

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3660

Report

TO: Members of the Judicial Council

FROM: Dag MacLeod, Manager, Office of Court Research, 415-865-7660
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DATE: August 9, 2004

SUBJECT: Update of Judicial Needs Study (Action Required)

Issue Statement

At the October 2001 Judicial Council meeting AOC staff presented the results of the California Judicial Needs Assessment Project and the Judicial Council approved a three-year plan for requesting additional judgeships (See Attachment 3). This is a proposal to update the three-year plan to seek 150 new judgeships. Using the most recent filings data, staff have updated the judicial needs study and found that annual filings data fluctuate too much for reliable annual computations of judicial need. Filings data averaged over three years, however, show that the statewide need for new judgeships in the trial courts remains virtually unchanged compared to three years ago. The specific ranking of individual court's needs has changed somewhat as detailed in the body of this report.

Recommendations

Staff in the Office of Court Research of the Executive Office Programs Division recommend that the Judicial Council:

1. Approve a minor modification of the methodology for evaluating judgeship needs to use filings data averaged over multiple years instead of using a single year of filings data for these calculations;
2. Direct AOC staff to take appropriate action to seek legislative authority and funding to add 150 new judgeships and associated staff over three years as follows: From FY 2005-06 to FY 2007-08, 50 judgeships per year would be created. In the first year, 20 trial courts would receive 50 new judgeships. In the second year, 24 trial courts would receive 50 new judgeships. In the

third year 22 trial courts would receive 50 new judgeships (See Attachment 2). The allocation of new judgeships to these trial courts will be contingent on the courts' ability to provide adequate facilities for additional judges and support staff. AOC staff will also validate the findings of the judicial needs study with individual trial courts.

Rationale for Recommendations

Recommendation 1

When the Judicial Council approved the new methodology for evaluating judgeship needs in 2001, no specific decision was made regarding the filings data that is used for these calculations. For the 2001 report a single year of filings data was used. In addition, because of historic concerns regarding the accuracy of filings data, some courts amended their data to incorporate information that was not captured in official AOC statistical reports.

In the process of updating the judicial needs study, staff evaluated the changes in judgeship needs from year-to-year and found considerable annual variation in the filings data and, consequently, in the need for judicial officers both statewide and in individual courts.

Attachment 1 shows how the estimates of judicial need change from year to year as a result of annual changes in filings. The first column – “judgeship need FY9900” – shows the calculation of judicial need that was included in the 2001 report to the Judicial Council based upon filings data from FY 1999-2000. The next three columns compare the judicial need from the 2001 report to the judicial need calculated for each of the next three fiscal years. The final column compares the FY 1999-2000 judicial need with an average of the three fiscal years from FY 2000-01 through FY 2002-03.

As Attachment 1 shows, the fluctuations in judicial need from year to year are significant. In FY 2000-01 the statewide need for judicial officers falls by almost 64 and then rebounds by 20.7 and 32.5 judicial officers in the following two years.¹ These annual variations in judicial need are driven by changes in the filings data and suggest the need for using average filings data to eliminate annual fluctuations. As the final column in Attachment 1 shows, the difference between the total judicial need in FY1999-2000 and the average of the following three years is negligible. In addition, the year-to-year variation in judicial needs for individual courts is also considerably diminished by using average filings data instead of annual data.

¹ Note that even when the overall need declines, this is a decline *compared to the calculation of need in the 2001 report to the council*. In all fiscal years examined, the need for judgeships remains greater than the number of Authorized Judicial Positions.

Staff propose using average filings data over multiple years to minimize one-time fluctuations in the filings data and capture the underlying trend in judicial workload. While the current evaluation of judicial needs is based upon the three-year average, future revisions of the judicial needs study may explore using a longer series of data or even weighting the data to give greater weight to more recent years.

Recommendation 2

The methodology for assessing the need for judicial officers, approved by the Judicial Council in 2001, incorporates quantitative and qualitative factors to arrive at workload standards for 19 different case types. These workload standards are then multiplied by the number of filings by case type to arrive at the total judicial workload for each court. The total workload in a particular court is then divided by the “standard” amount of time each judicial officer has available to complete case-related work per year. This calculation provides an estimate of the number of judicial officers needed in every court and the state as a whole to resolve the number of cases filed.

In addition to approving the methodology for assessing judicial need in 2001, the Judicial Council approved a three-year plan for requesting 150 new judgeships. The plan ranked courts according to the absolute number of judges needed per court but also took into account the *relative* need for judges in each court. Using the same method that is used by the United States Congress to determine how a fixed number of seats should be assigned to the House of Representatives following the decennial census, courts were assigned a rank to determine the order in which they should receive new judgeships.

The current proposal for 150 additional judgeships is based upon the same methodology approved in 2001. However, because the need for judicial officers is determined by filings, the current proposal for allocating new judgeships ranks the courts slightly differently to take into account changes in filings since 2001. Staff are in the process of contacting the courts identified for receipt of new judgeships in FY 2005–2006 to confirm their need for additional judicial resources and their ability to provide facilities or acquire space for the positions.

