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R E P O R T   T O   T H E   J U D I C I A L   C O U N C I L

For business meeting on: July 18-19, 2019

Title
Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights

Rules, Forms, Standards, or Statutes Affected
None

Recommended by
Workload Assessment Advisory Committee
Hon. Lorna A. Alksne, Chair
Judicial Council staff
Kristin Greenaway, Supervising Research
    Analyst
Office of Court Research

Agenda Item Type
Action Required

Effective Date
July 19, 2019

Date of Report
July 10, 2019

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Executive Summary

The Workload Assessment Advisory Committee (WAAC) recommends that the Judicial Council adopt the proposed Judicial Workload Study workload measures (caseweights) 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 study is updated periodically to capture current law and practice. The most recent update accounts for changes that have affected judicial workload since the last study. Further, WAAC recommends that the council approve transmitting to the Legislature an updated Judicial Needs Assessment per Government Code section 69614(c)(1)[1] based on the new Judicial Workload Study measures and the established methodology for prioritization of judgeships. The Judicial Needs Assessment is submitted every November of even-numbered years and incorporates the most recent data available. The updated needs assessment would replace a preliminary version that was completed in 2018 using workload measures developed in 2011.

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[1] See *https://codes.findlaw.com/ca/government-code/gov-sect-69614.html*

The committee will be refining the data gathering and analysis processes for this new methodology over the next year or so and anticipates that Judicial Needs Assessment will change over that time and continue to increase in accuracy.

Study Caveats and Methodological Considerations
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 on-going changes in workload. Some caveats concerning the present analysis include:

- 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 and increasing local expertise.

Recommendation

The Workload Assessment Advisory Committee recommends that the Judicial Council, effective July 19, 2019:
- Approve the caseweights from the 2018 Judicial Workload Study update for use in evaluating statewide judicial workload,[2] including for use in the biennial judicial needs assessment and to meet the requirements of Government Code section 69614(c)(2); and

- Approve the updated Judicial Needs Assessment for transmittal to the Legislature.[3]

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[2] Please see Attachment A: 2018 Judicial Workload Study Draft Caseweights

[3] Please see Attachment B: 2018 Judicial Workload Study Update Draft Assessed Judicial Need; Attachment C: California Judge Prioritization Methodology; Attachment D: Priority Ranking

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[4] and later modified and approved by the council in August 2004[5]. 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.

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 recent filings data at that time (fiscal years 2014–15, 2015–16, and 2016–17), and on the 2011 judicial workload measures[6]. 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.

Analysis/Rationale

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 weighted caseload models 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 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 resulting from this effort build and improve on the well-established methodological foundation employed in the first two previous studies. The study methodology and resulting caseweights are summarized below.

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,

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[4] *https://www.courts.ca.gov/documents/judneedsreview.pdf*

[5] *https://www.courts.ca.gov/documents/0804item6.pdf*

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

being outside the peak vacation and holiday timeframe. However, the 2018 study timeframe 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 post-disposition; 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

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

A key aspect of the judicial workload study is the development of the caseweights—the average time judicial officers spend on a case. 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. 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). Time data were collected in both case-related and noncase-related activity and were captured over a four-week period in the fall of 2018. A single consecutive four-week period was selected in order to capture as much of 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.

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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) post trial/post disposition, 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. 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. The following 19 courts participated in the study. Unless otherwise indicated, the entire bench participated (see Table 2 and Graph 1).

