

# Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects

**ADMINISTRATIVE DRAFT FOR COMMENT**

JUDICIAL COUNCIL OF CALIFORNIA

COURT FACILITIES ADVISORY COMMITTEE

FEBRUARY 21/AUGUST 29, 2019\*

**\*PLEASE NOTE: This document captures all edits made since it was last reviewed/approved by the Court Facilities Advisory Committee at its meetings on February 21, 2019, and August 29, 2019.**

AS REQUIRED BY 2018 BUDGET ACT TRAILER BILL  
(SB 847: COMMITTEE ON BUDGET AND FISCAL REVIEW)



JUDICIAL COUNCIL  
OF CALIFORNIA

ADMINISTRATIVE DIVISION  
FACILITIES SERVICES

## Contents

I.	2018 Budget Act Trailer Bill (SB 847: Committee on Budget and Fiscal Review): Reassessment of Trial Court Capital-Outlay Plan .....	1
II.	Current Methodology .....	1
III.	Revised Methodology .....	1
IV.	Reassessment Process .....	2
	A. Methodology and Scoring .....	2
	B. Needs-Based Physical Conditions Assessments .....	3
	C. Needs-Based Court Facility Plans and Project Lists .....	3
	D. Needs-Based Statewide Project List .....	4
	E. Cost-Based Evaluations: Avoidance, Savings, and Cost Minimization Strategies .....	4
	F. Calculations for Projects Affecting More Than One Existing Facility .....	5
V.	Needs-Based Scoring of Projects .....	5
	A. Facility Condition Index <del>(FCI)</del> .....	5
	B. Physical Condition .....	6
	1. Seismic Rating .....	6
	2. Fire <del>&amp;</del> Life <del>&amp;</del> Safety .....	6
	3. Environmental Hazards .....	7
	4. Americans with Disabilities Act <del>(ADA)</del> .....	7
	5. Conversion of Rating Points .....	8
	C. Security .....	8
	D. Overcrowding .....	9
	E. Access to Court Services .....	10
VI.	Cost-Based Scoring of Projects .....	11
	A. Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies .....	12
	B. Minimization of Increases in Ongoing Security, Operating, and Maintenance Costs .....	12
	C. Cost of Project per Court User .....	13
	D. Total Costs Spent on a Project as of <del>December</del> <u>March</u> 31, 201 <u>9</u> <del>8</del> .....	13
VII.	Funding Process .....	14
	A. Establishment of a Statewide Project List .....	14
	B. Changes to Statewide Project List .....	14
	C. Project Phase Adjustments .....	14
	D. No Substitutions of Projects Between Groups .....	15
	E. How Requests for Funding Will Be Determined .....	15
VIII.	Process for Adding or Deleting Projects in the Trial Court Capital-Outlay Plan .....	15
Appendices		
	A. Trial Court Capital-Outlay Plan Reassessment–Required by the 2018 Budget Act Trailer Bill (SB 847: Committee on Budget and Fiscal Review)	
	B. Terms in Draft <i>Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects</i>	
	C. <i>The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of the Judicial         Needs (November 2018)</i>	

## I. 2018 BUDGET ACT TRAILER BILL (SB 847: COMMITTEE ON BUDGET AND FISCAL REVIEW): REASSESSMENT OF TRIAL COURT CAPITAL-OUTLAY PLAN

Senate Bill 847 revises Government Code section 70371.9 and requires the Judicial Council of California to reassess projects identified in its update to *Trial Court Capital-Outlay Plan and Prioritization Methodology* adopted on October 24, 2008 (see Appendix A). SB 847 provides that other projects may be included for reassessment at the discretion of the Judicial Council and specifies the criteria to be used in the reassessment. The reassessment is to be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.

SB 847 requires the reassessment to be based on existing criteria along with the newly mandated criteria, necessitating the revision of the current prioritization methodology. The list of prioritized projects to be developed in response to SB 847—referred to as the Trial Court Capital-Outlay Plan—will be adopted annually by the Judicial Council and submitted to the Department of Finance. Projects can be for new construction or acquisition, renovations, building additions, and conversion of structures to court use.

This reassessment will be conducted by the Judicial Council's Court Facilities Advisory Committee (CFAC) with support from Judicial Council Facilities Services. The CFAC will submit its report and recommended prioritization of court facilities to the Judicial Council in November 2019.

Please note *the following*:

- 1. The reassessment will be expedited due to the legislatively mandated December 2019 deadline. The CFAC may need to update or revise any part of the revised methodology if anomalies are discovered during the reassessment process.*
- 2. The application of this methodology is intended to develop a system for comparing one building to another. It is not intended to survey existing seismic, fire & life safety (FLS), Americans with Disabilities Act (ADA), or environmental hazards conditions in judicial branch facilities for compliance with codes, regulations, or requirements. To this end, separate assessments of conditions related to seismic ratings, FLS conditions, ADA requirements, and environmental hazards will be conducted for capital-outlay projects that become authorized for funding.*

## II. CURRENT METHODOLOGY

In October 2008, the Judicial Council issued its *Prioritization Methodology for Trial Court Capital-Outlay Projects* (Prioritization Methodology). This methodology was utilized to prioritize all new court facility capital-outlay projects and was the basis for those projects authorized under Senate Bills 1407 and 1732. The last projects to be funded utilizing the current methodology were funded in the 2018–19 State Budget.

During the budget deliberation process, the Legislature noted the need to revise the current methodology and reassess all court facilities due to the current methodology's age. Development of a revised prioritization and methodology is a condition of any future funding requests for capital-outlay projects.

A link to the current 2008 Prioritization Methodology can be found here:

<http://www.courts.ca.gov/documents/methodology-080124.pdf>

### III. REVISED METHODOLOGY

The revised methodology has been prepared for use in developing a new set of prioritized trial court capital-outlay projects as required by SB 847, and enabling recommendations to the Judicial Council for the submission of funding requests for such projects. Trial court capital-outlay projects are considered those that increase a facility's gross area, such as a building addition, that substantially renovate a major portion of a facility, that comprise a new facility or an acquisition, or that change the use of a facility, such as the conversions from non-court to court use.

Generally, the methodology provides that projects will be scored based on *need* and placed into one of five priority groups. The projects within each priority group will then be ranked based on the scoring of the *cost* criteria identified in SB 847. Needs identified in the methodology inform the Trial Court Capital-Outlay Plan and the selection of projects proposed for funding.

A point range has been established for each of the five need-based priority groups. For example, projects scoring very high in each of the evaluated criteria will fall into the "Immediate Need" group, ~~they will be considered the first eligible for available funding. Each of the other groups —~~ The Critical, High, Medium, and Low Needs ~~—~~ represents sets of projects that score lower in the various *needs-based* criteria categories. A scale of 25 points, ~~using half-point increments,~~ is used for the total of all *needs-based* criteria. The details of the scoring are described later in this document.

