



JUDICIAL COUNCIL OF CALIFORNIA

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MR. MARTIN HOSHINO
*Administrative Director,
Judicial Council*

November 1, 2019

Ms. Diane F. Boyer-Vine
Legislative Counsel
State Capitol, Room 3021
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 3044
Sacramento, California 95814

Mr. E. Dotson Wilson
Chief Clerk of the Assembly
State Capitol, Room 3196
Sacramento, California 95814

Re: The Need for New Judgeships in the Superior Courts: 2019 Update of the Judicial Needs Assessment, as required under Government Code section 69614(c)(1) & (3)

Dear Ms. Boyer-Vine, Mr. Alvarez, and Mr. Wilson:

Attached is the report required under Government Code section 69614(c)(1) and (3), which requires the council to provide an update every two years on the need for new judgeships in the California superior courts and to report on the conversion of certain subordinate judicial officer (SJO) positions to judgeships.

This report is an update to *The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of the Judicial Needs Assessment* and reflects the new caseweights that were developed based on the 2018 Judicial Workload Study, which was in progress when the 2018 report was published. The new caseweights were approved by the Judicial Council at its meeting on September 24, 2019.

Ms. Diane F. Boyer-Vine
Ms. Erika Contreras
Mr. E. Dotson Wilson
November 1, 2019
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The judicial branch has adopted a weighted caseload model based on filing type and volume to estimate the need for new judgeships—a methodology that is used by many other states and is codified in Government Code section 69614. Based on this methodology, California needs 173 new judicial officers, as shown in Table 2 of the report.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload in all California trial courts, leaving some with serious shortfalls—as high as over 57 percent—between the number of judgeships needed and the number that have been authorized and filled.

As directed by Government Code section 69614(c)(3), this year's report also addresses the implementation of conversions of additional SJO positions (above the 16 authorized each year) that result in judges being posted to family or juvenile assignments previously held by SJOs (as authorized by Gov. Code, § 69615(c)(1)(C)). No additional conversions took place in this reporting period.

If you have any questions related to this report, please contact Kristin Greenaway, Supervising Analyst, Business Management Services, at 415-865-7832 or kristin.greenaway@jud.ca.gov.

Sincerely,



Martin Hoshino
Administrative Director
Judicial Council

MH/KE

Attachment

cc: Eric Dang, Policy Consultant, Office of Senate President pro Tempore Toni G. Atkins
Amy Alley, Policy Advisor, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, Senior Counsel, Office of Assembly Speaker Anthony Rendon
Gabrielle Zeps, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Tina McGee, Executive Secretary, Legislative Analyst's Office
Timothy Weber, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee

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Mary Kennedy, Chief Counsel, Senate Public Safety Committee

Christopher Francis, Consultant, Senate Budget and Fiscal Review Committee

Shaun Naidu, Consultant, Senate Appropriations Committee

Jennifer Troia, Principal Consultant, Joint Legislative Budget Committee

Eric Csizmar, Consultant, Senate Republican Policy Office

Matt Osterli, Consultant, Senate Republican Fiscal Office

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Alison Merrilees, Chief Counsel, Assembly Judiciary Committee

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Jennifer Kim, Consultant, Assembly Budget Committee

Jay Dickenson, Chief Consultant, Assembly Appropriations Committee

Kimberly Horiuchi, Principal Consultant, Assembly Appropriations Committee

Lindsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget

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Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget

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MR. MARTIN HOSHINO
Administrative Director,
Judicial Council

Report title: *The Need for New Judgeships in the Superior Courts: 2019 Update of the Judicial Needs Assessment*

Statutory citation: Government Code section 69614(c)(1) & (3)

Date of report: November 2019

The Judicial Council has submitted a report to the Legislature in accordance with Government Code section 69614(c)(1) and (3), which requires the council to provide an update every two years on the need for new judgeships in the California superior courts and to report on the conversion of certain subordinate judicial officer (SJO) positions to judgeships.