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

GRAPH 1. Participating Courts (map)
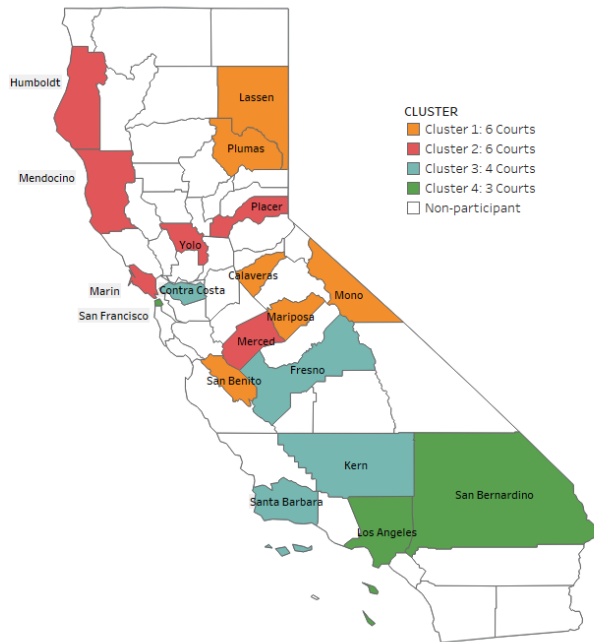
Post time study

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 post time 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 make adjustments to the caseweights as was done in previous studies (2001, 2011). Some of the feedback we 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 court filings for civil cases have increased in recent years.

- Steady increase in Mental Health filings over last 10 years;
- Diversion programs (e.g., Assembly Bill 1810) that require additional court supervision and increases the number of hearings required as the offender proceeds through treatment.[7]

A more complete summary of impacts to workload can be found in Attachment F of this report.

(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:
- Although time data were collected for 31 case-categories, some case type data were combined, resulting in a final total of 21 case type caseweights;
- 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[8]
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. Two alternative methods were considered:

(1) what "average" should be used to best represent the data—mean or median and
(2) should a separate set of caseweights be developed for small courts.

The first alternative 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 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. In contrast, using the median as the method gives smaller courts a voice in the caseweights, while accurately representing statewide case processing times. 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 courts caseweight, by case category. An example, using simulated data, of how a median value was calculated is shown below (*see Graph 2*).

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[7] See https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1810

[8] A caseweight is the average amount of time expended by a judicial officer to resolve a case of a specific type – from initial filing to post disposition.

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 alternative considered was establishing 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. Accordingly, Cluster 1 and Cluster 2 courts were grouped together to establish a set of caseweights for small courts and Cluster 3 and Cluster 4 courts were grouped for large court caseweights[9]. 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 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.

After considering the different alternatives—(1) which "average" to use (mean or median) and (2) one or two sets of caseweights (one set for small courts and one large courts)—staff recommended the most reasonable and balanced approach for the 2018 study update was a single set of caseweights using the median value for each case type category.

Policy implications

Government Code section 69614(c)(1)[10] 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 2,146—a net increase of 118 full-time

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[9] Cluster 1: Alpine, Amador, Calaveras, Colusa, Del Norte, Glenn, Inyo, Lassen, Mariposa, Modoc, Mono, Plumas, San Benito, Sierra, Trinity; Cluster 2: Butte, El Dorado Humboldt, Imperial, Kings, Lake, Madera, Marin, Mendocino, Merced, Napa, Nevada, Placer, San Luis Obispo, Santa Cruz, Shasta, Siskiyou, Sutter, Tehama, Tuolumne, Yolo, Yuba; Cluster 3: Contra Costa, Fresno, Kern, Monterey, San Joaquin, San Mateo, Santa Barbara, Solano, Sonoma, Stanislaus, Tulare, Ventura; Cluster 4: Alameda, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, Santa Clara.

[10] See *https://codes.findlaw.com/ca/government-code/gov-sect-69614.html*.

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 2,100 judicial officers (see Attachment B).

If the Judicial Council approves the new caseweights (see Attachment A), the assessed judicial need will be resubmitted in 2019 pursuant to Government Code section 69614(c) using the updated caseweights along with the most recent three-year filings data (FY 2015–16 through FY 2017–2018). 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.[11] The 2018 preliminary assessed judge need, applying prior caseweights and filings from FY 2014–15 through FY 2016–17 resulted in a need of 127 judicial officers in 17 courts. Based on the proposed updated caseweights and the most recent filings from FY 2015–16 through FY 2017–18, there is a need for 232 judgeships in 27 courts. This represents an increased need of 105 judicial officers.