#### Prioritized Groups of Trial Court Capital-Outlay Projects:

Immediate Need: ~~168.5~~ – 25 points  
Critical Need: ~~135.5~~ – ~~15.98~~ points  
High Need: ~~102.5~~ – ~~12.95~~ points  
Medium Need: ~~7.510~~ – ~~9.912~~ points  
Low Need: 0 – ~~7.49.5~~ points

*Cost-based* criteria as identified in SB 847 will impact the ranking of the projects within each of the five priority groups identified above.

Terms used in this document are defined in the attached Appendix B.

### IV. REASSESSMENT PROCESS

The process for reassessment of the projects identified in Trial Court Capital-Outlay Plan consists of five activities:

1. Revision of the prioritization methodology consistent with SB 847;
2. Assessment of facilities occupied by trial courts, including physical condition assessments, as well as assessments related to security, access to court services, and overcrowding;
3. Development of court facility plans and court needs-based project lists;
4. Application of the prioritization methodology to all projects; and

5. Development of a statewide list of prioritized projects.

## A. Methodology and Scoring

The revised methodology involves a two-step process.

Step 1 identifies (1) the general physical condition of the buildings; (2) needed improvement to the physical condition of buildings to alleviate the risks associated with seismic conditions, fire ~~&~~ life ~~and~~ safety conditions, Americans with Disabilities Act (~~ADA~~) requirements, and environmental hazards; (3) court security features within buildings; (4) access to court services; and (5) overcrowding.

In Step 2, the needs-based criteria and cost-based criteria are then used to rank projects within the priority groups.

In the most essential terms, the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and cost-based criteria = Rank within Priority Group

## B. Needs-Based Physical Conditions Assessments

The physical condition of buildings that house trial court functions will be determined by facility condition assessments (FCA).<sup>1</sup> The FCAs will analyze the building systems and component conditions to determine their remaining useful life and provide the basis for determining a Facility Condition Index (FCI).

The FCI is an industry standard asset management methodology that is used to determine a building's condition at a point in time. Limited strictly to condition, FCIs allow for an equivalent comparative analysis of diverse real estate portfolios.

FCI values are based on a 0–100 percent scale and are derived by dividing the repair costs for a building by its current replacement value. Costs for abatement of environmental hazards or to improve seismic or ADA conditions were not evaluated in the FCAs and therefore not factored into the FCI. Environmental hazards, seismic, and ADA conditions, as well as FLS conditions, are factored into the needs-based scoring of projects under Section V. below.

~~Separate assessments of conditions related to seismic ratings, fire, life and safety conditions, ADA requirements, and environmental hazards will be conducted.~~ Other data sources, as described below, will provide information needed to evaluate security characteristics, conditions that would indicate overcrowding in existing facilities, and access to court services.

## C. Needs-Based Court Facility Plans and Project Lists

---

<sup>1</sup> Primarily, facility condition assessments (FCAs) were prepared for state-owned or county-owned buildings where a court's occupied space included courtrooms or operations to support courtrooms. In county-owned facilities, FCAs were not prepared for facilities in which (a) a court's exclusive area was less than 10,000 square feet or (b) a court's share of space equity was less than 20 percent. FCAs were not prepared for facilities that are leased.

The planning process will begin with development of a Court Facility Plan. The plan will be a collaborative process between the court and the Judicial Council planning team that will assess and document how each court intends to operate its facilities to provide judicial services to the public, as well as identify any additional facility needs or deficiencies. The Court Facility Plan will be based on data provided by the planning team to the court including:

- Organization of the court and how court facilities are utilized to ensure public access to services;
- Relevant information and data from the 2002/2003 Statewide Court Facilities Master Plan to support the project updates;
- Authorized judgeships (as defined in the attached Appendix C) for access to services; and
- Relationship of judicial need to facility need.

The planning process will also include an asset management evaluation. The asset management evaluation will identify:

- Opportunities for lease consolidation;
- Building consolidations that would provide future revenue or operating cost savings; and
- Unique real estate and funding opportunities associated with the project.

Information that will be utilized to develop the asset management evaluation will include current leases, closed facilities, and justice partners' plans (e.g., new jail locations, move of county partner functions, etc.).

The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and/or consolidations, and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.

Needs-based criteria will be applied to the data generated by the FCA and Court Facilities Plan processes, and will place projects into the priority groups identified above.

#### **D. Needs-Based Statewide Project List**

The Statewide Project List will be developed by consolidating the court project lists. The Statewide Project List will categorize the projects into five groups (Immediate, Critical, High, Medium, Low), in accordance with the approved prioritization methodology.

#### **E. Cost-Based Evaluations: Avoidance, Savings, and Cost Minimization Strategies**

SB 847 requires that projects be assessed considering cost avoidance, cost savings, and cost minimization strategies. Court projects identified in the Court Facility Plans and the project lists will identify costs, savings, and avoidances relative to each project, including:



- The cost avoidance or savings that would be achieved through operational or organizational efficiencies created for the court or the state;
- Ways to minimize increased ongoing costs, including, but not limited to, trial court security and operating and maintenance costs;
- The projected cost of each proposed project, per court user; and
- The total costs spent on the project as of the date of ~~December~~March 31, 2019~~8~~.

The criterion identified in SB 847 as a comparison of the cost to repair or renovate the existing facility versus the cost of replacement will not be scored within the cost-based evaluation. Rather, it will be addressed in the Court Facility Plan and on the project list in terms of the type of project to be pursued (e.g., new construction vs. renovation). Needs-based and cost-based criteria will be used to rank projects within the priority grouping.

**F. Calculations for Projects Affecting More Than One Existing Facility**

For projects affecting only one building, the ratings of the single building will be used as explained above. In the case of multiple buildings affected by a project, the proportional share of the court-occupied area of each building will be used to determine each criterion’s rating. As shown below, the proportional share of court-occupied area of each building is multiplied by the total of each criterion’s rating to develop the portion of the rating for that building affected by the project. For each criterion, these portions are then summed to develop the total rating as shown in the example below using the needs-based FCI criteria.

Sample FCI rating–Multiple Buildings:

Existing Facility	Facility Area	% of Total	FCI Points	Facility Pt. Contribution
Main Courthouse	80,000	80%	5	5 x 0.8 = 4
Branch Courthouse	20,000	20%	3	3 x 0.2 = 0.6
<b>Total</b>	100,000	100%		4.6

**V. NEEDS-BASED SCORING OF PROJECTS**

Use of the needs-based criteria will enable the placement of every project into one of five priority groups: Immediate Need, Critical Need, High Need, Medium Need, and Low Need. The total points for the needs-based criteria will be 25. The 25 points will be allocated equally as follows, based on the five following criteria:

1.	Facility Condition Index ( <del>FCI</del> )	5 Points
2.	Facility Seismic, Fire <del>&amp;</del> , Life <del>and</del> Safety ( <del>FLS</del> ), ADA, and Environmental Hazards	5 Points
3.	Security	5 Points

4.	Overcrowding	5 Points
5.	Access to Court Services	5 Points
	<b>Total Points for Needs Based Criteria</b>	<b>25 Points</b>

DRAFT



## A. Facility Condition Index (FCI)

FCI is defined as the cost to repair divided by replacement cost; and is represented by a percentage.