The following summary of the report is provided under Government Code section 9795.

The Judicial Council finds that, consistent with previous reports, a significant critical need for new judgeships remains. A total of 173 new judgeships are needed to meet the workload-based need in the trial courts, with some courts having shortfalls as high as 57 percent between judicial positions needed and the number of filled and authorized positions. These numbers are based on new caseweights that were developed based on the 2018 Judicial Workload Study update. The new caseweights were approved by the Judicial Council at its meeting on September 24, 2019.

The Judicial Council must also report on the conversion of SJO positions, in excess of the maximum 16 per year, that result in judges being assigned to family or juvenile assignments previously held by SJOs. No additional conversions took place in this reporting period.

The full report is available at www.courts.ca.gov/12922.htm.

A printed copy of the report may be obtained by calling 415-865-7693.



The Need for New Judgeships in the Superior Courts: 2019 Update of the Judicial Needs Assessment

REPORT TO THE LEGISLATURE UNDER
GOVERNMENT CODE SECTION
69614(C)(1) & (3)

NOVEMBER 2019



JUDICIAL COUNCIL
OF CALIFORNIA

WORKLOAD ASSESSMENT
ADVISORY COMMITTEE

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Primary Author of Report*

This report is an update to *The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of the Judicial Needs Assessment*. It is based on new workload measures that were developed from the 2018 Judicial Workload Study, which was in progress when the preliminary 2018 report was published. The new measures were approved by the Judicial Council at its meeting on September 24, 2019.

Access to Justice Requires Having Sufficient Judicial Resources

Government Code section 69614(c)(1) requires the Judicial Council to report to the Legislature and the Governor on or before November 1 of every even-numbered year on the need for new judgeships in each superior court, using the uniform criteria for the allocation of judgeships described in Government Code section 69614(b). Government Code section 69614(c)(3) requires the Judicial Council to report on the status of the conversion of additional subordinate judicial officer (SJO) positions to family or juvenile assignments.

The public's right to timely access to justice is contingent on having adequate judicial resources in every jurisdiction. The number of judgeships authorized and funded by the Legislature has not kept pace with workload in all California trial courts, leaving some with serious shortfalls—as high as 57 percent—between the number of judgeships needed and the number that have been authorized and filled.

Securing resources to meet the workload-based need for new judgeships has been a top priority for the Judicial Council for many years.

Quantifying the Need for New Judgeships in the Superior Courts

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 1963.¹ Since then, weighted caseload has become a nationally accepted methodology for measuring judicial workload. The current methodology used to assess the need for judicial officers in the superior courts is based on a time study conducted in 2018, in which over 900 judicial officers in 19 courts participated. The time study findings resulted in the development of a set of caseweights that quantify the amount of case processing time needed for different case types, taking into account the full range of possible case processing outcomes and their relative probability of occurrence. The caseweights that resulted from the 2018 time study were approved by the Judicial Council in September 2019.

The caseweights are used to estimate judicial officer need by multiplying each caseweight by a three-year rolling average of filings for that case type and dividing by the available time in minutes that judicial officers have to hear cases. The result is expressed in full-time equivalent (FTE) judicial positions.

¹ Harry O. Lawson and Barbara J. Gletne, *Workload Measures in the Court* (National Center for State Courts, 1980).

Judicial Workload Measures Must be Updated to Reflect Current Case Processing Need

Periodically, the workload measures that are used to assess workload need must be updated to reflect changes in the law, technology, or case processing practices. The updated caseweights approved by the Judicial Council reflect typical case processing times based on the most recent workload study period and reflect recent changes to judicial workload resulting from legislative and other policy changes that occurred up through the study period.