Comments
Throughout the study, the participating courts provided input on both (1) pre time study activities and materials including training and study tools and (2) post time 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 (see Attachment E) was presented at the May 29, 2019 WAAC meeting and posted for public comment. No public comment was received.

Alternatives considered
At the May 2019 WAAC meeting, the committee (see Attachment G) 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. Some smaller courts did not process any complex cases during the study period. Second, and more importantly, 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 usually handle consolidated cases, which are more time consuming and resource intensive.

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[11] 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.

Figures A and B below illustrate how the study data for complex civil cases differ from that of another case type, felony, and how the differences suggest the need for a different approach. In Figure A, the bars represent the various amounts of time reported by study courts for felony workload. The data are tightly distributed around the median line. This pattern was typical for all other case types except for complex civil cases. Figure B shows that complex data do not bunch around the median and have much greater spread with the highest values coming from larger courts.

Figure A: Felony Caseweights   **Figure B: Civil Complex Caseweights**
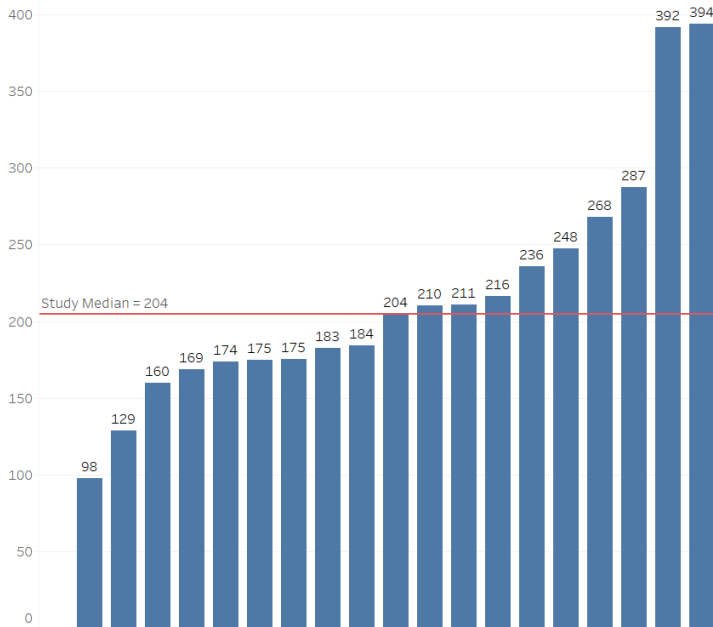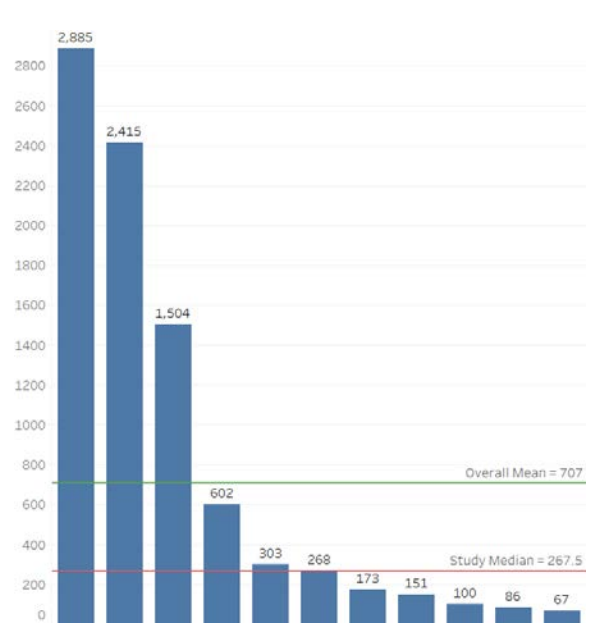
Because larger courts process a higher share of complicated complex cases, those courts' data should largely determine the statewide caseweight for complex civil cases. Hence, the 2011 overall means method is more appropriate for complex civil cases, as it gives more weight to larger courts. This proposed approach for calculating the caseweight for complex civil was approved by WAAC.