Approach:

- A 10-year horizon will be used in applying the FCI; and
- A 5-point scale will be used, and points will be allocated in accordance with the following table:

Points	0	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0
FCI Range %	0	1–5	6–10	11–15	16–20	21–25	26–30	31–35	36–40	41–45	>46

## B. Physical Condition

Seismic, Fire & Life and Safety (FLS), Americans with Disabilities Act (ADA), and Environmental Hazards will combine to contribute 5 points. These categories will be scored with a total score of 120 rating points, distributed as follows: Seismic 40, FLS 40, ADA 20, and Environmental Hazards 20. The total 120 rating points will be converted to a 5-point scale as will be explained below:

1. **Seismic Rating** is defined as the score calculated using the [Federal Emergency Management Agency \(FEMA\) P-154 Rapid Visual Screening of Buildings for Potential Seismic Hazards](#). FEMA P-154 will be used to establish consistent seismic scores for all ~~213~~196 buildings. FEMA P-154 is a procedure to identify and screen buildings that are potentially seismically hazardous. This tool calculates a score based on the building's structural system, age, visually identifiable deficiencies, seismicity and soil type.

Approach:

- Points will be assigned based on FEMA P-154 scores.
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	Very High Risk	High Risk	Moderate Risk	Acceptable Risk
FEMA P-154 Seismic Score	<del>Score <math>\leq 0.6</math> or below</del>	<del>0.7 to 6 &lt; Score <math>\leq 1.5</math></del>	<del>1.6 to 5 &lt; Score <math>\leq 2.4</math></del>	<del>Score <math>\geq 2.5</math> and higher</del>
Rating Points <sup>1</sup>	40	20	10	5

### Table Footnotes:

1. The rating points listed above may be adjusted downward based upon further evaluation.
- ~~1. Minimal Risk buildings are buildings that have been designed to more recent building codes (newer buildings). The expectation is that these buildings perform better in the case of a seismic event than buildings in the Acceptable Risk category. In the FEMA P-154 system, these buildings are also referred to as "Post-Benchmark Buildings."~~

2. **Fire & Life & Safety** is defined as a combination of FLS systems: automatic fire sprinklers, fire alarms, smoke control<sup>1</sup>evacuation, and site fire-water tank and building height.

Approach:

- FLS systems will be a checklist of yes/no items based on the number of FLS systems in a building with extra emphasis on inclusion of fire sprinklers.
- Building Height will assume that the greater risk exists in taller buildings, based on fire ladder reach. The purpose of the definition of Highest Risk/Least safe (below) is consistency with the California Building Code, which defines a High-Rise building as more than 75 feet above the lowest level of fire department vehicle access. This definition does not include subterranean levels or open parking garages.
- A 40-rating point scale will be used, and points will be distributed in accordance with the following table:

	Highest Risk/Least Safe		Middle Risk		Lowest Risk/Safest
Number of “no” answers to: does the building have (a) <u>automatic</u> fire sprinklers (partial would be considered as “no”), (b) <u>digital</u> fire alarms, (c) <u>smoke control</u> <sup>1</sup> <u>evacuation</u> , and (d) <u>site fire-<u>water tank</u></u> <sup>1</sup> ?	4 “no” answers	3 “no” answers	<del>“Yes” to fire sprinklers, but 2 other “no” answers</del>	<del>“Yes” to fire sprinklers, but 1 other “no” answer</del>	<del>“Yes” to all systems</del> <sup>0</sup> <u>“no” answers</u>
Rating Points	30	24	18	12	0
Building Height: High score = greater risk/taller building	Over 8 stories		4 to 7 stories		1 to 3 stories
Rating Points	10		6		2

**Table Footnote:**

1. These features are not required by code in buildings that are 1–3 stories in height.

3. **Environmental Hazards** include products that contain asbestos or lead, or other hazardous materials such as polychlorinated biphenyls (PCBs) and may be determined based on the age of the building or other existing data.

Approach:

- Ten rating points will be assigned to buildings that could contain materials made from asbestos-containing materials.

- Ten rating points will be assigned to buildings that could contain materials made from lead or other hazardous materials, such as PCBs.
- A 20–rating point scale will be used, and points will be distributed in accordance with the following table:

<b>Environmental Hazards</b>	<b>Rating Points</b>
Risk of Asbestos Containing Materials	10
Risk of Lead or Other Hazardous Materials (e.g., PCBs)	10
<b>Total Possible Points</b>	<b>20</b>

4. **Americans with Disabilities Act (ADA)** accessibility will be determined based on a checklist of yes/no items defined by ADA elements with emphasis on public areas (pathways, toilet rooms, etc.). The application of this methodology is not intended to produce a comprehensive ADA compliance survey. Rather, this scoring effort utilizes a checklist and visual inspection process to identify if accessible public spaces of a specific type exist in an individual building, thus providing a system for comparing one building to another.

Approach:

- Twenty rating points will be assigned based on whether areas are accessible. The more “no” answers, the less accessible the building is, and the more points are provided.
- A 20–rating point scale will be used, and points will be distributed in accordance with the following table:

<b>Categories</b>	<b>Yes</b>	<b>No</b>
Exterior Path of Travel	0	4
Building Entrances	0	4
Interior Accessible Routes; Stairways and Elevators	0	4
Courtroom: Jury Box, Witness Stand, Clerk’s Station, Bench	0	4
Toilet Rooms– Public, Jury Deliberation	0	4
<b>Total Possible Points</b>		<b>20</b>

5. **Conversion of Rating Points:** As a final step, the accumulated physical condition rating points for each project, which can total up to 120, will be converted to the 5-point scale as follows:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 120 Rating Points	0–12	13–24	25–36	37–48	49–60	61–72	73–84	85–96	97–108	109–120

### C. Security

The security criterion will be used to identify:

1. **the extent to which judicial/staff circulation paths are separate from those for the public and in-custody individuals.** Judicial/staff circulation refers to the degree of compliance with guidelines for private circulation paths exclusively dedicated to permit the judiciary and staff to enter and move through the facility separate and secure from both the public and in-custody individuals;
2. **the extent to which in-custody circulation paths are also separate.** Secure Circulation refers to the degree of compliance with guidelines for separate, secure means by which in-custody individuals are brought into the facility and moved from holding areas to the courtroom. A secure circulation route is completely separated from areas used by the public and by the judiciary and court staff; **and**
3. **the capacity of the building entrance to accommodate security screening.**

Approach:

- Eighty rating points will be assigned based on whether there is an area at the facility entrance that can adequately accommodate a screening system and judicial/staff circulation and secure circulation is:
  - Deficient: Functional condition fails in one or more major aspects.
  - Marginal: Functional condition has notable deficiencies.
  - Adequate: Functional condition is acceptable or better.
  - Not Applicable: Functional element is not applicable for this facility.
- The 80 rating points will be distributed as defined in accordance with the following table:

Judicial/Staff Circulation	Circulation deficient	Circulation marginal	Circulation adequate or not applicable to this facility
Points	35	17	0
Secure Circulation	Circulation deficient	Circulation marginal	Circulation adequate or not applicable to this facility
Points	35	17	0
Ability to Accommodate Security Screening	No space to provide screening	Space for minimal screening	Space available for screening or not applicable to this facility
Points	10	6	0

The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 80 Rating Points	0–8	9–16	17–25	26–32	33–40	41–48	49–56	57–64	65–72	73–80

## D. Overcrowding

The Overcrowding criterion is a measure of the difference between current ~~component gross square feet (CGSF) of~~ area occupied by a court and the area that the court should occupy, according to the *California Trial Court Facilities Standards*. In this methodology, this criterion is measured by information on current area compared to current standards. Overcrowding ratings range from a low of 0 to a high of 160.