Such changes may also affect the practices of the court's justice partners, which can, in turn, affect court workload. Although filings have been declining, the workload associated with some types of filings has increased—because of, for example, the need to hold more hearings and the increased complexity of cases coming before the court (e.g., increasing mental health and substance abuse issues, as well as larger numbers of defendants with multiple cases). On the other hand, judicial workload in other areas not affected by such law and policy changes may have declined. The net impact of workload increases v. decreases may vary by jurisdiction depending on each court's unique mix of cases.

2019 Statewide Judicial Need Shows a Critical Need for New Judgeships

The 2019 Judicial Needs Assessment shows a shortage of judges relative to the workload needs in California's trial courts. Table 1, which summarizes the statewide judicial need compared to available resources based on a three-year average of filings, from fiscal years 2015–16 through 2017–18, shows that 1,975.5 FTE judicial officers are needed statewide.

Table 1 shows that the total assessed need for judicial officers based on current workload measures is 1,976 FTE. The Preliminary 2018 Update of the Judicial Needs Assessment findings are also shown. Differences between the Preliminary 2018 Update and the 2019 Update are based in part on changes to the workload measures and in part on updated filings data. The needs assessment is always based on the three most recent years of filings data available—at the time of the Preliminary 2018 Update, fiscal years 2014–15 through 2016–17. The 2019 Update is based on filings from fiscal years 2015–16 through 2017–18. Using the most recent filings data available ensures that the workload assessment is based on the most current data available.

Table 1. Statewide Need for Judicial Officers, 2018 (preliminary) and 2019 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJP)*	Authorized and Funded Judgeships and Authorized SJO Positions	Assessed Judicial Need (AJN)
2018 [†] (preliminary)	2,004.1	1,956.1	1,929.9
2019	2,004.1	1,956.1	1,975.5

* Includes the 48 judgeships that were authorized by Assembly Bill 159 (Stats. 2007, ch. 722) but never funded or filled. AB 159 originally authorized 50 judgeships, and 2 were funded in 2018 and allocated to the Superior Court of Riverside County. See Stats. 2018, ch. 45, § 6.

Does not include the 25 judgeships authorized and funded by the 2019 Budget Act.

[†] Preliminary 2018 Update of the Judicial Needs Assessment.

173 Judicial Officers Needed Statewide to Meet Workload Demand

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized/funded positions in each court (shown in Appendix A). Calculating the *statewide* need for judgeships is not as simple as subtracting the statewide number of authorized and funded positions from the statewide assessed judicial need: the net statewide calculations of judicial need do not accurately identify the court’s need for new judgeships because judgeships are not allocated at the statewide level but are allocated to individual trial courts.

By way of illustration, the branch’s smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 FTE of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers. This statutory minimum applies even though the workload need in those courts may translate to a much smaller number of judge FTEs. As Appendix A shows, under a pure workload analysis, two of California’s two-judge courts—Alpine and Sierra Counties—would need only 0.1 and 0.2 FTE judicial officers, respectively, but have 2.3 FTE authorized positions. These courts thus show a negative number in the need for new judicial officers. This negative number does not and should not offset the 37 judicial officers that Riverside County needs to meet its workload-based need.

The actual statewide need for new judgeships is calculated by adding the judicial need among only the courts that have fewer judgeships than their workload demands. Judicial officer FTE need—the difference between the assessed judicial need and the authorized judicial positions—is rounded down to the nearest whole number to arrive at the number of judgeships needed for each court.² For example, Tulare County has a judicial officer FTE need of 4.7, which rounds down to 4 new judgeships.