Fiscal and Operational Impacts

If approved, the new caseweights will be incorporated into the model used to calculate the statewide need for judicial officers. 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: 2018 Judicial Workload Study Draft Caseweights
2. Attachment B: 2018 Judicial Workload Study Update Draft Assessed Judicial Need
3. Attachment C: California Judge Prioritization Methodology
4. Attachment D: Priority Ranking
5. Attachment E: Daily Time Log
6. Attachment F: Judicial Workload Study 2018 Impacts to Workload Summary
7. Attachment G: Workload Assessment Advisory Committee Membership

Attachment A

2018 Judicial Workload Study Update - Draft Caseweights and Standards

Work Year Value	77,400
3-Year Average Filings	FY2015, FY2016, FY2017

Case Type	*Draft* **2018 Caseweights[1]** **1 Caseweight / Median**
	minutes per filing
Criminal	
Felony	204
Misdemeanor - Traffic	17
Misdemeanor - Non-Traffic	45
Infractions	1.2
Civil	
Complex	707
Asbestos	553
Unlimited Civil	109
Limited Civil (without UD)	16
Limited Civil - Unlawful Detainer	20
Small Claims	30
Family Law	
Family Law- Dissolution	120
Family Law- Parentage	127
Family Law- Child Support	45
Family Law - Domestic Violence	66
Family Law - Other Petitions	133
Juvenile	
Juvenile Dependency	244
Juvenile Delinquency	149
Probate and Mental Health	
Probate - Other	73
Conservtorship/Guardianship	134
Mental Health	52
EDD	0.4