Approach:

- The following calculation is performed to translate the space shortfall into a rating:

Formula	Weight	Rating Scale
$\text{Overcrowding} = \left[ 1 - \left( \frac{\text{Current Area}}{\text{California Trial Court Facilities Standards Area}} \right) \right] \times 160$	160 (in the formula)	0–160

- The following conversion table will then be applied to the total of the rating points:

Total: 5 Points	0.5	1	1.5	2	2.5	3	3.5	4	4.5	5.0
Total: 160 Rating Points	0–16	17–32	33–48	49–64	65–80	81–96	97–113	114–129	130–144	145–160

This criterion measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. Overcrowding reveals buildings that are overburdened because the space provided—for example in courtrooms, clerk offices, and jury rooms—is substandard.

## E. Access to Court Services

This Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. The following data is compared to measure this deficiency for each court:

- Assessed Judicial Need (AJN)* is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the Judicial Council, and then translates the weighted caseload into an assessment of judgeship needs.
- Authorized Judicial Positions (AJP)* is the current number of judges, commissioners, and referees authorized under the law for each court. AJP does not account for vacancies or temporary subordinate judicial officers.

The ratio between the two will result in a countywide percentage rating for each court reflecting the deficiency in judicial resources. The difference between the AJN and the AJP identifies the relative deficiency in judicial resources or judicial need for a court. The ratio between the judicial need and the AJP defines the relative access to court services.

The point range for the Access-to-Court-Services criterion, as denoted below, is from 0 to 5, in half-point increments that reflect the broad range of relative deficiency in judicial resources among the courts in the 58 counties.

<b>Rating Assigned to Project (Current Judicial Need/_Percentage of AJP)</b>	<b>Points Assigned</b>
0% or below	0
1–10%	0.5
11–20%	1.0
21–30%	1.5
31–40%	2.0
41–50%	2.5
51–60%	3.0
61–70%	3.5
71–80%	4.0
81–90%	4.5
91–100%+	5.0

For a proposed project involving less than all of the court facilities within a county, there will be a rebuttable presumption that the countywide percentage deficiency and the corresponding points will be assigned to that project.

Like the Overcrowding criterion discussed in Section D. above, Access to Court Services measures the extent to which a facility may be physically overburdened by court user traffic impairing court user access. The access to court services reveals buildings that are overburdened because the caseload justifies more space, including courtrooms, than is available.

## **VI. COST-BASED SCORING OF PROJECTS**

**((PLEASE NOTE PERTAINING TO THIS SECTION: The range of costs are still being identified. Once identified, points will be assigned proportionally.))**

The cost-based scoring is used to rank projects within each of the five needs-based priority groups. Needs-based scoring and the cost-based scoring are entirely separate from one another. When combined, needs-based and cost-based scores do not change the priority group a project is placed in, *only the rank of the project within the priority group*. This is because the prioritization methodology is primarily a needs-based instrument designed to detect physical deficiencies that endanger court users or restrict access to justice. The cost-based factors enable the most effective expenditure of public funds to overcome the physical deficiencies.

Cost-based criteria are scored on a 100-point scale, with the 100 points distributed per the following table:

1.	Cost Avoidance or Savings Realized through Operational or Organizational Efficiencies	25
2.	Minimization of Increases in Ongoing Security, Operations, and Maintenance Costs	25
3.	Cost of Project per Court User	25
4.	Total Costs Spent on a Project as of <del>December</del> <u>March</u> 31, 201 <u>9</u> <del>8</del>	25
	<b>Total Points for Cost-Based Criteria</b>	<b>100</b>

As a final step, the accumulated cost-based rating points for each project, which can total up to 100, will be converted to the 2-point scale as follows:

Total: 2 Points	0.2	0.4	0.6	0.8	1.0	1.2	1.4	1.6	1.8	2.0
Total: 100 Rating Points	0–10	11–20	21–30	31–40	41–50	51–60	61–70	71–80	81–90	91–100

As previously stated, in the most essential terms the methodology can be described as:

- Needs-based criteria = Priority Group
- Needs-based and cost-based criteria = Rank within Priority Group

#### **A. Cost Avoidance or Savings Realized Through Operational or Organizational Efficiencies**

The CFAC and Judicial Council Facilities Services will engage with the courts to assess the potential cost avoidance or savings that may be realized based on the implementation of each project. Generally, it is expected that such savings may be realized based on consolidation of multiple facilities into one larger facility and elimination of certain short-term leases in exchange of building a new facility, or a combination of the consolidation of owned facilities and elimination of leases within the same project. Any cost savings due to staff efficiencies related to consolidation or any other factors will be identified by the courts. Cost savings information identified by various courts will be reviewed for general conformance and consistency. Any anomalies will be discussed with the courts for resolution. Any potential anomalies that are not resolved with the courts will be referred to the CFAC for resolution.

The total identified cost avoidance or savings for each project will be “normalized” and converted to Cost Avoidance or Savings per Court User. This conversion will be accomplished taking into consideration the population of the county, the AJP’s for the court, and the number of courtrooms that are impacted by the project.

Once the range of cost savings or avoidance per court user per year is identified, the maximum value will be assigned 25 points. Projects with no cost savings or avoidance will be awarded 0 points. All other values will be assigned points in proportion to their savings or avoidance.



## B. Minimization of Increases in Ongoing Security, Operating, and Maintenance Costs

Judicial Council Facilities Services will calculate any potential minimization of increases to court security costs, using existing building security systems data. Minimization of planned increases to security costs is defined as the costs that will be incurred in the existing building(s) if it remains in operation and is not being replaced by an approved project.

Approach:

- The following formula will be used:

Cost (security cameras, access control, fencing and gates) + Screening Equipment Costs =  
Minimization of Increases in Ongoing Security Costs

Judicial Council Facility Services will also calculate any potential for minimization of increases in ongoing operations and maintenance costs. Minimization of increases in ongoing operations and maintenance costs is defined as the cost of operating and maintaining the current facilities if the proposed project does not proceed compared to the cost of operating a new building designed to meet current codes. The delta is the minimization of costs.

Approach:

- The following formula will be used:

Cost /SF-of current building maintenance + Cost /SF-of current building utilities + Cost /SF-of building Deferred Maintenance -- Cost of Operating and Maintaining the New Building =  
Minimization of Increases in Ongoing Operating and Maintenance Costs

The cost values will be converted to minimization of costs per court user. Once the range of cost minimization per court user is identified, the greatest cost minimization value will be awarded 25 points, with zero points awarded to no cost minimization. All values in between will be assigned points in proportion to their cost minimization per court user, rounded to the nearest whole number.