Attachment 2 shows the proposed schedule for allocating judgeships over the three years and compares the current proposed three-year plan with the plan that was proposed in 2001. Although the statewide need for judicial officers remains virtually unchanged since the 2001 proposal, changes in filings trends have led to a number of changes in the proposed allocation among individual courts including the following:

- Six courts that were each slated to receive one judgeship in the 2001 three-year plan are no longer on the current three-year plan:
 - Alameda
 - Del Norte
 - Humboldt
 - Lake
 - Santa Clara
 - Yolo

- Two courts that were not included on the 2001 three-year plan have been added to the current three-year plan:
 - San Luis Obispo
 - Tehama

- The biggest difference between the two plans is in San Joaquin where the need for judgeships declined by four. The 2001 three-year plan proposed allocating 12 judgeships to San Joaquin over the course of three years. The current plan proposes allocating 8 judgeships to San Joaquin over three years;

- San Diego and Los Angeles both show a decline in judgeship need of two;

- The largest growth in need is in Riverside where the new calculations show a need for three more judgeships than were needed in 2001: from 16 to 19 judgeships;

- Kern and Contra Costa both show a growth in judgeship need of two;

- Eight of the 25 courts on the original three-year plan for requesting judgeships experienced a decline in need of one judgeship;

- Seven of the 25 courts on the original three-year plan for requesting judgeships experienced a growth in need of one judgeship.

Alternative Actions Considered

1. Instead of using average filings data to calculate judicial need, staff could use annual filings data. To the extent that annual filings data is accurate, calculations of judicial needs will be more responsive to the most recent

changes in filings. At the same time, they may represent one-time anomalies.

2. Instead of seeking 150 judgeships over the next three years the Judicial Council could adopt a plan to seek more judgeships over a different time frame. One-hundred-and-fifty judgeships is less than one half of the calculated judicial need statewide. The Judicial Council could establish a longer-term plan to request the entire complement of judicial officers needed.
3. Conversely, the Judicial Council could request fewer judicial officers than recommended in this report.
4. Instead of adopting either of these recommendations, the Judicial Council could choose to take no action at this time and revisit the issue at a later date.

Comments from Interested Parties

Eleven trial courts participated in the California Judicial Needs Assessment Project that developed the methodology for evaluating judgeship need in 2001. Since then, additional input has been received through follow-up research conducted in seven of these courts to better understand the application of the statewide model to individual courts.

Implementation Requirements and Costs

The Finance Division estimates that the costs associated with implementing the first year of the three-year plan would require an FY 2005-2006 budget change proposal in the amount of approximately \$6,194,358 plus ongoing and one-time facilities costs for the funding of 50 to 65 new judgeships in FY 2005-2006 and annualized costs for FY 2006-2007.

Attachment 1: Comparison of Three-Year Average Judgeship Needs with Annual Calculations

