
THIRD READING

Bill No: SB 75
Author: Roth (D), et al.
Amended: 3/20/23
Vote: 21

SENATE JUDICIARY COMMITTEE: 9-0, 3/28/23
AYES: Umberg, Wilk, Allen, Ashby, Caballero, Durazo, Laird, Niello, Wiener
NO VOTE RECORDED: Min, Stern

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/18/23
AYES: Portantino, Jones, Ashby, Bradford, Seyarto, Wahab, Wiener

SUBJECT: Courts: judgeships

SOURCE: Judicial Council of California

DIGEST: This bill authorizes, subject to appropriation, 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.

ANALYSIS:

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.)
- 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: (a) court filings data averaged over a three-year period; (b) workload standards that represent the average amount of time of bench and non-bench work required to resolve each case type; and (c) 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, Chapter 45, Statutes of 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

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, Committee on Budget and Fiscal Review, Chapter 45, Statutes of 2018) The California Budget Act of 2019 included funding for 25 additional superior court judgeships,¹ and the California Budget Act of 2022 authorized and provided funding for 23 new superior court judgeships, resulting in the 50 new judgeships originally authorized in 2008 being funded.² The 23 judgeships funded in 2022 were allocated as follows:³

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

¹ Dept. of Finance, *California Budget 2019–20*, “Judicial Branch,” <https://ebudget.ca.gov/2019-20/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf> (June 27, 2019).

² *Id.*

³ 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.

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]”⁴

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.”⁵ The 2022 Judicial Needs Assessment concluded that 17 superior courts need new judgeships for a total of 98 new judges.⁶ 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.⁷ In addition, the assessment concluded that Fresno needs 7 FTEs, San Joaquin needs 6 FTEs, Sacramento needs 4 FTEs, and Tulare needs 3 FTEs.⁸ 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.⁹

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.¹⁰

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

⁴ *Id.* at 6.

⁵ *Id.* at 3.

⁶ *Id.* at 5-6.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ *Id.* at 3.

during the same period. The author points out that this growth in population is projected to continue for both counties.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee, 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.

SUPPORT: (Verified 5/18/23)

Judicial Council of California (source)
California District Attorneys Association
California State Association of Counties
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: (Verified 5/18/23)

None received

ARGUMENTS IN SUPPORT: 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.

The Judicial Council of California, sponsor of this 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.

Prepared by: Amanda Mattson / JUD. / (916) 651-4113
5/20/23 12:37:50

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