

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

SB 75 (Roth)
Version: March 20, 2023
Hearing Date: March 28, 2023
Fiscal: Yes
Urgency: No
AM

SUBJECT

Courts: Judgeships

DIGEST

This bill, subject to appropriation, authorizes 26 additional superior court judgeships and requires the Judicial Council to allocate the judgeships to the various county superior courts pursuant to specified standards for factually determining judicial need in each county.

EXECUTIVE SUMMARY

This bill seeks to authorize 26 additional superior court judgeships, upon appropriation, and requires the Judicial Council to allocate the funded judgeships based on its determination of judicial needs. The 2022 Judicial Needs Assessment concluded that 17 superior courts need new judgeships for a total of 98 new judges, with 53 percent of the need being located in San Bernardino and Riverside counties alone.¹ The bill is sponsored by the Judicial Council of California and supported by several counties and associations representing counties, the California District Attorneys Association, the Consumer Attorneys of California, organizations representing businesses, and various associations representing law enforcement. It has no known opposition.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Authorizes 50 additional judgeships, upon appropriation by the Legislature, to be allocated to the various county superior courts based on uniform standards for factually determining additional judicial need. (Gov. Code § 69614.2.)

¹ Judicial Council of Cal., Rep. on the Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment (Nov. 2022), pp. 3 (*hereafter* Report).

- 2) Requires the Judicial Council to report to the Legislature on or before November 1 of every even-numbered year on the need for new judgeships in each superior court, taking into account the following: (1) court filings data averaged over a three-year period; (2) workload standards that represent the average amount of time of bench and non-bench work required to resolve each case type; and (3) a ranking methodology that provides consideration for courts that have the greatest need relative to their current complement of judicial officers. (Gov. Code § 69614(b) & (c).)
- 3) Increased the number of judges in the Superior Court of the County of Riverside from 51 to 53 and increased the number of judges in the division of the Court of Appeal for the 4th Appellate District that holds its regular sessions in the San Bernardino/Riverside area from seven to eight. (SB 847, Committee on Budget and Fiscal Review, Ch. 45, Stats. 2018.)

This bill:

- 1) Authorizes 26 additional superior court judgeships, subject to appropriation.
- 2) Requires the Judicial Council to allocate those 26 judgeships to the various county superior courts pursuant to the standards currently used to allocate judgeships in the state.
- 3) Makes various findings and declarations of the Legislature including:
 - a) The public's right to timely access to justice is contingent on having adequate judicial resources in every county in the state.
 - b) While additional judgeships have been funded between 2007 and 2022 and that funding has reduced the gap between the number of authorized judgeships and judicial need, a critical need for additional judicial resources in some underserved areas of the state continues to exist.
 - c) Based on the Judicial Council's 2022 Judicial Needs Assessment, 17 counties require additional judgeships, for a total requirement of 98 new judicial positions in the state. In some counties, the existing disparity between authorized and funded positions and judicial need is expected to widen due to continued dramatic population growth in the future.
 - d) In Inland Southern California, the County of Riverside has experienced a 62-percent increase in population since 2000 and the County of San Bernardino, with a 33-percent increase in population during the same period, has experienced similar explosive growth. As a result, the 2022 Judicial Needs Assessment determined that, of the 98 positions required in the state, the Counties of Riverside and San Bernardino need a total of 52 of those judicial positions in order to provide appropriate access to justice for inland southern California residents, 55 percent of the overall requirement in the state. 15 other counties require additional resources as well.

COMMENTS

1. Stated need for the bill

According to the author:

Based on the Judicial Council's 2022 Judicial Needs Assessment, seventeen counties (17) require additional judgeships for a total requirement of ninety-eight (98) new judicial positions in the State. Of the ninety-eight (98) positions required in the State, Riverside and San Bernardino counties need a total of fifty-two (52) of those judicial positions in order to provide appropriate access to justice for Inland Southern California residents. The fifty-two (52) positions needed in these two counties represents 55 percent of the overall need in the State.

This disparity is expected to widen as Riverside and San Bernardino counties are projected to continue their rapid growth. Riverside County has experienced a 62 percent increase in population since 2000 and San Bernardino County experienced a 33 percent increase in population during the same period. Furthermore, according to the Judicial Council of California's 2022 Court Statistics Report, Riverside County Superior Court had 3,515 filings per judicial position, the 3rd highest number amongst the state's 58 counties. While San Bernardino and Riverside counties are the two counties with the most need, 15 other counties require additional resources as well. Without action, the exceptional inequity seen in this region and others will only grow.