## C. Cost of Project per Court User

The cost per court user is calculated based on the population of the county, the AJP's for the court, and the number of proposed project courtrooms. This value will be adjusted to compensate for counties with minimal population that are awarded the statutory minimum AJP of 2.3. (Note: The judicial branch's smallest courts are statutorily provided with a minimum of two judgeships and are authorized to have at least 0.3 full-time equivalent [FTE] of a federally funded child support commissioner, for a total of 2.3 FTE judicial officers.)

The following formula will be used to determine the cost per court user:

$$\text{Cost per Court User} = \text{Cost} \div \left[ \text{County Population} \times \frac{\# \text{ Project Courtrooms}}{\text{AJP of Entire Court}} \right]$$

Once the range of project cost per court user is determined for all projects, points will be assigned with the lowest cost per court user receiving 25 points and the highest cost per court user receiving 1 point. The rest of the projects will receive points in proportion to their cost per court user, rounded to the nearest whole number.

#### **D. Total Costs Spent on a Project as of ~~December~~ March 31, 20198**

The total costs spent as of ~~December~~ March 31, 20198, on previously authorized projects that were placed on hold will be tabulated from the accounting records.

The maximum dollars spent on a project will be assigned 25 points. Projects that did not incur any expenditure as of that date will get zero points. Projects that had expenditures will be awarded points in proportion to their expenditure, rounded to the nearest whole number.

### **VII. FUNDING PROCESS**

#### **A. Establishment of a Statewide Project List**

The Judicial Council will adopt a list of projects categorized by Priority Group. This list will be reviewed by the CFAC, Executive and Planning Committee, and any other council-appointed body with responsibility for advising the Judicial Council on facility matters. In making a recommendation to the council on this list of projects, the CFAC will follow these principles:

1. Projects will be prioritized on the needs-based program criteria established by this methodology, which ranks the projects into priority groupings. The cost-based criteria will be assigned points and will be used to sort projects within each priority group.

~~2. Those projects in the Immediate Need group shall have priority.~~

~~3-2~~ For submission to the California Department of Finance for consideration of inclusion in the Governor's Budget, the Judicial Council may select projects based on additional economic opportunity considerations. Economic opportunities include, but are not limited to, free or reduced costs of land for new construction, viable financing partnerships or fund contributions by other government entities or private parties that result in lower project delivery costs, cost savings resulting from adaptive reuse of existing facilities, operational efficiencies from consolidation of court calendars and operations, operational savings from sharing of facilities by more than one court, and building operational costs savings from consolidation of facilities.

Consideration of economic opportunity allows the Judicial Council to request funding for projects that have documented capital or operating savings for the state. Judicial Council staff will work in collaboration with local courts to evaluate and document the economic opportunity of each eligible project.

## **B. Changes to Statewide Project List**

Any additions or deletions to the list of projects shall be adopted by the Judicial Council. The CFAC, Executive and Planning Committee, or any other council-appointed body with responsibility for advising the Judicial Council on facility matters will review recommended changes to the list.

## **C. Project Phase Adjustments**

The final draft list of project priority groups described above will be reviewed to identify any phased projects. Should the second-phase of a multiphase project fall in a higher priority group than its first phase, staff will switch the group assignment of those projects, in order to correct the phasing discrepancy. As a result, the first-phase project will move to the higher-priority group, and the second-phase project will take the place of the first in its lower-priority group.

These phasing corrections, if required, will be documented in a report to the Judicial Council that details the results of this methodology's application.

## **D. No Substitutions of Projects Between Groups**

Substitutions of a court's projects between groups will not be allowed.

## **E. How Requests for Funding Will Be Determined**

Based on the Judicial Council's approved update to the *Trial Court Capital-Outlay Plan and Prioritization Methodology* and five-year infrastructure plan, Judicial Council Facilities Services will prepare documentation to request approval of capital-outlay funding through the Judicial Council-approved budget change proposal process.

This process consists of submission of initial funding requests and budget change proposal concepts for consideration of approval and prioritization through the CFAC and the Judicial Branch Budget Committee, and finally the Judicial Council.

## **VIII. PROCESS FOR ADDING OR DELETING PROJECTS IN THE TRIAL COURT CAPITAL-OUTLAY PLAN**

If a court wishes to add or delete projects in the Trial Court Capital-Outlay Plan, the court may submit a written request including the project name; its description including size, number of courtrooms, and type of calendars planned; and other descriptive information about the project. The request shall be presented to CFAC, which has responsibility for advising the Judicial Council on facility matters for its consideration and direction. At the direction of the Judicial Council, staff will include any changes in the next annual update to the Trial Court Capital-Outlay Plan.

# Appendices

**Trial Court Capital-Outlay Plan Reassessment –  
Required by the 2018 Budget Act Trailer Bill  
(SB 847: Committee on Budget and Fiscal Review)**

The following is required verbatim by Government Code section 70371.9:

- (a) (1) The Judicial Council shall conduct, or contract with an independent contractor to conduct, a reassessment of those projects identified in its Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any. Other projects may be included for reassessment at the discretion of Judicial Council. The reassessment shall be submitted to the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget by December 31, 2019.
- (2) The Judicial Council may exclude from the reassessment those projects that were canceled prior to June 30, 2018, and those that were approved in the Budget Act of 2018.
- (b) A project subject to this section shall be reassessed and ranked, at minimum, on each of the following:
  - (1) The criteria identified in the Update to Trial Court Capital-Outlay Plan and Prioritization Methodology adopted on October 24, 2008, or the most recent version of that update, if any.
  - (2) The level of seismic risk, environmental hazards, and other health and safety hazards.
  - (3) The impact on court users, including, but not limited to, the level of public access to court services, such as accessibility to the courthouse.
  - (4) The cost avoidance or savings that would be achieved due to the project through operational or organizational efficiencies created for the court or the state.
  - (5) Ways to minimize increased ongoing costs, including, but not limited to, trial court security and operating and maintenance costs.
  - (6) A comparison of the cost to repair or renovate the existing facility versus the cost of replacement.
  - (7) The projected cost of each proposed project, per court user.
  - (8) The total costs spent on the project as of the date of the assessment.