² Per the Judicial Council policy adopted in 2014, an exception is made for courts with judicial FTE need of more than 0.8, but less than 1.0. For such courts, their actual judicial officer FTE need is reported without any rounding down. In 2018, there were no courts with judicial officer FTEs in the range of 0.8–1.0. See Judicial Council of Cal., Advisory Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed*

Based on the 2019 Update of the Judicial Needs Assessment, 19 courts need new judgeships, for a total need of 173 judges (Table 2). A map illustrating judge need is shown in Appendix B. The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.³

Table 2. Need for New Judgeships, by Court

Court	A Authorized and Funded Judicial Positions*	B 2019 Assessed Judicial Need	C Number of Judgeships Needed[†] (B – A)	D Percentage Judicial Need Over AJP (C / A)
Imperial	11.30	12.7	1	12
Humboldt	8.00	9.8	1	22
Lake	4.70	5.9	1	26
Sutter	5.30	6.8	1	29
Tehama	4.33	5.9	1	36
Placer	14.50	17.4	2	20
Madera	9.30	11.4	2	22
Kings	8.60	11.4	2	33
Merced	12.00	15.1	3	26
Shasta	12.00	15.9	3	33
Ventura	33.00	37.7	4	14
Tulare	23.00	27.7	4	20
Stanislaus	24.00	30.0	5	25
San Joaquin	33.50	41.8	8	25
Fresno	49.00	62.2	13	27
Kern	43.00	59.1	16	37
Sacramento	72.50	93.1	20	28
Riverside	80.00	117.3	37	47
San Bernardino	88.00	137.8	49	57
Total			173	

* Does not include the 25 judgeships authorized and funded by the 2019 Budget Act.

† Rounded down to the nearest whole number.

Revision to Methodology Used to Prioritize New Judgeships (Nov. 7, 2014), www.courts.ca.gov/documents/jc-20141212-itemT.pdf.

³ Judicial vacancies are reported monthly at www.courts.ca.gov/15893.htm.

Prioritization of New Judgeships

The California Budget Act of 2019 authorized and funded 25 new trial court judgeships upon adoption of the Judicial Council’s Judicial Needs Assessment.⁴ Table 3 lists the twelve trial courts that will be receiving the 25 new judgeships.

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.⁵ The methodology was first approved by the Judicial Council in 2001 and is codified in Government Code section 69614(b). Appendix C lists the allocation order for each of the 173 judgeships needed in the California trial courts.

Table 3. Allocation of 25 New Judgeships Approved in Budget Act of 2019

Court	Number of New Judgeships
Fresno	2
Kern	2
Kings	1
Merced	1
Riverside	5
Sacramento	3
San Bernardino	6
San Joaquin	1
Shasta	1
Stanislaus	1
Tulare	1
Ventura	1
Total	25

Status of Conversion of Additional SJO Positions to Family and Juvenile Assignments

As directed by Government Code section 69614(c)(3), this report also addresses the implementation of conversions of additional SJO positions (above the 16 authorized per year) that result in judges being posted to family or juvenile assignments previously held by SJOs.⁶

Conversions of additional positions were authorized for fiscal year 2011–12 (Gov. Code, § 69616), and under this authority 4 SJO positions were converted to judgeships—1 each in the

⁴ Dept. of Finance, *California Budget 2019–20*, Summary: Judicial Branch, www.ebudget.ca.gov/2019-20/pdf/Enacted/BudgetSummary/JudicialBranch.pdf (as of Oct. 9, 2019).

⁵ Judicial Council of Cal., Staff Rep., *Results of statewide assessment of judicial needs including list of recommended new judgeships* (Oct. 26, 2001), www.courts.ca.gov/documents/stateassess.pdf.

⁶ As authorized by Gov. Code, § 69615(c)(1)(C).

superior courts of Alameda (June 2012), Los Angeles (Jan. 2012), Orange (Jan. 2012), and Sacramento (Mar. 2012) Counties. The courts that converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

Conversions of 10 additional positions had been authorized for each fiscal year from 2013–14 through 2017–18 (Gov. Code, §§ 69617–69619.6, respectively), but no additional SJO positions above the 16 authorized per year were converted under this authority.

Lack of Adequate Judicial Resources Is a Barrier to Access to Justice

The public’s right to timely access to justice should not be contingent on the resource levels in the county in which they reside or bring their legal disputes. All Californians deserve to have the proper number of judicial officers for the workload in their jurisdiction. This report highlights the critical and ongoing need for new judgeships in the superior courts.