2. The need for additional judgeships persists even though 50 additional judgeships have been allocated and funded since 2008

Existing law authorized the creation of an additional 50 new judgeships to be filled pursuant to budget authorization beginning May 2008 and allocated pursuant to the latest Judicial Needs Assessment approved by the Judicial Council. However, the funding for the authorized 50 judgeships was deferred to June 1, 2009, and then delayed again to July 2009. Funding was then made contingent upon reaching the trigger for deferral stimulus funds. As the trigger mark was not met, funding for the judgeships was not provided. In 2018, two of those approved judgeships were funded and allocated when the number of judges in the Superior Court of the County of Riverside was increased from 51 to 53. (SB 847 (Ch. 45, Stats. 2018)) The California Budget Act of 2019 included funding for 25 additional superior court judgeships,² and the California Budget Act of 2022 authorized and provided funding for 23 new superior court

² Dept. of Finance, *California Budget 2019–20*, "Judicial Branch," <https://ebudget.ca.gov/2019-20/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf> (June 27, 2019).

judgeships, resulting in the 50 new judgeships originally authorized in 2008 being funded.³ The 23 judgeships funded in 2022 were allocated as follows:⁴

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

According to the Judicial Council: “the determination of which courts are to receive judgeships is based on the Judicial Council’s prioritization and ranking methodology, which considers courts with the greatest need relative to the current complement of judicial officers and the goal to improve access to courts for the greatest number of users.[fn. omitted]”⁵

Even with the 50 judgeships originally approved in 2008 being fully funded, the need for more judgeships persists. As the author and Judicial Council note, “the public’s right to timely access to justice is contingent on having adequate judicial resources in every county in the state.”⁶ The 2022 Judicial Needs Assessment concluded that 17 superior courts need new judgeships for a total of 98 new judges.⁷ The assessment determined that Riverside needs 22 full-time equivalent judicial positions (FTEs) and San Bernardino needs 30 FTEs, which accounts for 55 percent of the entire need statewide.⁸ In addition, the assessment concluded that Fresno needs 7 FTEs, San Joaquin needs 6 FTEs, Sacramento needs 4 FTEs, and Tulare needs 3 FTEs.⁹ Lastly, the

³ *Id.*

⁴ Judicial Council of Cal., *Rep. on the Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment* (Oct. 2022), p. 7.

⁵ *Id.* at 6.

⁶ *Id.* at 3.

⁷ *Id.* at 5-6.

⁸ *Ibid.*

⁹ *Ibid.*

assessment concluded that Kings, Madera, Merced, Placer, and Stanislaus need 2 FTEs and that Humboldt, Lake, Orange, Shasta, and Tehama need 1 FTEs.¹⁰

The Judicial Council writes in its 2022 Judicial Needs Assessment that:

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. In recent years, the branch has received funding for the 50 judgeships authorized by AB 159 (Stats. 2007, Ch. 722): two judgeships were funded in 2018, 25 were funded in 2019, and, most recently, 23 were funded in 2022. This funding has greatly minimized the gap between the number of authorized judgeships and judicial need. However, there continues to be workload-based judicial need in some superior courts.¹¹

This bill seeks to address the need for new judgeships by authorizing 26 additional superior court judgeships, upon appropriation, and requires the Judicial Council to allocate those judgeships to the various county superior courts pursuant to the standards currently used to allocate judgeships in the state. The author notes that the County of Riverside has experienced a 62-percent increase in population since 2000 and the County of San Bernardino has had 33-percent increase in population during the same period. The author points out that this growth in population is projected to continue for both counties.

3. Statements in support

The Judicial Council of California, sponsor of the bill, writes in support stating:

California is a pioneer in the measurement of judicial workload-based need, having been the first state to use a weighted caseload methodology to assess the need for judicial officers, beginning in 1963. In 2001, in consultation with the National Center for State Courts, the Judicial Council completed the California Judicial Needs Assessment Project and developed uniform criteria for determining judicial needs in California and how judgeships are allocated to the courts. [...]

As a result of this work, the council has sponsored more than a dozen pieces of legislation over the last several years seeking authorization and funding for much needed new judgeships throughout the state, to be allocated according to the factually determined need set forth in the biannual Judicial Needs Study. Seeking an adequate number of judgeships and judicial officers in counties with the greatest need remains a legislative priority in 2023 and the Judicial Council is pleased to support and sponsor SB 75.

¹⁰ *Ibid.*

¹¹ *Id.* at 3.