**Terms in Revision of Prioritization Methodology for Trial Court Capital-Outlay Projects**

TERM	DEFINITION
1. Access to Court Services	Access to Court Services criterion uses the relative deficiency in judicial resources among the 58 superior courts to measure relative access to current court services. <del>The difference between the AJN and the AJP identifies the relative deficiency in judicial resources or judicial need for a court. The ratio between the judicial need and the AJP defines the relative access to court services: The ratio between countywide Assessed Judicial Need (AJN) and Authorized Judicial Positions (AJP) reflects the deficiency in judicial resources:</del> $(AJN - AJP) / AJP = \text{Deficiency}$
2. Assessed Judicial Needs (AJN)	Assessed Judicial Needs (AJN) is the need for judgeships based on the three-year average filings most recently available. This measure translates current filings into weighted caseload, based on the judicial workload standards adopted by the Judicial Council, and then translates the weighted caseload into an assessment of judgeship needs.
3. Authorized Judicial Position (AJP)	Authorized Judicial Positions (AJP) is the current number of judges, commissioners, and referees authorized under the law for each court. AJP does not account for vacancies or temporary subordinate judicial officers.
4. Composite Score	For projects affecting multiple buildings, the proportional share of the court-occupied area of each building will be used to determine each criterion's rating.
5. Cost-based Criteria	The four criteria used to determine costs are: Cost Avoidance or Savings; Minimization of Ongoing Costs; Project Cost per Court User; and Total Costs on a Project Spent to Date.
6. Cost per Court User	The Cost per Court User is calculated based on the population of the County and the AJP's for the Court and the number of proposed project courtrooms. This value will be adjusted to compensate for Counties with minimal population that are awarded the statutory minimum AJP of 2.3. $\text{Project Costs per Court User} = \text{Cost} / [\text{County Population} \times (\# \text{ Project Courtrooms} / \text{Authorized Assigned Judicial Positions})]$
7. Court Facility Plan	The Court Facility Plan will articulate the optimum approach for use of court facilities for each court and identify projects that address deficiencies in the needs-based criteria. The Court Facility Plan will be the basis for future project requests for new facilities, facility renovations, replacements and / or consolidations and will include a list of projects. The projects in the plan will be scored using the criteria in the approved methodology.
8. Environmental Hazards	Environmental Hazards include products that contain asbestos or lead or other hazardous materials, such as polychlorinated biphenyls (PCBs) and may be determined based on the age of the building or other existing data.
9. Needs-based Criteria	The four criteria used to determine <i>need</i> are Physical Condition, Security, Overcrowding and Access to Court Services.
10. Normalizing Cost	Normalization of ratings means adjusting values measured on different scales to a notionally common scale. For this Methodology, costs will be normalized to compensate for wide variety of court sizes.
11. Overcrowding	The Overcrowding criterion is a measure of the difference between current <del>component gross square feet (CGSF) of</del> area occupied by a court and the area that the court should occupy, according to the California Trial Court Facilities Standards. In this methodology, this criterion is measured by information on current area compared to current standards.
12. Physical Assessments	Physical Assessments document the physical condition of buildings that house trial court functions. The assessments analyze the building systems and component conditions to determine their remaining useful life and provide the basis for determining a Facility Condition Index (FCI). The FCI is an industry standard asset management methodology that is used to determine a building's condition at a point in time. Limited strictly to condition, FCIs allow for an equivalent comparative analysis of diverse real estate portfolios.
13. Physical Condition	Physical Condition includes Seismic, Fire, & Life and Safety (FLS), Americans with Disabilities Act (ADA) and Environmental Hazards.
14. Priority Groups	Projects will be scored based on need and placed in one of five Priority Groups - Immediate Need, Critical Need, High Need, Medium Need, and Low Need.
15. Security	The security criterion will be used to identify the extent to which judicial and staff circulation paths are separate from those for the public and in-custody individuals; the extent to which in-custody circulation paths are also separate; and the capacity of the building entrance to accommodate security screening.
16. Seismic Risk Rating	<del>Seismic Risk Rating is defined in the Seismic Risk Rating of California Superior Court Buildings Volume 1 and 2, dated October 23, 2017. A Seismic Risk Rating is a tool to gauge the relative risk to life safety, which is indicative of the degree of damage from a seismic event.</del> Seismic Rating is defined as the score calculated using the Federal Emergency Management Agency (FEMA) P-154 Rapid Visual Screening of Buildings for Potential Seismic Hazards. FEMA P-154 is a procedure to identify and screen buildings that are potentially seismically hazardous. This tool calculates a score based on the building's structural system, age, visually identifiable deficiencies, seismicity and soil type.
17. Trial Court Capital-Outlay Project	Trial court capital-outlay projects are considered those that increase a facility's gross area, such as a building addition, that substantially renovate a major portion of a facility, that comprise a new facility or an acquisition, or that change the use of a facility, such as the conversions from non-court to court use.

# **The Need for New Judgeships in the Superior Courts: Preliminary 2018 Update of the Judicial Needs**

---

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

NOVEMBER 2018



JUDICIAL COUNCIL  
OF CALIFORNIA

---

WORKLOAD ASSESSMENT  
ADVISORY COMMITTEE



## **JUDICIAL COUNCIL OF CALIFORNIA**

**Hon. Tani G. Cantil-Sakauye**  
*Chief Justice of California and  
Chair of the Judicial Council*

**Martin Hoshino**  
*Administrative Director,  
Judicial Council*

### **ADMINISTRATIVE DIVISION**

**John Wordlaw**  
*Chief Administrative Officer*

### **BUDGET SERVICES**

**Zlatko Theodorovic**  
*Director and Chief Financial Officer*

**Lucy Fogarty**  
*Deputy Director*

**Leah Rose-Goodwin**  
*Manager, Office of Court Research*

**Kristin Greenaway**  
*Supervising Research Analyst, Office of Court Research*

**Khulan Erdenebaatar**  
*Research Analyst, Office of Court Research  
Primary Author of Report*

## **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 45 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.

It should be noted that this report is based on data collected for the 2011 judicial workload study. An update to the judicial workload study is currently in progress and will result in new caseweights and other model parameters that will reflect current case processing practices. Because of this, an interim update to this preliminary 2018 report will be issued in fall 2019 once the study has been completed, the case weights have been approved, and the workload need for judges can be computed on the basis of the updated weights and other model parameters.

## **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.<sup>1</sup> 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 2010, in which over 500 judicial officers in 15 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 2010 time study were approved by the Judicial Council in December 2011.

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.

---

<sup>1</sup> 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**

California continues to have a critical need for judges, particularly in the Inland Empire which has shown a need for new judgeships for a sustained period of time. However, as previously noted, the figures in this report may not accurately represent the current degree of judicial need because the caseweights used in the current iteration of the judicial needs assessment are based on data collected in 2010. Therefore, the caseweights may not reflect new judicial workload resulting from legislative and other policy changes that have occurred since then. Some of the issues identified by judicial officers that have affected judicial workload since 2010 include, but are not limited to, the following:

- AB 109: criminal justice realignment (effective October 2011): judicial officers now have probation oversight of certain offenders, resulting in increased hearings and supervision;
- Proposition 47 (effective November 2014): changes the weights of the felony and misdemeanor workload; many jurisdictions have reported that changes in the law have eliminated incentives to complete misdemeanor drug treatment programs. With fewer people getting treatment, more are cycling rapidly through the system. A companion issue reported is that more defendants have trailing cases or multiple cases.
- Increase in the number of identified mentally-ill offenders, use of diversion programs and collaborative-type courts. While these measures improve outcomes, they require more judicial supervision and court monitoring.
- Increased use of juvenile diversion programs which have resulted in lower filings, but leave behind in the system the juveniles hardest to reach and who have committed the most serious crimes.
- New protections for non-minor dependents, which have increased the number of juveniles in the social services and court system (AB 12 and AB 212- effective 2012), as well as more juveniles receiving court supervision under special immigrant juvenile status (effective 2014, expanded 2015).
- Expanded use of court interpreters covering more casetypes, resulting in better outcomes for litigants, but more time required in the courtroom.