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

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	Difference Need and Authorized (B-A)	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	C	D		E	F	G	H
4	Alameda*	83	77.1	-5.9		-7%	68.9	-14.1		-17%
1	Alpine	2.3	0.2	-2.1		-93%	0.1	-2.2		-95%
1	Amador	2.3	2.6	0.3		14%	2.9	0.6		26%
2	Butte	13	13.0	0.0		0%	14.6	1.6	1	12%
1	Calaveras	2.3	2.4	0.1		5%	2.7	0.4		16%
1	Colusa	2.3	1.5	-0.8		-34%	1.8	-0.5		-23%
3	Contra Costa	42	39.6	-2.4		-6%	42.3	0.3		1%
1	Del Norte	2.8	2.3	-0.5		-18%	2.4	-0.4		-15%
2	El Dorado	9	7.8	-1.2		-13%	8.3	-0.7		-8%
3	Fresno	49	56.9	7.9	7	16%	65.9	16.9	16	34%
1	Glenn	2.3	1.8	-0.5		-22%	2.1	-0.2		-7%
2	Humboldt	8	9.4	1.4	1	17%	10.2	2.2	2	28%
2	Imperial	11.3	12.3	1.0	1	9%	13.4	2.1	2	18%
1	Inyo	2.3	1.4	-0.9		-41%	1.6	-0.7		-31%
3	Kern	43	53.5	10.5	10	24%	62.6	19.6	19	46%
2	Kings	8.6	11.0	2.4	2	28%	12.0	3.4	3	39%
2	Lake	4.7	5.3	0.6		14%	6.2	1.5	1	32%
1	Lassen	2.3	2.2	-0.1		-3%	2.4	0.1		5%
4	Los Angeles	585.25	533.3	-52.0		-9%	558.0	-27.2		-5%
2	Madera	9.3	9.4	0.1		1%	11.9	2.6	2	28%
2	Marin	12.7	10.1	-2.6		-21%	10.0	-2.7		-21%
1	Mariposa	2.3	0.9	-1.4		-61%	1.2	-1.1		-50%
2	Mendocino	8.4	7.0	-1.4		-16%	8.0	-0.4		-5%
2	Merced	12	13.2	1.2	1	10%	16.0	4.0	4	34%
1	Modoc	2.3	0.8	-1.5		-66%	1.0	-1.3		-56%
1	Mono	2.3	0.9	-1.4		-59%	1.1	-1.2		-52%
3	Monterey	21.2	19.1	-2.1		-10%	22.3	1.1	1	5%
2	Napa	8	7.0	-1.0		-12%	7.7	-0.3		-4%
2	Nevada	7.6	4.5	-3.1		-40%	5.1	-2.5		-32%
4	Orange	144	135.0	-9.0		-6%	152.4	8.4	8	6%
2	Placer	14.5	17.4	2.9	2	20%	18.4	3.9	3	27%
1	Plumas	2.3	1.2	-1.1		-50%	1.3	-1.0		-42%
4	Riverside	80	116.2	36.2	36	45%	125.3	45.3	45	57%
4	Sacramento	72.5	84.3	11.8	11	16%	98.0	25.5	25	35%
1	San Benito	2.3	2.6	0.3		13%	3.1	0.8		34%
4	San Bernardino	88	126.2	38.2	38	43%	147.7	59.7	59	68%
4	San Diego	154	132.3	-21.7		-14%	142.9	-11.1		-7%
4	San Francisco	55.9	43.8	-12.1		-22%	40.9	-15.0		-27%
3	San Joaquin	33.5	38.6	5.1	5	15%	44.3	10.8	10	32%
2	San Luis Obispo	15	14.6	-0.4		-2%	15.9	0.9	1	6%
3	San Mateo	33	28.6	-4.4		-13%	30.5	-2.5		-8%
3	Santa Barbara	24	21.8	-2.2		-9%	24.0	0.0		0%
4	Santa Clara	82	62.2	-19.8		-24%	69.9	-12.1		-15%
2	Santa Cruz	13.5	12.2	-1.3		-9%	13.5	0.0		0%
2	Shasta	12	14.4	2.4	2	20%	16.6	4.6	4	39%
1	Sierra	2.3	0.2	-2.1		-90%	0.2	-2.1		-90%
2	Siskiyou	5	3.1	-1.9		-37%	3.7	-1.3		-26%
3	Solano	23	21.5	-1.5		-6%	24.0	1.0	1	4%
3	Sonoma	23	22.4	-0.6		-3%	24.0	1.0	1	4%
3	Stanislaus	24	28.2	4.2	4	18%	32.1	8.1	8	34%
2	Sutter	5.3	6.6	1.3	1	24%	7.2	1.9	1	36%
2	Tehama	4.33	5.4	1.1	1	25%	6.2	1.9	1	44%
1	Trinity	2.3	1.4	-0.9		-39%	1.6	-0.7		-30%
3	Tulare	23	25.6	2.6	2	11%	29.4	6.4	6	28%
2	Tuolumne	4.75	4.6	-0.2		-3%	5.1	0.3		7%
3	Ventura	33	36.3	3.3	3	10%	40.1	7.1	7	21%
2	Yolo	12.4	10.9	-1.5		-12%	13.4	1.0	1	8%
2	Yuba	5.33	5.4	0.1		2%	5.9	0.6		11%
		1956	**1930**		127		**2100**		232	

* *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.