In support of the bill the San Bernardino County Board of Supervisors writes:

California's fastest growing counties, including San Bernardino County, face a critical shortage of judges. The 2022 Update of the Judicial Needs Assessment shows that 17 courts across the state are short a total of 98 judges. Of those 98 judges, 22 are needed in Riverside County while 30 are needed in San Bernardino County. This extreme shortage of judges creates extraordinary hardships for the residents of our County, who must wait years to have their legal cases even be heard, let alone resolved. San Bernardino County's extreme shortage of judges places a crushing administrative burden on the entire apparatus of our Superior Court, where our judges, prosecutors, public defenders, and administrative support staff struggle to ensure that legal proceedings are held in a timely, effective manner. While we are aware that the state budget is projected to have a deficit this year, the lack of judges in the Inland Empire is an extreme inequity in the state. We strongly urged [sic] you and your colleagues to support SB 75 (Roth) and to support state funding to create these 26 new judge positions.

SUPPORT

Judicial Council of California (sponsor)
California District Attorneys Association
Consumer Attorneys of California
Corona Police Officers Association
County of Riverside
Greater Riverside Chambers of Commerce
Inland Action
Riverside County Sheriff's Office
Riverside Police Officers Association
Riverside Sheriffs' Association
Rural County Representatives of California
San Bernardino County
Upland Police Officers Association
Urban Counties of California

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation: None known.

Prior Legislation:

SB 95 (Committee on Budget and Fiscal Review, 2019, Ch. 36, Stats. 2019) specified that a certain item in the Budget Act of 2019 allocated 25 of the 48 judgeships effective in the 2019–20 fiscal year.

SB 840 (Mitchell, Ch. 29, Stats. 2018), among other things, appropriated \$2,920,000 for expenses associated with the two judgeships in the Superior Court of Riverside County authorized by SB 847 (Committee on Budget and Fiscal Review, Ch. 45, Stats. 2018).

SB 847 (Committee on Budget and Fiscal Review, Ch. 45, Stats. 2018), among other things, increased the number of judges in the Superior Court of the County of Riverside from 51 to 53 and increased the number of justices in the Fourth Appellate District of the Court of Appeal located in the San Bernardino/Riverside area from seven to eight.

SB 38 (Roth, 2017), would have increased the number of judgeships from seven to eight in Division 2 of the Court of Appeal for the Fourth Appellate District and appropriated \$1,202,000 from the General Fund to fund these judgeships and accompanying staff. This bill was held in the Assembly Appropriations Committee.

SB 39 (Roth, 2017), among other things, would have required that up to five vacant judgeships be allocated from superior courts with more authorized judgeships than their assessed judicial need. This bill was held in the Senate Appropriations Committee.

AB 103 (Committee on Budget, Ch. 17, Stats. 2017), among other things, reallocated two vacant judgeships from the Superior Court of the County of Santa Clara to the Superior Court of the County of Riverside and two vacant judgeships from the Superior Court of the County of Alameda to the Superior Court of the County of San Bernardino.

AB 414 (Medina, 2017) was almost identical to SB 39 (Roth, 2017), but differed in that it would have allowed the Judicial Council to decide whether a judgeship should be suspended after it notifies the court with the vacant judgeship, the Legislature, and the Governor, and would have provided time and opportunity for public comment. This bill was held in the Senate Judiciary Committee.

SB 1023 (Judiciary Committee, 2016), would have appropriated \$5 million from the General Fund for the purpose of funding 12 of the 50 previously authorized superior court judgeships and accompanying staff. This bill was held in the Senate Appropriations Committee.

SB 229 (Roth, 2015), would have appropriated \$5,000,000 to fund 12 of the 50 previously authorized superior court judgeships and accompanying staff. This bill was vetoed by Governor Brown because he intended to work with the Judicial Council to develop a

system wide approach to balance the workload and distribution of judgeships around the state.

SB 1190 (Jackson, 2014), would have funded previously authorized judgeships, authorized 50 additional judgeships, and increased the number of justices in the Fourth Appellate District of the Court of Appeal located in the San Bernardino/Riverside area. The bill was held in the Senate Appropriations Committee.

SB 377 (Corbett, 2009), would have authorized 50 new trial court judgeships. The bill was held in the Senate Appropriations Committee.

SB 1150 (Corbett, 2008), would have authorized 50 new trial court judgeships. The bill was held in the Senate Appropriations Committee.

AB 159 (Jones, Ch. 722, Stats. 2007), authorized the creation of an additional 50 new judgeships to be filled pursuant to budget authorization beginning May 2008 and authorized the conversion of up to 162 subordinate judicial officer (SJO) positions to judgeship positions upon a voluntary vacancy of the SJO position, up to a maximum of 16 conversions per fiscal year.

SB 56 (Dunn, Ch. 390, Stats. 2006), authorized the creation of 50 new judgeship positions to be filled pursuant to budget authorization beginning May 2007.

SB 1857 (Burton, Ch. 998, Stats. 2000) created 20 new superior court judgeships and 12 new appellate court judgeships.

AB 1818 (Baca, Ch. 262, Stats. 1996) created 21 new superior court judgeships and five new appellate court judgeships.