| County | Judgeship Need FY9900 | FY9900 compared to FY0001 | FY9900 compared to FY 0102 | FY9900 compared to FY0203 | FY9900 compared to 3- year average |
|-----------------|--------------------------|---------------------------------|----------------------------------|---------------------------------|--|
| Alameda | 88.5 | -6.8 | -7.8 | -5.4 | -6.6 |
| Alpine | 0.3 | 0.0 | 0.0 | 0.0 | 0.0 |
| Amador | 2.2 | 0.2 | 0.3 | 0.3 | 0.3 |
| Butte | 15.9 | 0.5 | 0.5 | 0.8 | 0.6 |
| Calaveras | 2.2 | 0.6 | 0.5 | 0.7 | 0.6 |
| Colusa | 2.0 | -0.3 | -0.3 | 0.0 | -0.2 |
| Contra Costa | 50.6 | 1.8 | 2.2 | -0.5 | 1.2 |
| Del Norte | 3.3 | 0.0 | 0.1 | -0.5 | -0.1 |
| El Dorado | 8.3 | -0.7 | 0.9 | 2.0 | 0.7 |
| Fresno | 68.7 | -13.5 | -1.2 | 3.6 | -1.6 |
| Glenn | 2.5 | -0.1 | 0.0 | -0.2 | -0.1 |
| Humboldt | 9.5 | -0.4 | -0.3 | -1.9 | -0.6 |
| Imperial | 10.9 | 0.0 | 0.5 | 1.5 | 0.7 |
| Inyo | 1.8 | 0.0 | 0.0 | 0.2 | 0.1 |
| Kern | 51.5 | 0.9 | 4.5 | 7.8 | 4.4 |
| Kings | 10.3 | 0.9 | 1.1 | 0.7 | 0.9 |
| Lake | 5.6 | -0.1 | 0.5 | -0.2 | 0.1 |
| Lassen | 2.7 | -0.1 | 0.2 | 0.5 | 0.2 |
| Los Angeles | 630.9 | -11.7 | 3.3 | -22.6 | -10.3 |
| Madera | 12.9 | -0.2 | 1.2 | -0.4 | 0.2 |
| Marin | 12.9 | -0.7 | -0.6 | -0.9 | -0.7 |
| Mariposa | 1.2 | 0.2 | 0.0 | 0.3 | 0.2 |
| Mendocino | 8.0 | -0.3 | -0.5 | -1.3 | -0.7 |
| Merced | 18.4 | -0.3 | 2.1 | 1.5 | 1.1 |
| Modoc | 1.1 | -0.5 | -1.1 | -1.1 | -0.5 |
| Mono | 1.1 | 0.0 | 0.1 | 0.1 | 0.0 |
| Monterey | 23.6 | 0.3 | 2.0 | 3.2 | 1.8 |
| Napa | 7.3 | 0.4 | 0.7 | 0.8 | 0.6 |
| Nevada | 5.9 | -0.6 | 0.0 | 0.1 | -0.2 |
| Orange | 159.5 | -5.5 | -3.7 | -3.8 | -4.3 |
| Placer | 16.8 | -0.2 | 0.1 | 1.0 | 0.3 |
| Plumas | 1.9 | -0.2 | -0.1 | 0.0 | -0.1 |
| Riverside | 110.3 | 4.3 | 10.9 | 17.3 | 10.9 |
| Sacramento | 97.8 | 1.9 | 6.4 | 7.2 | 5.2 |
| San Benito | 3.2 | -0.4 | 0.2 | -0.2 | -0.1 |
| San Bernardino | 135.3 | -3.6 | 4.6 | 10.7 | 3.9 |
| San Diego | 165.9 | -2.5 | -3.3 | -4.6 | -3.5 |
| San Francisco | 56.7 | -4.6 | 10.7 | 15.7 | 7.3 |
| San Joaquin | 56.0 | -11.6 | -11.0 | -5.8 | -9.5 |
| San Luis Obispo | 16.1 | -0.3 | 0.9 | 1.6 | 0.7 |
| San Mateo | 34.0 | -1.1 | -0.9 | -0.5 | -0.8 |
| Santa Barbara | 24.8 | -0.2 | -0.8 | -0.5 | -0.5 |
| Santa Clara | 93.8 | -4.1 | -3.1 | -3.3 | -3.5 |
| Santa Cruz | 15.8 | -0.2 | -0.3 | 0.4 | 0.0 |
| Shasta | 17.2 | -1.0 | 1.0 | -0.3 | -0.1 |
| Sierra | 0.3 | 0.0 | 0.0 | 0.0 | 0.0 |
| Siskiyou | 4.6 | -0.5 | -0.4 | -0.3 | -0.4 |
| Solano | 27.9 | -0.9 | 1.7 | 2.8 | 1.6 |
| Sonoma | 29.8 | 0.4 | -0.7 | -0.8 | -0.4 |
| Stanislaus | 33.5 | 0.8 | 2.1 | -1.3 | 0.5 |
| Sutter | 7.8 | -0.1 | -0.2 | -0.3 | -0.2 |
| Tehama | 5.5 | -0.1 | 0.3 | 0.0 | 0.1 |
| Trinity | 1.2 | -1.2 | -1.2 | 0.0 | 0.0 |
| Tulare | 31.5 | -1.0 | 1.1 | 2.3 | 0.8 |
| Tuolumne | 3.8 | 0.0 | 0.8 | 1.2 | 0.7 |
| Ventura | 38.0 | 0.0 | 1.0 | 3.4 | 1.5 |
| Yolo | 13.5 | -0.1 | -3.3 | 1.8 | -0.5 |
| Yuba | 7.5 | -1.3 | -0.8 | -0.3 | -0.8 |
| Total | 2269.7 | -63.6 | 20.7 | 32.5 | 0.5 |

Attachment 2: Proposed Three-Year Plan for Allocating New Judgeships to Trial Courts