Appendix A. Assessed Judicial Need Compared to Authorized Positions

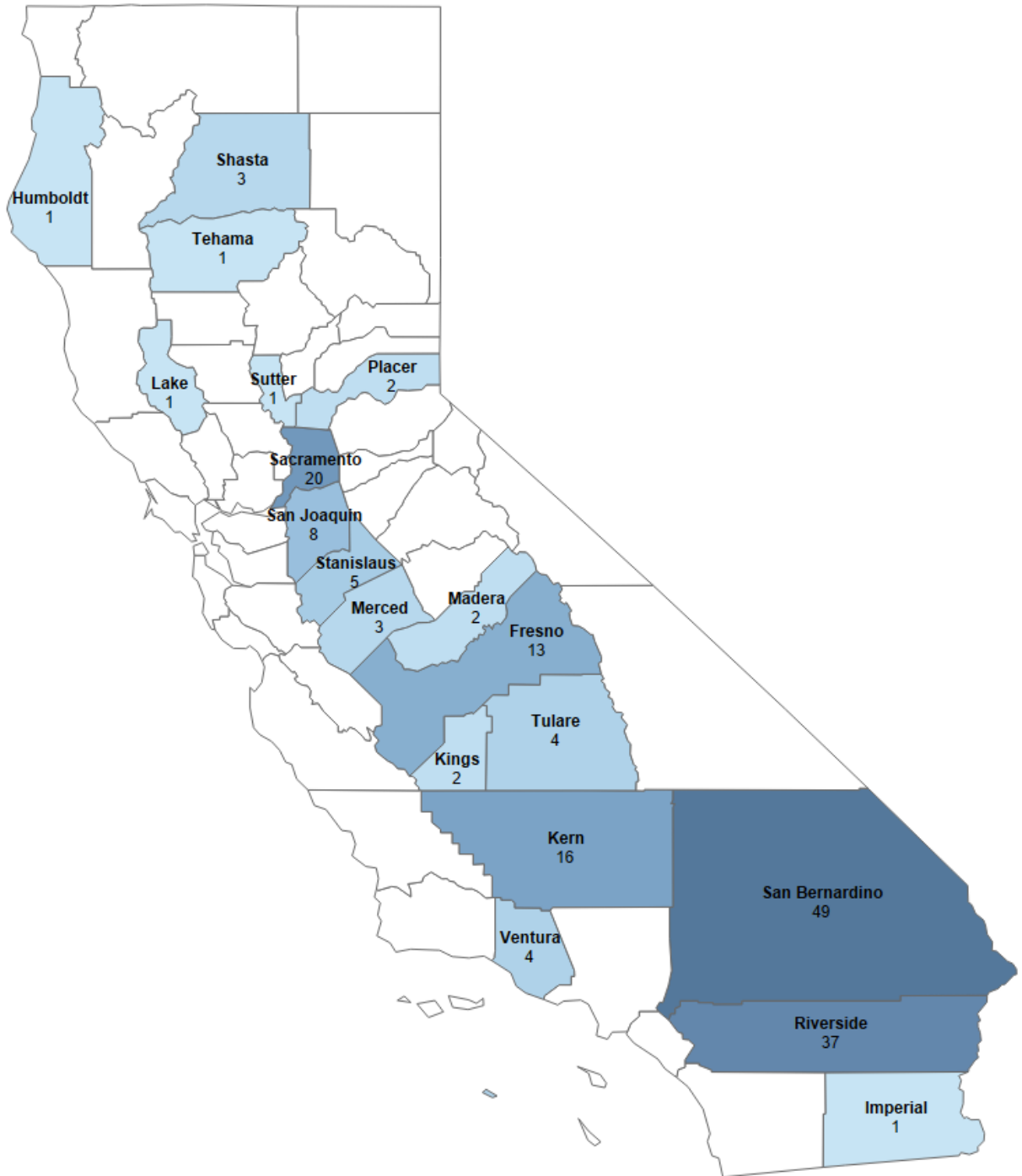
Court	A Authorized and Funded Judicial Positions*	B 2019 Assessed Judicial Need	C AJN - AJP (B - A)	D Percentage Judicial Need Over AJP (C / A)†
San Bernardino	88.00	137.8	49.8	57
Riverside	80.00	117.3	37.3	47
Kern	43.00	59.1	16.1	37
Tehama	4.33	5.9	1.6	36
Kings	8.60	11.4	2.8	33
Shasta	12.00	15.9	3.9	33
Sutter	5.30	6.8	1.5	29
Sacramento	72.50	93.1	20.6	28
Fresno	49.00	62.2	13.2	27
Lake	4.70	5.9	1.2	26
Merced	12.00	15.1	3.1	26
San Benito	2.30	2.9	0.6	25
Stanislaus	24.00	30.0	6.0	25
San Joaquin	33.50	41.8	8.3	25
Madera	9.30	11.4	2.1	22
Humboldt	8.00	9.8	1.8	22
Tulare	23.00	27.7	4.7	20
Placer	14.50	17.4	2.9	20
Amador	2.30	2.7	0.4	20
Ventura	33.00	37.7	4.7	14
Imperial	11.30	12.7	1.4	12
Calaveras	2.30	2.5	0.2	9
Butte	13.00	13.7	0.7	5
Yuba	5.33	5.6	0.3	5
Yolo	12.40	12.7	0.3	2
San Luis Obispo	15.00	15.2	0.2	1
Tuolumne	4.75	4.8	0.1	1
Lassen	2.30	2.3	0.0	1
Monterey	21.20	21.1	-0.1	0
Orange	144.00	143.4	-0.6	0
Sonoma	23.00	22.8	-0.2	-1
Solano	23.00	22.6	-0.4	-2
Santa Barbara	24.00	23.1	-0.9	-4
Santa Cruz	13.50	12.8	-0.7	-5
Contra Costa	42.00	39.4	-2.6	-6
Mendocino	8.40	7.6	-0.8	-9
Napa	8.00	7.3	-0.7	-9
Los Angeles	585.25	520.0	-65.2	-11
San Mateo	33.00	29.2	-3.8	-12
Glenn	2.30	2.0	-0.3	-12
San Diego	154.00	133.9	-20.1	-13
El Dorado	9.00	7.7	-1.3	-15

