-1.2	-50%
Mono	2	1.0	-1.3	-58%
Modoc	2	1.0	-1.3	-59%
Sierra	2	0.2	-2.1	-90%
Alpine	2	0.2	-2.1	-93%

* Authorized judicial positions (AJPs) 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).

† Percentages in table A1 differ slightly from those in table 2, Need for New Judgeships, by Court. Percentages in table A1 are calculated based on the *actual* differences between AJN and AJP, whereas the percentages in table 2 are based on *rounded-down* differences.

Figure A1. 2022 Judgeship Needs Map: Number of Judges Needed in California Courts Based on Workload

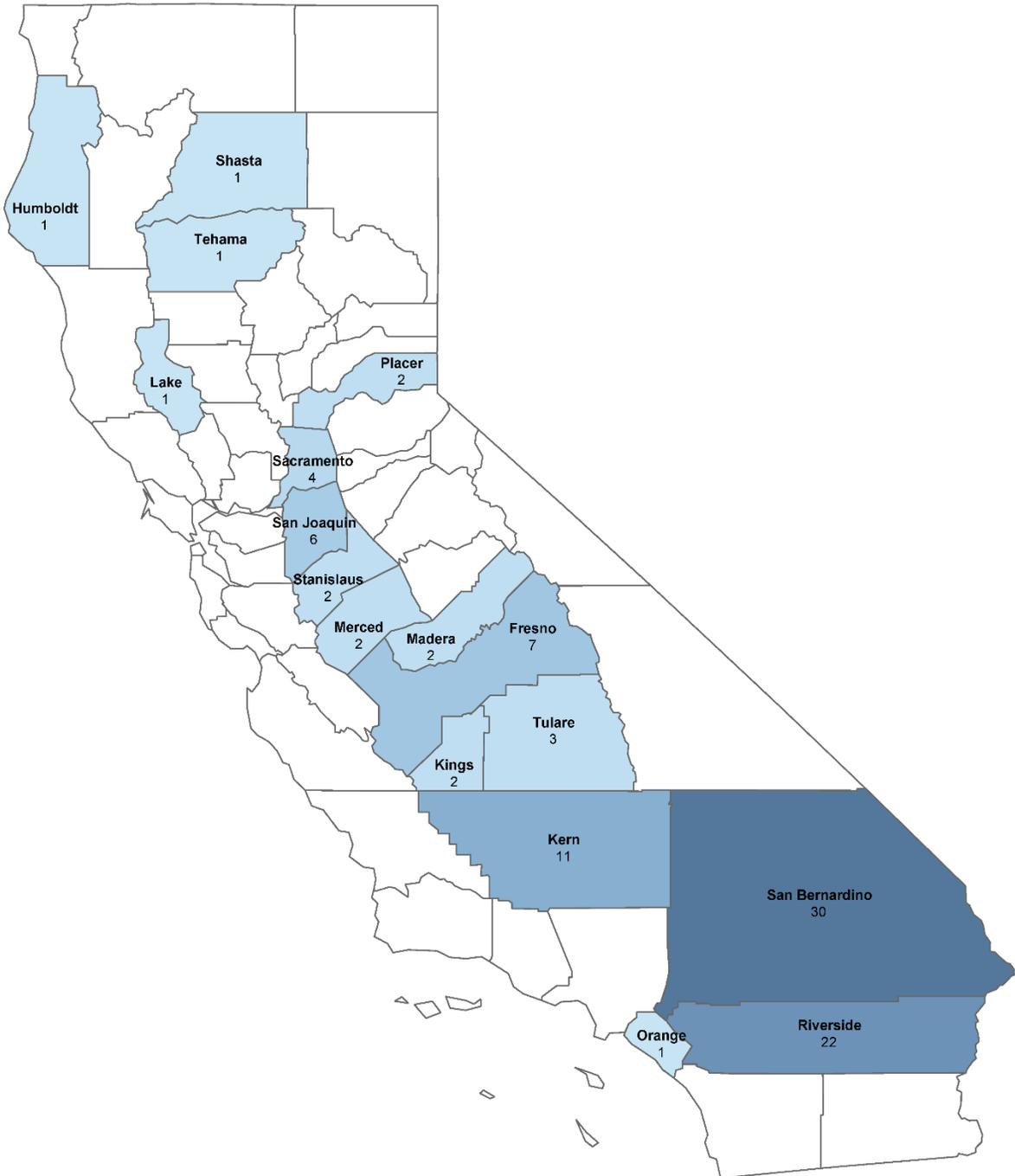


Table A2. Allocation Order of New Judgeships

Court	Alloc. Order	Court	Alloc. Order	Court	Alloc. Order
San Bernardino	1	Kern	45	San Bernardino	89
Riverside	2	Riverside	46	Fresno	90
Kern	3	Madera	47	Riverside	91
San Bernardino	4	Merced	48	San Bernardino	92
Riverside	5	San Bernardino	49	San Bernardino	93
San Joaquin	6	San Joaquin	50	Riverside	94
San Bernardino	7	Riverside	51	San Bernardino	95
Fresno	8	Fresno	52	Riverside	96
Kern	9	San Bernardino	53	San Bernardino	97
Riverside	10	Placer	54	San Bernardino	98
San Bernardino	11	Kern	55		
Tulare	12	Riverside	56		
Kings	13	San Bernardino	57		
Madera	14	Tulare	58		
San Bernardino	15	Stanislaus	59		
Riverside	16	San Bernardino	60		
Merced	17	Riverside	61		
Tehama	18	Sacramento	62		
Kern	19	Kern	63		
Sacramento	20	San Bernardino	64		
Shasta	21	Fresno	65		
Placer	22	San Joaquin	66		
San Joaquin	23	Riverside	67		
San Bernardino	24	San Bernardino	68		
Fresno	25	Riverside	69		
Riverside	26	San Bernardino	70		
Humboldt	27	Kern	71		
Stanislaus	28	San Bernardino	72		
San Bernardino	29	Orange	73		
Kern	30	Riverside	74		
Riverside	31	San Bernardino	75		
Lake	32	Fresno	76		
San Bernardino	33	Riverside	77		
Tulare	34	San Bernardino	78		
Riverside	35	Kern	79		
San Joaquin	36	Sacramento	80		
San Bernardino	37	San Joaquin	81		
Kern	38	Riverside	82		
Fresno	39	San Bernardino	83		
Kings	40	San Bernardino	84		
San Bernardino	41	Riverside	85		
Riverside	42	San Bernardino	86		
Sacramento	43	Kern	87		
San Bernardino	44	Riverside	88		