| FY 2005-06 | | | | FY 2006-07 | | | | FY 2007-08 | | | | 3-Year Total | | | |
|----------------|---------------|------------------|------------|----------------|---------------|------------------|------------|-----------------|---------------|------------------|------------|-----------------|---------------|------------------|------------|
| County | 2001 Proposal | Current Proposal | Difference | County | 2001 Proposal | Current Proposal | Difference | County | 2001 Proposal | Current Proposal | Difference | County | 2001 Proposal | Current Proposal | Difference |
| Butte | 1 | 1 | 0 | Butte | 1 | 1 | 0 | Alameda | 1 | 0 | -1 | Alameda | 1 | 0 | -1 |
| Contra Costa | 0 | 1 | 1 | Contra Costa | 0 | 1 | 1 | Butte | 0 | 1 | 1 | Butte | 2 | 3 | 1 |
| Fresno | 4 | 4 | 0 | Fresno | 3 | 3 | 0 | Contra Costa | 1 | 1 | 0 | Contra Costa | 1 | 3 | 2 |
| Kern | 2 | 2 | 0 | Kern | 1 | 3 | 2 | Del Norte | 1 | 0 | -1 | Del Norte | 1 | 0 | -1 |
| Los Angeles | 3 | 2 | -1 | Kings | 1 | 1 | 0 | Fresno | 3 | 3 | 0 | Fresno | 10 | 10 | 0 |
| Madera | 1 | 2 | 1 | Los Angeles | 3 | 2 | -1 | Humboldt | 1 | 0 | -1 | Humboldt | 1 | 0 | -1 |
| Merced | 2 | 2 | 0 | Madera | 2 | 1 | -1 | Kern | 2 | 2 | 0 | Kern | 5 | 7 | 2 |
| Monterey | 1 | 1 | 0 | Merced | 2 | 2 | 0 | Lake | 1 | 0 | -1 | Kings | 1 | 1 | 0 |
| Orange | 1 | 1 | 0 | Monterey | 0 | 1 | 1 | Los Angeles | 3 | 3 | 0 | Lake | 1 | 0 | -1 |
| Placer | 1 | 1 | 0 | Orange | 2 | 1 | -1 | Madera | 1 | 1 | 0 | Los Angeles | 9 | 7 | -2 |
| Riverside | 6 | 7 | 1 | Placer | 1 | 1 | 0 | Merced | 1 | 2 | 1 | Madera | 4 | 4 | 0 |
| Sacramento | 5 | 5 | 0 | Riverside | 4 | 6 | 2 | Monterey | 1 | 0 | -1 | Merced | 5 | 6 | 1 |
| San Bernardino | 8 | 8 | 0 | Sacramento | 4 | 4 | 0 | Orange | 2 | 2 | 0 | Monterey | 2 | 2 | 0 |
| San Diego | 1 | 0 | -1 | San Bernardino | 6 | 7 | 1 | Placer | 1 | 0 | -1 | Orange | 5 | 4 | -1 |
| San Joaquin | 5 | 3 | -2 | San Diego | 1 | 1 | 0 | Riverside | 6 | 6 | 0 | Placer | 3 | 2 | -1 |
| Shasta | 1 | 1 | 0 | San Joaquin | 3 | 3 | 0 | Sacramento | 4 | 5 | 1 | Riverside | 16 | 19 | 3 |
| Solano | 1 | 1 | 0 | Santa Clara | 1 | 0 | -1 | San Bernardino | 8 | 8 | 0 | Sacramento | 13 | 14 | 1 |
| Sonoma | 2 | 2 | 0 | Santa Cruz | 1 | 1 | 0 | San Diego | 2 | 1 | -1 | San Bernardino | 22 | 23 | 1 |
| Stanislaus | 2 | 3 | 1 | Shasta | 2 | 2 | 0 | San Joaquin | 4 | 2 | -2 | San Diego | 4 | 2 | -2 |
| Tulare | 2 | 2 | 0 | Solano | 1 | 2 | 1 | San Luis Obispo | 0 | 1 | 1 | San Joaquin | 12 | 8 | -4 |
| Ventura | 1 | 1 | 0 | Sonoma | 2 | 1 | -1 | Shasta | 1 | 1 | 0 | San Luis Obispo | 0 | 1 | 1 |
| | | | 0 | Stanislaus | 3 | 2 | -1 | Solano | 1 | 1 | 0 | Santa Clara | 1 | 0 | -1 |
| Total | 50 | 50 | 0 | Sutter | 1 | 1 | 0 | Sonoma | 1 | 2 | 1 | Santa Cruz | 1 | 1 | 0 |
| | | | | Tulare | 2 | 2 | 0 | Stanislaus | 1 | 2 | 1 | Shasta | 4 | 4 | 0 |
| | | | | Ventura | 1 | 1 | 0 | Tehama | 0 | 1 | 1 | Solano | 3 | 4 | 1 |
| | | | | Yolo | 1 | 0 | -1 | Tulare | 2 | 2 | 0 | Sonoma | 5 | 5 | 0 |
| | | | | Yuba | 1 | 0 | -1 | Ventura | 1 | 2 | 1 | Stanislaus | 6 | 7 | 1 |
| | | | | | | | | Yuba | 0 | 1 | 1 | Sutter | 1 | 1 | 0 |
| | | | | Total | 50 | 50 | 0 | | | | | Tehama | 0 | 1 | 1 |
| | | | | | | | | Total | 50 | 50 | 0 | Tulare | 6 | 6 | 0 |
| | | | | | | | | | | | | Ventura | 3 | 4 | 1 |
| | | | | | | | | | | | | Yolo | 1 | 0 | -1 |
| | | | | | | | | | | | | Yuba | 1 | 1 | 0 |
| | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | Total | 150 | 150 | 0 |

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
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Report

TO: Members of the Judicial Council

FROM: Fred Miller, Acting Director, Judicial Council Services
Chris Belloli, Senior Research Analyst, Research and Planning Unit
415-865-7651

DATE: October 26, 2001

SUBJECT: Results of statewide assessment of judicial needs including list of recommended new judgeships (Action Required)

Issue Statement

At the August 2001 Judicial Council meeting the council approved the final set of judicial workload standards developed from the California Judicial Needs Assessment Project and directed AOC staff to conduct a statewide assessment of judicial needs using these workload standards. The Judicial Council also directed staff to present at the October 2001 Judicial Council meeting recommendations for an initial 3-year plan and subsequent 2-year plans for obtaining additional judgeships needed statewide as implied by the judicial workload standards.

Staff recommends that the Judicial Council approve a prioritized list of new judgeships for FY 2002-03, 2003-04, 2004-05, the initial 3-year plan for requesting additional judgeships. This list is based on the judicial workload standards approved by the Judicial Council on August 24, and ranked using statistical methods that ensure additional judicial officers will be allocated to those courts with the greatest need.