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[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 based on the percentage need for each judgeship needed 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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[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	Court	Priority
San Bernardino	1	Shasta	48	San Bernardino	95	Riverside	142	Sacramento	189
Riverside	2	Sacramento	49	Kern	96	San Bernardino	143	Stanislaus	190
San Bernardino	3	Riverside	50	Riverside	97	Merced	144	San Bernardino	191
Sacramento	4	Fresno	51	Sacramento	98	Fresno	145	Riverside	192
Kern	5	San Bernardino	52	Tulare	99	San Joaquin	146	Kern	193
Riverside	6	Kern	53	Ventura	100	Riverside	147	Ventura	194
Fresno	7	San Bernardino	54	San Bernardino	101	Kern	148	San Bernardino	195
San Bernardino	8	Riverside	55	San Luis Obispo	102	San Bernardino	149	Riverside	196
San Joaquin	9	Merced	56	Placer	103	Sacramento	150	Sacramento	197
Riverside	10	Stanislaus	57	Stanislaus	104	San Bernardino	151	Fresno	198
Stanislaus	11	Sacramento	58	Monterey	105	Riverside	152	San Bernardino	199
Sacramento	12	Kings	59	Fresno	106	San Bernardino	153	Riverside	200
San Bernardino	13	San Bernardino	60	Kings	107	Riverside	154	San Bernardino	201
Kern	14	Placer	61	San Joaquin	108	Sacramento	155	Orange	202
Tulare	15	Riverside	62	Riverside	109	Kern	156	San Bernardino	203
Shasta	16	Fresno	63	San Bernardino	110	San Bernardino	157	Kern	204
Ventura	17	Kern	64	Orange	111	Fresno	158	Riverside	205
Riverside	18	Butte	65	Imperial	112	Stanislaus	159	Sacramento	206
Fresno	19	San Bernardino	66	Sacramento	113	Ventura	160	San Bernardino	207
San Bernardino	20	San Joaquin	67	Kern	114	Riverside	161	Riverside	208
Merced	21	Riverside	68	San Bernardino	115	San Bernardino	162	San Bernardino	209
Kings	22	Sacramento	69	Riverside	116	Orange	163	Fresno	210
Sacramento	23	San Bernardino	70	Solano	117	San Bernardino	164	Riverside	211
Placer	24	Tulare	71	Sonoma	118	Sacramento	165	San Bernardino	212
San Bernardino	25	Ventura	72	San Bernardino	119	Riverside	166	Sacramento	213
Riverside	26	Orange	73	Riverside	120	San Joaquin	167	San Bernardino	214
Kern	27	Riverside	74	Fresno	121	Tulare	168	Riverside	215
San Joaquin	28	Kern	75	Shasta	122	San Bernardino	169	Kern	216
San Bernardino	29	San Bernardino	76	San Bernardino	123	Kern	170	San Bernardino	217
Tehama	30	Fresno	77	Sacramento	124	Riverside	171	Riverside	218
Madera	31	Madera	78	Kern	125	Fresno	172	Orange	219
Riverside	32	Stanislaus	79	Riverside	126	San Bernardino	173	Sacramento	220
Fresno	33	Sacramento	80	San Bernardino	127	Sacramento	174	San Bernardino	221
Stanislaus	34	Shasta	81	San Joaquin	128	San Bernardino	175	San Bernardino	222
Sutter	35	Riverside	82	San Bernardino	129	San Bernardino	176	Riverside	223
Humboldt	36	San Bernardino	83	Riverside	130	Riverside	177	San Bernardino	224
Sacramento	37	San Joaquin	84	Sacramento	131	San Bernardino	178	Riverside	225
Orange	38	San Bernardino	85	Stanislaus	132	Kern	179	Sacramento	226
San Bernardino	39	Kern	86	Ventura	133	Sacramento	180	San Bernardino	227
Kern	40	Riverside	87	Fresno	134	San Bernardino	181	San Bernardino	228
Riverside	41	Humboldt	88	Tulare	135	Riverside	182	Riverside	229
Lake	42	Yolo	89	San Bernardino	136	Fresno	183	San Bernardino	230
San Bernardino	43	Sacramento	90	Kern	137	Orange	184	Riverside	231
Tulare	44	Fresno	91	Riverside	138	San Bernardino	185	San Bernardino	232
Imperial	45	San Bernardino	92	Orange	139	Riverside	186		
Ventura	46	Merced	93	San Bernardino	140	San Joaquin	187		
San Joaquin	47	Riverside	94	Sacramento	141	San Bernardino	188		

Daily Time Log

1. Criminal:
1.1 Felony
1.2 Misdemeanor-Traffic
1.3 Misdemeanor-Non-Traffic
1.4 Infractions
1.5 Habeas Corpus
1.6 Lower Court Appeals

2. Civil:
2.1 Unlimited Civil —Asbestos
2.2 Unlimited Civil—Motor Vehicle
2.3 Unlimited Civil—Other Tort
2.4 Unlimited Civil—Other
2.5 Lower Court Appeals
2.6 Limited Civil (without UD)
2.7 Unlawful Detainer
2.8 Small Claims