Such changes may also impact the practices of the court's justice partners, which can, in turn, have unintended consequences for court workload. Although filings have been declining, the workload associated with some types of filings has increased—due to, for example, the need to hold more hearings, more complex cases coming before the court (e.g., increasing mental health and substance abuse issues, larger numbers of defendants with multiple cases), or staff shortages causing some workload to fall on judicial officers. On the other hand, judicial workload in other areas not affected by such law and policy changes may have declined since 2010. The net impact of workload increases vs. decreases is unknown and may vary by jurisdiction depending on each court's unique mix of cases.

## 2018 Statewide Judicial Need Shows a Critical Need for New Judgeships

Consistent with reports submitted in previous years, the 2018 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 2014–15 through 2016–17, shows that 1,929.9 FTE judicial officers are needed statewide. Although the statewide assessed judicial need has been declining in recent years, many courts, particularly in the Inland Empire, continue to experience chronic judicial officer shortage (see Appendix A). In 2018, two highly impacted courts, San Bernardino and Riverside Counties, received two judgeships each, which were reallocated from the superior courts of Alameda and Santa Clara Counties.<sup>2</sup> In addition, the Budget Act of 2018 gave the Superior Court of the County of Riverside two newly funded judgeships.<sup>3</sup> Despite these changes, Riverside and San Bernardino courts continue to have a large unmet need for new judgeships.

Table 1 shows the total assessed statewide need for judicial officers has declined by 118.7, or 6 percent, since the 2016 Judicial Needs Assessment.

**Table 1. Statewide Need for Judicial Officers, 2016 and 2018 Judicial Needs Assessments**

Year	Authorized Judicial Positions (AJP) <sup>a</sup>	Authorized and Funded Judgeships and Authorized SJO Positions	Assessed Judicial Need (AJN)
2016	2,010.1	1,960.1	2,048.6
2018 <sup>b</sup>	2,004.1	1,956.1	1,929.9
<b>Change (2016 to 2018)</b>	<b>-6.0</b>	<b>-4.0</b>	<b>-118.7</b>

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

<sup>b</sup> AJP changed since the last assessment because, in 2016–17, the Superior Court of Santa Clara County had 5 FTE SJO reductions. In addition, the 2018 assessment includes a correction in the number of authorized positions; the 2016 AJN assessment had reported only 3 of the 4 SJO reductions at the Superior Court of Contra Costa County.

<sup>2</sup> Assem. Bill 103; Stats. 2017, ch. 17, § 22.

<sup>3</sup> Stats. 2018, ch. 45, § 6. These two judgeships are part of the 50 unfunded judgeships authorized by AB 159 (Stats. 2007, ch. 722).

## **127 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. The assessed judicial need in each court compared to the number of authorized and filled positions is shown in Appendix B. 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. This is because 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 0.2 FTE judicial officers 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 36 judicial officers that Riverside County needs to meet its workload-based need.

In other words, the fact that some courts may have more authorized positions than assessed judicial need under a pure application of the weighted caseload methodology does not take away from the needs in other courts. As a result, a net calculation of need, adding these positives and negatives, would provide an artificially low estimate of judicial need in California courts.

Therefore, 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.<sup>4</sup> For example, Tulare County has a judicial officer FTE need of 2.6, which rounds down to 2 new judgeships needed based on workload.

Based on the 2018 Judicial Needs Assessment, 17 courts need new judgeships, for a total need of 127 judges (Table 2). The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.<sup>5</sup>

---

<sup>4</sup> 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. 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 and 1. See Judicial Council of Cal., Advisory Com. Rep., *Judicial Workload Assessment: 2014 Update of Judicial Needs Assessment and Proposed Revision to Methodology Used to Prioritize New Judgeships* (Nov. 7, 2014), [www.courts.ca.gov/documents/jc-20141212-itemT.pdf](http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf).

<sup>5</sup> Judicial vacancies are reported monthly at [www.courts.ca.gov/15893.htm](http://www.courts.ca.gov/15893.htm).

**Table 2. Need for New Judgeships, by Court**

	A	B	C	D
Court	Authorized and Funded Judicial Positions	2018 Assessed Judicial Need	Number of Judgeships Needed* AJN – AJP (B – A)	% Judicial Need over AJP (C / A)
Imperial	11.3	12.3	1.0	9
Tehama	4.3	5.4	1.0	23
Merced	12.0	13.2	1.0	8
Sutter	5.3	6.6	1.0	19
Humboldt	8.0	9.4	1.0	13
Shasta	12.0	14.4	2.0	17
Kings	8.6	11.0	2.0	23
Tulare	23.0	25.6	2.0	9
Placer	14.5	17.4	2.0	14
Ventura	33.0	36.3	3.0	9
Stanislaus	24.0	28.2	4.0	17
San Joaquin	33.5	38.6	5.0	15
Fresno	49.0	56.9	7.0	14
Kern	43.0	53.5	10.0	23
Sacramento	72.5	84.3	11.0	15
Riverside	80.0	116.2	36.0	45
San Bernardino	88.0	126.2	38.0	43
			<b>127.0</b>	

\* Rounded down to the nearest whole number.

### **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.<sup>6</sup>

Conversions of additional positions were authorized for fiscal year 2011–12 (Gov. Code, § 69616), and under this authority four SJO positions were converted to judgeships—one each in the superior courts of Alameda (June 2012), Los Angeles (January 2012), Orange (January 2012), and Sacramento (March 2012) Counties. The courts that converted those positions have confirmed that those family and juvenile calendars are now presided over by judges.

<sup>6</sup> As authorized by Gov. Code, § 69615(c)(1)(C).