Recommendation

AOC Research and Planning staff recommends that the Judicial Council:

1. Approve the results of the statewide assessment of judicial needs as implied by the judicial workload standards including the ranked list of 150 recommended new judgeships for the initial 3-year plan, contingent on the courts' ability to provide adequate facilities for additional judges and their complement of support staff;

2. Approve the first 50 judgeships on the ranked list of 150 recommended new judgeships for the initial 3-year plan, but defer the decision to sponsor legislation in FY 2002-03 until the Chief Justice and Administrative Director of the Courts can meet with the Governor and the Legislative leadership. A final recommendation concerning new judgeships for FY 2002-03 will be based on these discussions, and this recommendation will be presented to the Judicial Council for their approval;
3. Direct staff to convene a working group made up of representatives from the trial courts that will meet on an annual basis to update specific workload standards and refine the overall judicial needs assessment process; and
4. Direct staff, with guidance from the working group, to prepare a Judicial Council issues meeting agenda to seek discussion of the following issues:
 - A. Options for courts with more judicial officers than are currently needed based on the assessment results;
 - B. Possibility of establishing expected outcomes for courts that receive additional judgeships (e.g., time standards, other qualitative standards); and
 - C. Options to put additional resources in areas within courts (e.g., family and juvenile) that have not been adequately served in the past.

Rationale for Recommendations

Recommendation 1

The new judicial needs assessment process is based on a set of judicial workload standards that represent the average bench and non-bench time (in minutes) required to resolve each case type. These workload standards are multiplied by the number of case filings by case type to arrive at the total judicial workload for each court. Total workload entering a particular court is then divided by the “standard” amount of time each judicial officer has available to complete case-related work per year. This calculation provides an estimate of the number of judicial officers needed in every county and the state as a whole to resolve the number of cases filed.

Results of statewide assessment of judicial needs

Figure 1 on page 4 shows, among other things, the results from the statewide assessment of judicial needs. This table, under the column called “Estimated Judicial Officer Need”, provides an estimate of the number of judicial officers needed in every county and the state as a whole as implied by the judicial workload standards. These results are based on the revised filings for FY 1999-00

provided by the courts as part of the court feedback process conducted through surveys to the courts after the August 2001 Judicial Council meeting. The results from the statewide assessment of judicial needs are based on the following assumptions:

- 1) Judicial officers have available, on average, 215 days per year for case resolution, which was reached by removing weekends and applying a standard deduction for vacation, sick leave, and participation in judicial conference and education programs from the calendar year.
- 2) California judicial officers are assumed to spend an average of six hours a day on case specific responsibilities and two hours per day on non-case related administration, community activities, travel, etc.
- 3) The judicial workload standards represent a qualitative improvement over what can be done with the current level of judicial resources.
- 4) The approach is not intended to dictate how individual judicial officers spend their time in a given workday or on a particular case.
- 5) The assessment process is also not intended to dictate to a court how judicial assignments should be made, but to measure the overall workload of a court. Within that workload, courts would continue to find the best practices for calendar management and assignments according to their local needs.

The table (Figure 1) on the following page with the assessment results contains the following information:

- Population figures for each county as of 1/1/2000 (Column 2).
- The estimated number of judicial officers needed in each county (Column 3).
- The current number of AJP and JPE, reflecting revisions provided by the trial courts (Columns 4 & 5).
- The need for additional judicial officers (expressed as number of positions and percent increase), based on current AJP (Columns 6 & 7).

