

SENATE THIRD READING
SB 75 (Roth)
As Amended March 20, 2023
Majority vote

SUMMARY

Authorizes 26 new judicial positions for the superior courts.

Major Provisions

- 1) Authorizes 26 additional superior court judgeships.
- 2) Specifies that the additional judgeships authorized by 1), above, are contingent on appropriation.
- 3) Provides that the judgeships authorized by 1), above, are to be allocated to the various county superior courts, in accordance with the uniform criteria set forth in the Judicial Council's Judicial Needs Study.

COMMENTS

Due to the significant budget constraints that plagued California for much of the early-2010s, the appointment of new judges to California courts did not keep pace with the state's growing population. This problem has been especially acute in the faster growing inland areas of California. To begin to address the issue, in 2019, the Legislature funded 25 new judgeships. Last year, the Legislature approved an additional 23 new positions in the budget. Although caseloads have decreased across many courts, the author believes additional judges are still needed, especially in the Inland Empire.

Until the late 1990s, trial courts in California were county entities, funded by the counties. Accordingly, funding levels varied dramatically between counties resulting in different levels of court services across the State. While visiting all 58 county courts, then-Chief Justice Ronald George discovered that chronic under-funding of many courts in the county-based court system substantially impaired access to justice, including "woefully inadequate facilities, insufficient staff, unavailable interpreter services, and antiquated information processing systems." In his first year as chief justice, Chief Justice George twice had to seek emergency funding from the Legislature in order to prevent the shutdown of some county trial court operations. In 1997, after significant problems came to light with the county-based court funding model, the Legislature passed the Lockyer-Isenberg Trial Court Funding Act, AB 233 (Escutia), Chapter 850, Statutes of 1997, requiring the state to assume responsibility for funding the courts and helping to ensure equal access to a quality judicial system statewide.

After the state took over funding, the courts received significant funding increases and the historically underfunded counties began to see infusions of new funding from the state. However, most of the state funding continued to be distributed based on the courts' historical allocations, so courts that were better funded by their counties remained better funded by the state, and courts that were underfunded by their counties still struggled to generate enough revenue to maintain full access to legal services.

Beginning in 2005, the Judicial Council began seeking legislative authorization and funding for additional trial court judges to address judicial shortfalls resulting from population growth. At that time, the Judicial Council reported that the state faced a "judicial gap" that portended a number of troubling long term consequences: a significant decrease in Californians' access to the courts; compromised public safety; an unstable business environment; and, in some courts, enormous backlogs that inhibit fair, timely, and equitable justice. According to the Judicial Council, that judicial gap arose because the number of trial court judges had not kept pace with population growth, and the resulting increased demand on the courts. At the time the Judicial Council noted that, between 1990 and 2000, for example, California's population grew by over 16 percent; yet at the time the number of new judgeships created by the Legislature grew by less than three percent.

At that time, the Judicial Council pointed out that its uniform and objective assessment criteria contained in its 2001 and 2004 Judicial Needs Studies identified a statewide need for 355 new trial court judgeships. However, in consideration of the state's ongoing budget woes, the Council initially suggested a need for 150 new judgeships over that next three years. In response to the need, the Legislature passed SB 56 (Dunn), Chapter 390, Statutes of 2006, which authorized, upon appropriation, 50 new trial court judgeships. Funding for those positions was provided in the budget that year. The next 50 trial court judges were authorized in AB 159 (Jones), Chapter 722, Statutes of 2007. However, the requisite funding for those 50 positions, not part of AB 159, was not included in that fiscal year's budget. Shortly after the passage of AB 159, the financial markets crashed, the Great Recession took hold, and California's budget woes became a full-blown crisis. Faced with billions of dollars of budget cuts, the funding of the 50 judicial positions authorized by AB 159, and the authorization and funding of the next 50 positions, became luxuries the state could not afford.

As California's economy and budget improved new attempts to fund judicial positions began. Since 2011, several bills have attempted to fund or authorize additional judicial positions including, AB 1313 (Donnelly) of 2013), SB 1190 (Jackson) of 2014, SB 229 (Roth) of 2015), AB 2446 (Oberholte) of 2018, and AB 2108 (Oberholte) of 2020). All of those measures either failed in the Legislature or were vetoed by the Governor due to cost or failure to adhere to the Judicial Council's needs assessment process.

According to the 2020 Judicial Needs Survey, California courts need 139 new judgeships to meet the existing caseloads. While it appears that some courts may have surplus judges, some courts are critically deficient in the number of bench officers hearing cases. Accordingly, this bill would authorize 26 new judicial positions to be allocated across the state. If approved, and funded, these judges would cut the overall need to fewer than 100 judges needed statewide. However, reflecting the state's current budget conditions, this bill conditions the judicial positions on budgetary appropriations.

This measure proposes to allocate the 26 new judicial positions in accordance with Judicial Council's Judicial Needs Survey. The 2020 survey noted that San Bernardino County needs 43 new judges and Riverside County need 30. The county with the next highest needs is Sacramento County with a deficit of 13 judges. Accordingly, while the 26 positions authorized by this measure would be spread around the state, it's clear that the overwhelming majority of the new positions will be allocated to the Inland Empire counties with the greatest need.

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.

Arguments in Support

This measure is supported by several county government organizations and the California District Attorneys Association. In support of the measure, the County of Riverside writes:

As you are aware, the Judicial Council of California assesses superior courts' workload and subsequently produces a biennial report regarding statewide judgeship needs. The Judicial Needs Assessment then prioritizes placement of additionally required judicial officers based on need. The latest assessment, published in fall 2022, identifies a need for 98 additional judicial officers to meet statewide workload and caseload demands. Riverside County has the second largest shortfall in assessed judicial need – the superior court's workload warrants an additional 23 judicial officers, which represents nearly one-quarter (23 percent) of the overall statewide need for 98 judicial officers. Even after funding 23 previously authorized judgeships in the 2022-23 budget, four of which were directed to the Riverside County Superior Court, the gap between local trial court workload and assessed judicial need remains vast. Steep population growth in Riverside County over the last several decades has greatly outpaced the trial court's ability to keep up with the attendant demand on judicial resources.

SB 75 would take another necessary and appropriate step in addressing the clearly demonstrated shortfall in judicial resources across the state.

Arguments in Opposition

No opposition on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee, costs (General Fund) in the hundreds of millions of dollars. The Judicial Council reports ongoing operational costs of approximately \$44.2 million annually and one-time facility costs ranging from \$91 million to \$208 million to support 26 additional judgeships. The operational cost for one judgeship position is approximately \$1.7 million per year and includes funding for approximately nine staff positions that support the work of each judge. Facilities costs will depend on where the judges are

assigned; some courthouses may have vacant space or space that can be renovated to provide a new courtroom, but others may need new building space.

VOTES

SENATE FLOOR: 40-0-0

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Caballero, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hurtado, Jones, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen, Niello, Ochoa Bogh, Padilla, Portantino, Roth, Rubio, Seyarto, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

ASM JUDICIARY: 10-0-1

YES: Maienschein, Essayli, Connolly, Dixon, Haney, Kalra, Pacheco, Papan, Reyes, Robert Rivas

ABS, ABST OR NV: Sanchez

ASM APPROPRIATIONS: 16-0-0

YES: Holden, Megan Dahle, Bryan, Calderon, Wendy Carrillo, Dixon, Mike Fong, Hart, Lowenthal, Mathis, Papan, Pellerin, Sanchez, Soria, Weber, Wilson

UPDATED

VERSION: March 20, 2023

CONSULTANT: Nicholas Liedtke / JUD. / (916) 319-2334

FN: 0001470