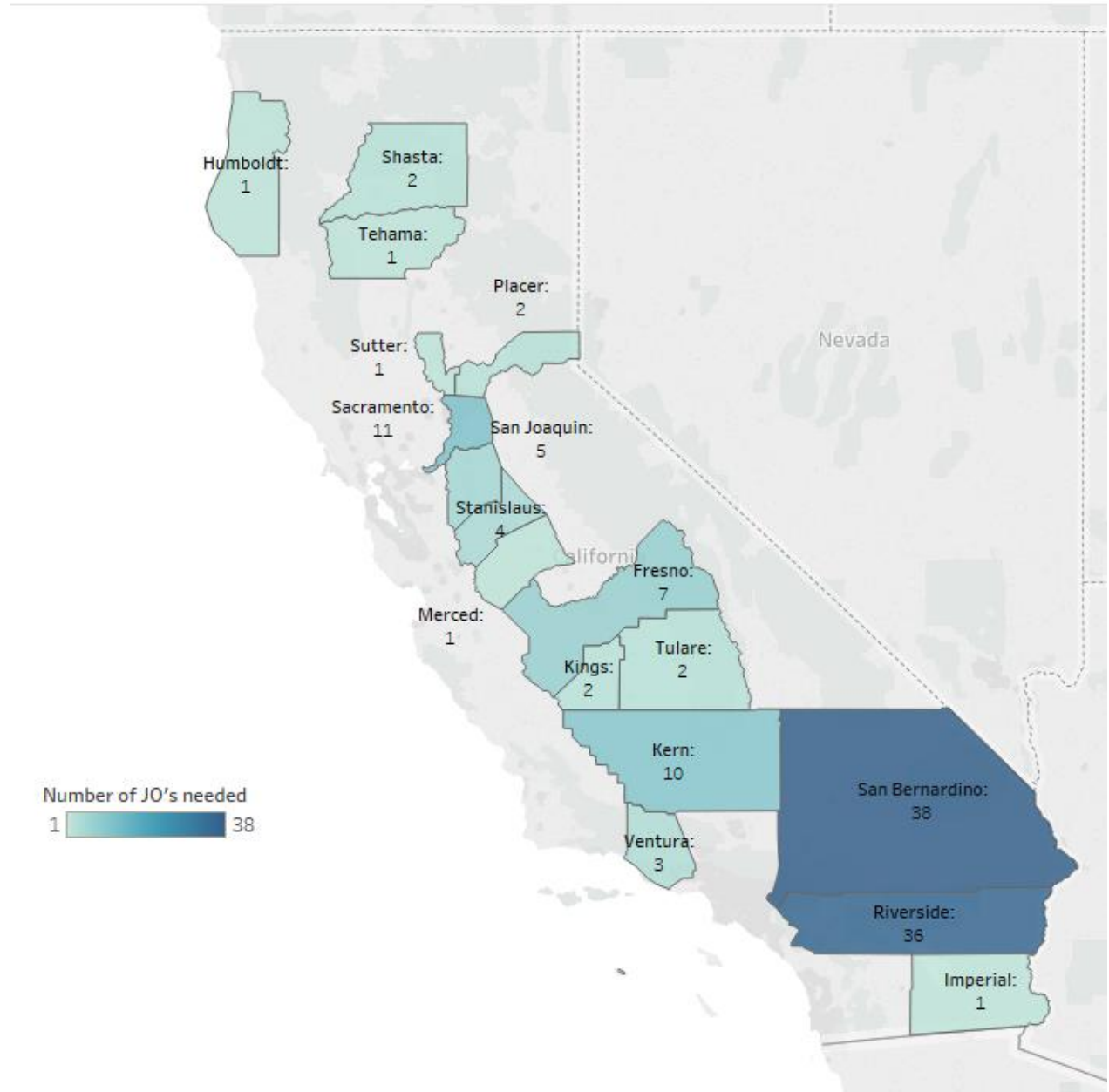
Conversions of 10 additional positions have been authorized since fiscal year 2013–14 (Gov. Code, §§ 69617–69619.6), but no additional SJO positions above the 16 authorized per year have been converted under this authority.

### **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. Judicial Need Map



## Appendix B. Assessed Judicial Need Compared to Authorized Positions

<b>Court</b>	<b>A</b> <b>Authorized and Funded Judicial Positions<sup>a</sup></b>	<b>B</b> <b>2018 Assessed Judicial Need</b>	<b>C</b> <b>AJN – AJP (B – A)</b>	<b>D</b> <b>% Judicial Need over AJP (C / A)<sup>b</sup></b>
Riverside	80	116.2	36.2	45
San Bernardino	88	126.2	38.2	43
Kings	8.6	11.0	2.4	28
Tehama	4.33	5.4	1.1	25
Kern	43	53.5	10.5	24
Sutter	5.3	6.6	1.3	24
Shasta	12	14.4	2.4	20
Placer	14.5	17.4	2.9	20
Stanislaus	24	28.2	4.2	18
Humboldt	8	9.4	1.4	17
Sacramento	72.5	84.3	11.8	16
Fresno	49	56.9	7.9	16
San Joaquin	33.5	38.6	5.1	15
Amador	2.3	2.6	0.3	14
Lake	4.7	5.3	0.6	14
San Benito	2.3	2.6	0.3	13
Tulare	23	25.6	2.6	11
Ventura	33	36.3	3.3	10
Merced	12	13.2	1.2	10
Imperial	11.3	12.3	1.0	9
Calaveras	2.3	2.4	0.1	5
Yuba	5.33	5.4	0.1	2
Madera	9.3	9.4	0.1	1
Butte	13	13.0	0.0	0
San Luis Obispo	15	14.6	-0.4	-2
Sonoma	23	22.4	-0.6	-3
Lassen	2.3	2.2	-0.1	-3
Tuolumne	4.75	4.6	-0.2	-3
Contra Costa	42	39.6	-2.4	-6
Orange	144	135.0	-9.0	-6
Solano	23	21.5	-1.5	-6
Alameda	83	77.1	-5.9	-7
Los Angeles	585.25	533.3	-52.0	-9
Santa Barbara	24	21.8	-2.2	-9
Santa Cruz	13.5	12.2	-1.3	-9
Monterey	21.2	19.1	-2.1	-10
Yolo	12.4	10.9	-1.5	-12
Napa	8	7.0	-1.0	-12
El Dorado	9	7.8	-1.2	-13
San Mateo	33	28.6	-4.4	-13
San Diego	154	132.3	-21.7	-14
Mendocino	8.4	7.0	-1.4	-16
Del Norte	2.8	2.3	-0.5	-18
Marin	12.7	10.1	-2.6	-21
San Francisco	55.9	43.8	-12.1	-22
Glenn	2.3	1.8	-0.5	-22
Santa Clara	82	62.2	-19.8	-24
Colusa	2.3	1.5	-0.8	-34

<b>Court</b>	<b>A</b> <b>Authorized and Funded Judicial Positions<sup>a</sup></b>	<b>B</b> <b>2018 Assessed Judicial Need</b>	<b>C</b> <b>AJN – AJP (B – A)</b>	<b>D</b> <b>% Judicial Need over AJP (C / A)<sup>b</sup></b>
Siskiyou	5	3.1	-1.9	-37
Trinity	2.3	1.4	-0.9	-39
Nevada	7.6	4.5	-3.1	-40
Inyo	2.3	1.4	-0.9	-41
Plumas	2.3	1.2	-1.1	-50
Mono	2.3	0.9	-1.4	-59
Mariposa	2.3	0.9	-1.4	-61
Modoc	2.3	0.8	-1.5	-66
Sierra	2.3	0.2	-2.1	-90
Alpine	2.3	0.2	-2.1	-93

<sup>a</sup> Authorized judicial positions 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 with SB 56 (Stats. 2006, ch. 390), but not the 48 judgeships that were authorized with AB 159 but never funded.

<sup>b</sup> Percentages shown here slightly differ from the percentages shown in Table 2, Need for New Judgeships. Percentages in Appendix B 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 4–5.