Figure 1: Estimating Need for Judicial Officers by County

| County/Court | Population 1/1/00 | Estimated Judicial Officer Need FY 99-00 | Authorized Judicial Positions | Judicial Position Equivalent | Need Minus Actual | Percent Change in Need |
|-----------------|----------------------|--|-------------------------------------|------------------------------------|-------------------------|------------------------------|
| | | | FY 99-00 | FY 99-00 | 99-00 AJP | 99-00 AJP |
| Alameda | 1,454,300 | 88.5 | 85.0 | 91.5 | 3.5 | 4.1% |
| Alpine | 1,190 | 0.3 | 2.0 | 1.8 | (1.7) | -86.0% |
| Amador | 34,400 | 2.2 | 2.3 | 3.2 | (0.1) | -4.2% |
| Butte | 204,000 | 15.9 | 12.0 | 13.8 | 3.9 | 32.2% |
| Calaveras | 38,500 | 2.2 | 2.3 | 3.0 | (0.1) | -5.5% |
| Colusa | 18,750 | 2.0 | 2.3 | 2.3 | (0.3) | -14.5% |
| Contra Costa | 930,000 | 50.6 | 45.0 | 51.2 | 5.6 | 12.4% |
| Del Norte | 28,000 | 3.3 | 2.1 | 2.5 | 1.2 | 58.2% |
| El Dorado | 152,900 | 8.3 | 8.0 | 9.2 | 0.3 | 3.2% |
| Fresno | 805,000 | 68.7 | 45.0 | 46.8 | 23.7 | 52.6% |
| Glenn | 27,100 | 2.5 | 2.3 | 2.4 | 0.2 | 7.6% |
| Humboldt | 127,600 | 9.5 | 8.0 | 8.6 | 1.5 | 19.4% |
| Imperial | 145,300 | 10.9 | 10.9 | 12.3 | 0.0 | 0.4% |
| Inyo | 18,200 | 1.8 | 2.1 | 2.6 | (0.3) | -13.5% |
| Kern | 658,900 | 51.5 | 41.0 | 41.8 | 10.5 | 25.6% |
| Kings | 131,200 | 10.3 | 8.5 | 8.5 | 1.8 | 21.6% |
| Lake | 55,700 | 5.6 | 4.3 | 4.9 | 1.3 | 30.6% |
| Lassen | 33,950 | 2.7 | 2.1 | 2.9 | 0.6 | 29.5% |
| Los Angeles | 9,884,300 | 630.9 | 582.0 | 618.8 | 48.9 | 8.4% |
| Madera | 117,100 | 12.9 | 7.3 | 7.1 | 5.6 | 76.7% |
| Marin | 249,700 | 12.9 | 14.5 | 16.0 | (1.6) | -11.3% |
| Mariposa | 16,150 | 1.2 | 2.1 | 2.1 | (0.9) | -44.6% |
| Mendocino | 87,600 | 7.9 | 9.0 | 8.2 | (1.1) | -11.8% |
| Merced | 210,100 | 18.4 | 9.7 | 10.2 | 8.8 | 90.7% |
| Modoc | 9,800 | 1.1 | 2.0 | 2.2 | (0.9) | -43.0% |
| Mono | 10,900 | 1.1 | 3.0 | 3.1 | (1.9) | -63.4% |
| Monterey | 399,300 | 23.6 | 19.5 | 18.7 | 4.1 | 21.2% |
| Napa | 127,000 | 7.2 | 8.0 | 8.7 | (0.8) | -10.0% |
| Nevada | 91,100 | 5.9 | 7.3 | 7.4 | (1.4) | -18.5% |
| Orange | 2,828,400 | 159.5 | 143.0 | 153.3 | 16.5 | 11.5% |
| Placer | 234,400 | 16.8 | 12.0 | 13.6 | 4.8 | 40.1% |
| Plumas | 20,350 | 1.9 | 2.3 | 3.0 | (0.4) | -16.2% |
| Riverside | 1,522,900 | 110.3 | 69.0 | 71.6 | 41.3 | 59.9% |
| Sacramento | 1,209,500 | 97.8 | 64.0 | 67.8 | 33.8 | 52.8% |
| San Benito | 49,800 | 3.2 | 2.3 | 2.7 | 0.9 | 37.0% |
| San Bernardino | 1,689,300 | 135.3 | 74.0 | 80.7 | 61.3 | 82.8% |
| San Diego | 2,911,500 | 165.9 | 152.0 | 159.9 | 13.9 | 9.1% |
| San Francisco | 801,400 | 56.7 | 65.0 | 68.1 | (8.3) | -12.8% |
| San Joaquin | 566,600 | 56.0 | 30.0 | 31.3 | 26.0 | 86.8% |
| San Luis Obispo | 245,200 | 16.1 | 15.0 | 15.0 | 1.1 | 7.1% |
| San Mateo | 730,000 | 34.0 | 33.0 | 35.9 | 1.0 | 2.9% |
| Santa Barbara | 414,200 | 24.8 | 24.0 | 24.9 | 0.8 | 3.5% |
| Santa Clara | 1,736,700 | 93.8 | 89.0 | 90.7 | 4.8 | 5.4% |
| Santa Cruz | 255,000 | 15.8 | 13.5 | 13.5 | 2.3 | 17.2% |
| Shasta | 167,000 | 17.2 | 11.0 | 12.4 | 6.2 | 56.2% |
| Sierra | 3,140 | 0.3 | 2.3 | 2.2 | (2.0) | -88.6% |
| Siskiyou | 44,200 | 4.6 | 5.0 | 5.6 | (0.4) | -7.8% |
| Solano | 399,000 | 27.9 | 22.0 | 22.3 | 5.9 | 26.7% |
| Sonoma | 450,100 | 29.8 | 20.0 | 20.3 | 9.8 | 49.0% |
| Stanislaus | 441,400 | 33.5 | 21.4 | 21.9 | 12.1 | 56.4% |
| Sutter | 77,900 | 7.8 | 5.3 | 5.5 | 2.5 | 46.8% |
| Tehama | 56,200 | 5.5 | 4.3 | 4.6 | 1.2 | 27.5% |
| Trinity | 13,050 | 1.1 | 2.3 | 2.3 | (1.2) | -53.5% |
| Tulare | 368,000 | 31.5 | 20.0 | 21.1 | 11.5 | 57.7% |
| Tuolumne | 53,000 | 3.8 | 4.3 | 4.5 | (0.5) | -11.2% |
| Ventura | 756,500 | 38.0 | 32.0 | 37.2 | 6.0 | 18.6% |
| Yolo | 162,900 | 13.5 | 11.4 | 10.8 | 2.1 | 18.5% |
| Yuba | 60,700 | 7.5 | 5.3 | 5.2 | 2.2 | 40.8% |
| Total | 34,336,380 | 2,269.5 | 1,904.3 | 2,019.4 | 365.3 | 19.2% |

- Based on the revised filings data provided by the trial courts the judicial needs assessment methodology suggests a statewide need for 2,269 judicial officers, slightly higher than the total presented to the Judicial Council in August 2001.
- This represents a 12% increase from the current number of judicial positions used statewide (as measured by Judicial Position Equivalent, or JPE) and 19% increase from the current number of authorized judicial officers (as measured by Authorized Judicial Positions, or AJP).
- There are 34 courts that show a need for at least 1 additional judicial officer, ranging in size from Los Angeles to Del Norte, a 2-judge court.
- Sixteen courts currently have a sufficient number of judicial officers as implied by the workload standards.
- There are 8 courts, several of which are small 2-judge courts, which currently have more judicial officers than are currently needed based on the assessment results.

