



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: September 24, 2019

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**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  
Office of Court Research

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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 2001<sup>1</sup> and later modified and approved by the council in August 2004.<sup>2</sup> 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.<sup>3</sup>

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.<sup>4</sup> 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.

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

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

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

<sup>4</sup> [https://www.courts.ca.gov/documents/lr-2018-JC-judicial-needs-assessment-GC69614\\_c\\_1-and-3.pdf](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)<sup>5</sup> 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

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<sup>5</sup> 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)<sup>6</sup>. 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.

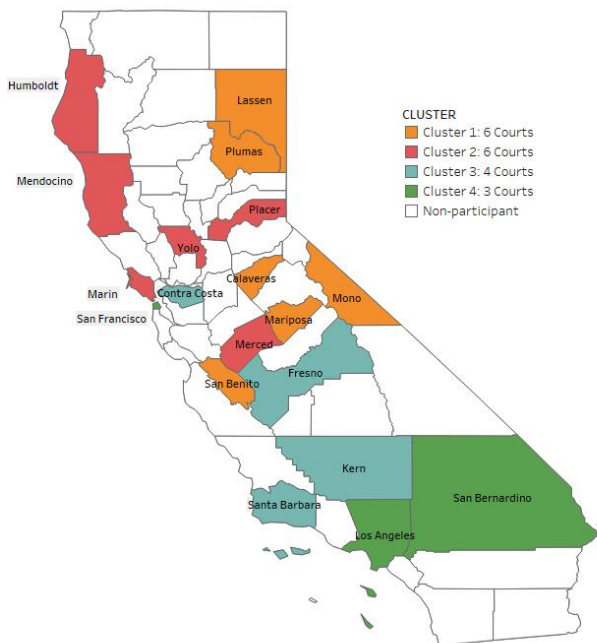
**Table 2. Participating Courts (alphabetical order)**

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

<sup>6</sup> 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 studied<sup>7</sup>. 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.<sup>8</sup>

### ***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.

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<sup>7</sup>[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?chapter=5.&lawCode=GOV&title=8.&article=3](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?chapter=5.&lawCode=GOV&title=8.&article=3).

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

## Policy implications

Government Code section 69614(c)(1)<sup>9</sup> 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.<sup>10</sup> 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.

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

<sup>10</sup> 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

<b>Work Year Value</b>	<b>77,400</b>
<b>3-Year Average Filings</b>	<b>FY2015, FY2016, FY2017</b>
<i>Draft</i>	
<b>2018 Caseweights<sup>1,2,3</sup></b>	
<b>Case Type</b>	<b>1 Caseweight / Median</b>
<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

<sup>1</sup> Caseweights are minutes per filing (from initial filing to post disposition)

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

<sup>3</sup> 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 <sup>1</sup>			2019 <sup>2</sup>			
			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.

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

<sup>2</sup> 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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup>
- 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).<sup>4</sup> 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.

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

<sup>2</sup> Ibid., at page 9

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

<sup>4</sup> <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.<sup>5</sup> 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.

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<sup>5</sup> <http://www.census.gov/population/apportionment/about/computing.html> or fairly clear explanation here: [https://en.wikipedia.org/wiki/Huntington%E2%80%93Hill\\_method](https://en.wikipedia.org/wiki/Huntington%E2%80%93Hill_method)

**Attachment D - Priority Ranking**

<b>Court</b>	<b>Priority</b>	<b>Court</b>	<b>Priority</b>	<b>Court</b>	<b>Priority</b>	<b>Court</b>	<b>Priority</b>
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		





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As of May 29, 2019

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As of May 29, 2019

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