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2019 Assessed Judicial Need	AJN - AJP (B - A)	Percentage Judicial Need Over AJP (C / A)†
Santa Clara	82.00	66.8	-15.2	-19
Del Norte	2.80	2.3	-0.5	-19
Alameda	83.00	65.5	-17.5	-21
Marin	12.70	9.5	-3.2	-25
Colusa	2.30	1.7	-0.6	-26
Siskiyou	5.00	3.6	-1.4	-29
San Francisco	55.90	39.3	-16.6	-30
Inyo	2.30	1.5	-0.8	-33
Trinity	2.30	1.5	-0.8	-33
Nevada	7.60	4.8	-2.8	-36
Plumas	2.30	1.2	-1.1	-46
Mariposa	2.30	1.1	-1.2	-52
Mono	2.30	1.1	-1.2	-53
Modoc	2.30	1.0	-1.3	-58
Sierra	2.30	0.2	-2.1	-90
Alpine	2.30	0.1	-2.2	-95

* Authorized judicial positions (AJP) include both judgeships and subordinate judicial officer positions. Authorized judgeships consist of those codified in Government Code sections 69580–69611 plus the 50 judgeships that were authorized and funded by Senate Bill 56 (Stats. 2006, ch. 390), but not the 48 judgeships that were authorized with AB 159 but never funded. The authorized judicial positions also do not include the 25 judgeships authorized and funded in California Budget Act of 2019.