3. Family:
3.1 Dissolution/ Separation (Marital)
3.2 Child Support - Non DCSS
3.3 Child Support - DCSS
3.4 Domestic Violence Prevention
3.5 Parentage
3.6 Family Law - Other

4. Juvenile:
4.1 Dependency
4.2 Delinquency

5. Probate:
5.1 Conservatorship/ Guardianship
5.2 Estates/Trusts
5.3 Probate - Other

6. Mental Health:
6.1 Certification (W&I 5250,5260, 5270.10)
6.2 LPS Conservatorship (W&I 5350
6.3 Mental Competency (PC 1368; W&I 709)
6.4 Civil Commitment with an Underlying Criminal Case
6.5 Civil Commitment without a Criminal Case
6.6 Mental Health - Other

7. Non-Case Specific
7.1 Case Related, Non-Case Specific

Court:_____ Name:_____

____/____/2018 Elapsed Time	A. Case Type — Select One							B. Phase of Case — Select One					C. Case Characteristics — Select All That Apply					D. Non-Case Related — Select One						
	Criminal	Civil	Family	Juvenile	Probate	Mental Health	Non-Case Specific	Pre-Trial / Pre-Disposition	Non-Trial / Uncontested Disposition	Trial/ Contested Disposition	Post-Trial / Post Disposition	Court Supervision/Probation	Designated Complex	Capital Case / LWOP	Pro Per Litigants	Interpreter Required	Proposition 64	Non-Case Related Admin.	Judicial Education/Training	Research/Writing	Community Activities/Outreach	Travel	Vacation/Sick Leave/Holiday	Lunch and Breaks
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Attachment F

Judicial Workload Study 2018 Impacts to Workload

Staff conducted conference calls with each of the study courts to gather input about what was happening at the court 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 are accurate representation of the amount of time required by judges to resolve different types of cases.

The calls covered the following topics:
- Areas of work where the court does particularly well and areas where the court could improve
- Changes in the law, court practices, and technology since the last time study (2011) that impact judicial officer workload
- Any court events, special projects, or non-usual activity during the study period that might have impacted the data collection

General

Courts mentioned that judicial workload has been impacted in recent years by:
- New and amended laws, particularly changes made in recent years to reform the criminal justice system in California.
- The difficulties small courts face in getting up to speed on changes in the law, particularly in those jurisdictions with little research attorney support.
- Transition to new case management systems (CMS) or technologies such as paperless systems which affect business processing;
- Judicial vacancies and policy changes in the Temporary Assigned Judges Program;
- Workload and staffing issues from unfunded legislative mandates;
- Courts highlighted the sensitivities around the balance between judicial efficiency and access to justice. Litigants should have their day in court, but excessive speed does not do justice to litigants.
- Evolution of workload towards rehabilitation and less on punishment, corresponding increase in specialty courts

Civil Case Workload
- Statewide trends in court filings for civil cases have increased in recent years.
- Judges reported that filings in matters where self-represented litigants predominate also seem to take longer. And while new self-help funding received in the 2018 Budget Act has provided some relief, there is still a gap between available funding and services for self-represented litigants and the demand for those services.

Mental Health Workload

- Annual statistical reports show a steady increase in mental health filings. There is greater awareness of mental health issues and more emphasis on mental health treatment. Courts report increases in mental competency cases (IST filings), inclusion of 1368s to review recommendations from criminal proceedings, and increases in LPS mandated treatment programs.

Criminal workload

- Various reforms to the criminal justice system have changed the focus of courts from imposing punishment to instituting rehabilitation.
- Over the last several years, criminal calendars had been on a declining path following the recession and corresponding impacts on law enforcement budgets and associated staffing levels; however, more recently, some jurisdictions report an increase in law enforcement hiring and resurgence in filings.

Juvenile Workload

- Juvenile filings have declined precipitously, but courts reported that the juvenile caseload—the number of cases on a judge's docket—is much higher than in the past.
- Recent reforms have resulted in increase in resources on juvenile workload matters (e.g., Proposition 57).

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