
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

SB 75 (Roth) - Courts: judgeships

Version: March 20, 2023

Urgency: No

Hearing Date: April 10, 2023

Policy Vote: JUD. 9 - 0

Mandate: No

Consultant: Matthew Fleming

Bill Summary: SB 75 would, subject to an appropriation, authorize an additional 26 superior court judgeships and require the Judicial Council (JCC) to allocate the judgeships to the various county superior courts pursuant to specified standards for factually determining judicial need in each county.

Fiscal Impact: Cost pressures in the hundreds of millions (General Fund). The Judicial Council of California (JCC) reports ongoing costs of approximately \$44.2 million and one-time facility costs ranging from \$91 million to \$208 million. See Staff Comments for additional detail.

Background: 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, and the The 2022 Budget Act included \$42.6 million General Fund in 2022-23 and \$42.3 million ongoing for 23 additional superior court judgeships. The 23 judgeships funded in 2022 were allocated as follows:

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

As a result, all of the judgeships authorized in statute are currently fully funded. Even with the 50 judgeships originally approved in 2008 being fully funded, however, the need for more judgeships persists. According to the author, “the public’s right to timely access to justice is contingent on having adequate judicial resources in every county in the state.” The 2022 Judicial Needs Assessment concluded that 17 superior courts need new judgeships for a total of 98 new judges. 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. In addition, the assessment concluded that Fresno needs 7 FTEs, San Joaquin needs 6 FTEs, Sacramento needs 4 FTEs, and Tulare needs 3 FTEs. Lastly, the assessment concluded that Kings, Madera, Merced, Placer, and Stanislaus need 2 FTEs and that Humboldt, Lake, Orange, Shasta, and Tehama need 1 FTEs.

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.”

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.

Proposed Law:

- Authorizes 26 additional superior court judgeships, subject to appropriation.
- 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.

Related 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.

Staff Comments: This bill would authorize an additional 26 judgeships in statute, subject to an appropriation. According to information provided by the JCC, the operational cost for one judgeship is \$1.7 million annually. This includes a compliment of 9.0 staff positions that support the work of the judge. Additionally, the facilities cost to provide courtroom space for 26 new judges will depend on where they are assigned. Some courthouses may have vacant space or space that is able to be retrofitted for a new courtroom, while others will need new building space created. The estimated range to build out planned courtroom space is approximately \$6 million per courthouse. Renovating existing non-courtroom space varies greatly and will cost between \$3.5 million to \$8 million depending on the existing conditions at the courthouse.

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