Recommendation 2

Staff presented a recommendation to the Judicial Council at their August 24 meeting for an initial 3-year plan for obtaining additional judgeships followed by subsequent 2-year plans. In order to develop a list of new judgeships recommended for the initial 3-year plan, staff ranked the courts that showed a need for additional judicial resources using statistical methods recommended by the National Center for State Courts as the most effective and equitable way to allocate judicial resources.

Ranking methodology for prioritizing list of new judgeships

The ranking methodology is based in part on the Equal Proportions Method, which has been used by other states in their assessment of judicial needs and is also used by the United States Congress to determine how a fixed number of seats should be assigned in the House of Representatives after a new census is taken. Some minor adjustments to the Equal Proportions Method have been made to provide consideration for courts with the greatest need relative to their current complement of judicial officers, as well as to ensure improved access to courts for the greatest number of the public.

First, the ranking score derived from the Equal Proportions Method for each needed judgeship is multiplied by a percentage factor based on the number of *additional* judgeships needed for each court as a percentage of the *total* number of judicial officers needed in each county (Figure 1, Column 3). This adjustment, for example, would prioritize a court needing one additional judgeship with 10 existing judicial officers over a court also needing one new judgeship but currently

with 50 judicial officers. The final adjustment takes this new ranking score and divides it by “1” for the first new judgeship needed for each county, by “2” for the second (if applicable) new judgeship for each county, and so on. This adjustment will give more weight to a court’s first new judgeship and less weight to a court’s second and subsequent other additional needed judgeships. The list of needed new judgeships by county is sorted by this final ranking score from highest value or judicial need to the lowest value to generate a prioritized list of new judgeships.

The table on the following page (Figure 2) shows the number of new judicial officers recommended by county based on their priority ranking for FY 2002-03, 2003-04, 2004-05, the initial 3-year plan for requesting additional judgeships. Figures 3-5 at the end of this report show the actual ranked list of recommended new judgeships for each year of the 3-year plan. This table (Figure 2) is based on a staff recommendation that the Judicial Council request 50 new judgeships in each year of the 3-year plan.

At this time, staff recommends that the Judicial Council defer the decision to sponsor legislation in FY 2002-03 for the creation of the first 50 judgeships until the Chief Justice and Administrative Director of the Courts can meet with the Governor and the Legislative leadership. A final recommendation concerning new judgeships for FY 2002-03 will be based on these discussions, and this recommendation will be presented to the Judicial Council for their approval.

The prioritized lists of recommended new judgeships for year 2 and year 3 (FY 2003-04 and FY 2004-05) are preliminary and subject to change based on the refinements to the assessment process recommended by the court working group next year. Staff will present an updated list of new judgeships for FY 2003-04 and FY 2004-05 to the Judicial Council in the fall of 2002, following the approval of the working group’s recommendations by the Judicial Council.

At the end of 5 years (initial 3-year plan and subsequent 2-year plan), the California trial courts will have a significant number of the needed additional judicial officers as implied by the workload standards, and will be within 5 percent of the total statewide need.

Figure 2: Number of new judicial officers for FY 2002-03, 2003-04, 2004-05

| County | New Judgeships for 3-year plan | | | |
|------------------------|---------------------------------------|-------------------|-------------------|---------------------|
| | <i>FY 2002-03</i> | <i>FY 2003-04</i> | <i>FY 2004-05</i> | <i>3-year total</i> |
| San Bernardino | 8 | 6 | 8 | 22 |
| Riverside | 5 | 5 | 5 | 15 |
| Sacramento | 5 | 4 | 4 | 13 |
| San Joaquin | 5 | 3 | 4 | 12 |
| Fresno | 4 | 3 | 3 | 10 |
| Los Angeles | 3 | 2 | 4 | 9 |
| Stanislaus | 2 | 3 | 1 | 6 |
| Tulare | 2 | 2 | 2 | 6 |
| Merced | 2 | 2 | 1 | 5 |
| Sonoma | 2 | 2 | 1 | 5 |
| Kern | 2 | 1 | 2 | 5 |
| Orange | 1 | 2 | 2 | 5 |
| Madera | 1 | 2 | 1 | 4 |
| Shasta | 1 | 2 | 1 | 4 |
| San Diego | 1 | 1 | 2 | 4 |
| Placer | 1 | 1 | 1 | 3 |
| Solano | 1 | 1 | 1 | 3 |
| Ventura | 1 | 1 | 1 | 3 |
| Butte | 1 | 1 | 0 | 2 |
| Monterey | 1 | 0 | 1 | 2 |
| Contra Costa | 1 | 0 | 1 | 2 |
| Kings | 0 | 1 | 0 | 1 |
| Santa Clara | 0 | 1 | 0 | 1 |
| Santa Cruz | 0 | 1 | 0 | 1 |
| Sutter | 0 | 1 | 0 | 1 |
| Yolo | 0 | 1 | 0 | 1 |
| Yuba | 0 | 1 | 0 | 1 |
| Alameda | 0 | 0 | 1 | 1 |
| Del Norte | 0 | 0 | 1 | 1 |
| Humboldt | 0 | 0 | 1 | 1 |
| Lake | 0 | 0 | 1 | 1 |
| Statewide total | 50 | 50 | 50 | 150 |