† Percentages in Appendix A differ slightly from those in table 2, Need for New Judgeships, by Court. Percentages in Appendix A are calculated based on the *actual* differences between AJN and AJP, whereas the percentages in table 2 are based on *rounded-down* differences between AJN and AJP, as explained on pages 3.

Appendix B. 2019 Judgeship Needs Map: Number of Judges Needed in California Courts Based on Workload



Appendix C. Allocation Order of New Judgeships

Court	Alloc. Order	Court	Alloc. Order	Court	Alloc. Order	Court	Alloc. Order
San Bernardino	1	San Bernardino	45	Fresno	89	San Bernardino	133
Riverside	2	Sacramento	46	San Bernardino	90	Riverside	134
San Bernardino	3	Tulare	47	Riverside	91	Fresno	135
Sacramento	4	Kern	48	Kern	92	San Bernardino	136
Kern	5	Fresno	49	Sacramento	93	Riverside	137
Riverside	6	San Joaquin	50	San Bernardino	94	Sacramento	138
Fresno	7	San Bernardino	51	Riverside	95	San Bernardino	139
San Bernardino	8	Imperial	52	San Bernardino	96	Kern	140
San Joaquin	9	Riverside	53	Merced	97	Riverside	141
Riverside	10	San Bernardino	54	Riverside	98	San Bernardino	142
San Bernardino	11	Ventura	55	Fresno	99	San Joaquin	143
Sacramento	12	Kings	56	San Bernardino	100	San Bernardino	144
Kern	13	Sacramento	57	Sacramento	101	Riverside	145
Stanislaus	14	Merced	58	Kern	102	Sacramento	146
Shasta	15	Riverside	59	San Joaquin	103	San Bernardino	147
Riverside	16	Kern	60	Riverside	104	Fresno	148
San Bernardino	17	San Bernardino	61	San Bernardino	105	Riverside	149
Tulare	18	Stanislaus	62	Tulare	106	San Bernardino	150
Fresno	19	Fresno	63	San Bernardino	107	Kern	151
Kings	20	Riverside	64	Sacramento	108	San Bernardino	152
Merced	21	San Bernardino	65	Riverside	109	Sacramento	153
San Bernardino	22	Placer	66	Stanislaus	110	Riverside	154
Ventura	23	Sacramento	67	Kern	111	San Bernardino	155
Sacramento	24	San Joaquin	68	San Bernardino	112	Riverside	156
Riverside	25	Riverside	69	Fresno	113	San Bernardino	157
Kern	26	San Bernardino	70	Riverside	114	Sacramento	158
Placer	27	Kern	71	San Bernardino	115	Riverside	159
San Bernardino	28	San Bernardino	72	Ventura	116	San Bernardino	160
San Joaquin	29	Riverside	73	Sacramento	117	Fresno	161
Tehama	30	Shasta	74	Riverside	118	San Bernardino	162
Madera	31	Fresno	75	San Bernardino	119	Riverside	163
Riverside	32	Sacramento	76	Kern	120	Kern	164
Sutter	33	Tulare	77	San Bernardino	121	San Bernardino	165
San Bernardino	34	San Bernardino	78	Riverside	122	Sacramento	166
Fresno	35	Madera	79	San Joaquin	123	Riverside	167
Humboldt	36	Riverside	80	Fresno	124	San Bernardino	168
Sacramento	37	Kern	81	Sacramento	125	San Bernardino	169
Stanislaus	38	San Bernardino	82	San Bernardino	126	Riverside	170
Kern	39	Stanislaus	83	Riverside	127	San Bernardino	171
Riverside	40	Sacramento	84	San Bernardino	128	Riverside	172
Lake	41	Riverside	85	Riverside	129	San Bernardino	173
San Bernardino	42	Ventura	86	San Bernardino	130		
Shasta	43	San Joaquin	87	Kern	131		
Riverside	44	San Bernardino	88	Sacramento	132		