Recommended new judgeships for FY 2002-03

- There are 21 courts that are on the recommended list of new judgeships for FY 2002-03, the first year of the initial 3-year plan.
- Many courts on the prioritized list for multiple new judgeships have a considerable overall need for additional judicial officers, which also represents a significant need relative to their current number of judicial officers.
 - San Bernardino, 8 new judicial officers
 - Riverside, 5 new judicial officers
 - Sacramento, 5 new judicial officers
- Other courts also showing a considerable overall need, but a relatively small need compared to their current number of judicial officers, are also on the recommended list to receive additional judicial officers for FY 2002-03.
 - Los Angeles, 3 judicial officers
 - Orange, 1 judicial officer
 - San Diego, 1 judicial officer
- The minor adjustments to the Equal Proportions Method resulted in many courts appearing on the prioritized list for FY 2002-03 that would not have been included absent the adjustments, thereby providing these courts the additional judicial resources that are critically needed to serve the public.
 - Solano, 1 judicial officer
 - Madera, 1 judicial officer
 - Placer, 1 judicial officer

Expected impact of adding new judgeships

Staff recommends that the Judicial Council consider establishing some expected outcomes for courts that receive additional judgeships. These outcomes should be based on an expected increase in the quality of justice and service to the public as well as in other areas consistent with the goals of the Judicial Council such as:

- Improvements in case processing, such as time to disposition
- Greater assistance to pro per litigants
- Increasing the coordination of all family and juvenile cases
- Expanding the availability of collaborative justice courts (e.g., drug, teen, domestic violence courts) to the public

Court feedback process

A set of materials was sent to the trial courts that included a description of the new judicial needs assessment process and a court feedback form, requesting both verification and feedback on several pieces of information related to this new judicial needs assessment process. Staff outlined this feedback process in a presentation to the Presiding Judges and Court Executives at their joint issues meeting in September 2001. The feedback form provided courts the opportunity to (1) comment on the results of the judicial needs assessment for their court and on any unique circumstances that significantly affect ongoing judicial workload, and (2) provide recommendations to staff and a court working group who will address future refinements.

Given the scheduling of the Judicial Council meetings in August and October, the trial courts had less than three weeks to provide their feedback on the new judicial needs assessment process. Staff recognizes the limited amount of time courts were given to provide their feedback, and would like to thank the 45 courts that responded for their input.

Court comments on results of judicial needs assessment

Courts that provided feedback were almost unanimous in their agreement and support of the judicial needs assessment results for their court. In several instances, however, courts indicated that it would be difficult to accommodate any new judicial officers with current facilities.

Several courts indicated that problems or inaccuracies in the filings data raise some concerns about the results of the judicial needs assessment. Given that staff from the National Center for State Courts also raised this issue during their work on the Judicial Needs Assessment Project, this concern about filings data has some merit. As outlined in greater detail below, staff recommends that the working group seek ways to improve the accuracy of court-reported filings data when they meet in calendar year 2002.

Recommendation 3& 4

The Judicial Council approved a staff recommendation presented at the August council meeting to create a working group made up of representatives from the trial courts that will meet on an annual basis to update specific judicial workload standards and refine the overall judicial needs assessment process. This review process will serve to identify areas in which specific research may be needed to quantify the impact of new laws, policy, or court procedures on the standards for specific types of cases.

Based on the results from the Judicial Needs Assessment Project and information provided by the trial courts as part of the recently completed court feedback process, staff recommends that the working group consider the following areas for study in calendar year 2002:

- Seek methods to improve the accuracy and standardization of court-reported filings data, particularly in the Other Civil Complaint and Other Civil Petition case types.
- Review studies assessing the impact of Proposition 36 on judicial workload.
- Conduct an assessment of the additional workload associated with drug, teen, domestic violence, and other collaborative justice courts.
- Consider refining the process to account for the additional time required to handle cases involving a court interpreter or pro per litigants.
- Study the impact of having multiple court locations within a county on the need for judicial officers.
- Develop a set of recommendations concerning how the state's existing judicial resources could be allocated more efficiently, including courts with more judicial officers than are currently needed based on the assessment results.

This working group will be made up of judicial officers and court managers from across the state, and staff will schedule an orientation session for the group in early 2002. The working group will report back to the Judicial Council in the fall of 2002 on their recommendations for refining the assessment process including any workload standards that should be updated.

Alternative Actions Considered

The Equal Proportions Method is used by the United States Congress to determine how a fixed number of seats should be assigned in the House of Representatives after a new census is taken. Because this allocation method is intended for a fixed amount of resources (i.e. seats) and also allows these resources to be distributed from one jurisdiction to another, staff made minor adjustments to this method in order to be consistent with the current practices in allocating judicial resources in the California trial courts. Without these adjustments to the Equal Proportions Method, staff concluded that new judicial resources would not necessarily be allocated in the most equitable manner and to those courts with the greatest need.

Comments From Interested Parties

Beyond the feedback received from the courts that is summarized earlier in the report, no additional comments were requested.

Implementation Requirements and Costs

Upon approval of recommendation 2 by the Judicial Council, staff will prepare a detailed budget change proposal (BCP) for the creation of 50 new judgeships for FY 2002-03. This BCP will include the costs associated with the support staff for each new judgeship as well as any facilities or capital outlay considerations, which are not known at this time and will require additional analysis.