

LITIGATION

CALIFORNIA
LAWYERS
ASSOCIATION

2023 Litigation & Appellate Summit

MAY 4-5 | SAN FRANCISCO, CA



Judicial Roundtable

Thursday, May 4, 2023

Speakers:

Honorable Mary Greenwood

Honorable Alexandra Gordon

Honorable Laurel Beeler

MCLE: 1 Hour of MCLE

Conference Reference Materials

Points of view or opinions expressed in these pages are those of the speaker(s) and/or author(s). They have not been adopted or endorsed by the California Lawyers Association and do not constitute the official position or policy of the California Lawyers Association. Nothing contained herein is intended to address any specific legal inquiry, nor is it a substitute for independent legal research to original sources or obtaining separate legal advice regarding specific legal situations.

© 2023 California Lawyers Association
All Rights Reserved

The California Lawyers Association is an approved State Bar of California MCLE provider.

APPELLATE CASEFLOW WORKGROUP

Report to the Chief Justice



December 6, 2022

APPELLATE CASEFLOW WORKGROUP

Hon. Jim Humes, Chair

Administrative Presiding Justice of the
Court of Appeal, First Appellate District

Hon. Laurie Earl

Associate Justice of the Court of Appeal,
Third Appellate District

Hon. Mary Greenwood

Administrative Presiding Justice of the Court
of Appeal, Sixth Appellate District

Hon. Brad R. Hill

Administrative Presiding Justice of the Court
of Appeal, Fifth Appellate District

Hon. Brian Hoffstadt

Associate Justice of the Court of Appeal,
Second Appellate District, Division Two

Hon. Elwood G. Lui

Administrative Presiding Justice of the Court
of Appeal, Second Appellate District

Hon. Judith McConnell

Administrative Presiding Justice of the Court
of Appeal, Fourth Appellate District

Ms. Marsha Amin

Managing Attorney to the Administrative
Presiding Justice
Court of Appeal, Fourth Appellate District

Ms. Oona Mallett

Managing Attorney to the Administrative
Presiding Justice
Court of Appeal, Third Appellate District

Ms. Marina Meyere

Managing Attorney to the Administrative
Presiding Justice
Court of Appeal, Sixth Appellate District

Mr. Danny Potter

Clerk/Executive Officer
Court of Appeal, Second Appellate District

Ms. Linda McKinsey Rouse

Managing Attorney to the Administrative
Presiding Justice
Court of Appeal, Fifth Appellate District

Mr. Peter G. Rose

Managing Attorney to the Administrative
Presiding Justice
Court of Appeal, First Appellate District

Mr. Michael Colantuono

Managing Shareholder
Colantuono, Highsmith & Whatley

Ms. Beth Jay
Attorney
Horvitz & Levy

Mr. Amit Kurlekar
Deputy Attorney General
Office of the Attorney General

Ms. Laurel Thorpe
Executive Director
Central California Appellate Program

Ms. Kelly Woodruff
Attorney
Complex Appellate Litigation Group

JUDICIAL COUNCIL STAFF

Ms. Laura Speed
Director, Leadership Support Services
Judicial Council

Ms. An McDougall
Senior Analyst, Leadership Support Services
Judicial Council

CONTENTS

Executive Summary	1
Charge and Background	1
Meetings and Process	1
Summary of Findings and Recommendations	1
Overview of the Courts of Appeal	4
Presiding Justices and Administrative Presiding Justices	5
Appellate Courts’ Writ Workload	7
Appellate Courts’ Appeals Workload	8
Considerations Affecting Appellate Case Processing	9
<i>Cases Can Be Resolved More Quickly Because Fully Briefed Caseloads Have Been Significantly Reduced</i>	10
<i>Many Cases Are Deferred for Valid Reasons</i>	11
<i>Cases Are Often Delayed Because of Automatic Extensions</i>	11
<i>Case Processing Is Affected by Statutory and Other Priorities</i>	12
<i>Most Proposition 66 Appeals Must Be Deferred</i>	13
<i>Case Processing Is Slowed When There Are Prolonged Vacancies in Justice Positions</i>	13
The Three Phases of an Appeal	15
The Record Preparation Phase	15
<i>Clerk’s Transcript</i>	16
<i>Appendix in Lieu of Clerk’s Transcript</i>	17
<i>Reporter’s Transcript</i>	17
<i>Record Preparation Phase Recommendations</i>	19
The Briefing Phase	20
<i>Briefing Phase Recommendations</i>	24
The Decisional Phase	25
<i>Decisional Phase Recommendations</i>	28

The Case Delays in the Third District29
 The Problem of Excessively Delayed Appeals in the Third District Was Limited to Some Justices and Has Been Effectively Addressed29
 Improved State-level Reporting and Oversight Will Help Prevent Appeals from Becoming Excessively Delayed31
 Improved State-level Reporting and Oversight Will Help to Address Caseload Inequities32
 Enhanced Oversight Will Help to Address Management Issues Earlier and to Strengthen Confidence in the Appellate Courts35
 Statistical Reliability Will Be Enhanced by Requiring Consistent Data Entry36
Summary of Recommendations37
Attachment: Prioritizing Appellate Cases

EXECUTIVE SUMMARY

Charge and Background

Chief Justice Tani G. Cantil-Sakauye formed the Appellate Caseflow Workgroup (workgroup) in June 2022 in response to findings issued by the Commission on Judicial Performance (CJP) concerning case delays in the Third District Court of Appeal (Third District). The workgroup has eighteen members. They include seven justices (five administrative presiding justices and two associate justices), five appellate court managing attorneys, one appellate court clerk/executive officer, three private-sector appellate specialists (including the president of the California Academy of Appellate Lawyers and the chair of the California Lawyers Association Litigation Section's Committee on Appellate Courts), a deputy attorney general specializing in criminal appeals, and an executive director of a program that assigns counsel for qualified indigent appellate litigants.

The Chief Justice directed the workgroup to review policies, procedures, and management and administrative practices of the Courts of Appeal,¹ and to recommend measures to promote transparency, accountability, and efficiency in issuing timely judgments. She also directed the workgroup to recommend measures for these courts to report metrics on case delays. The workgroup was directed to report back no later than early 2023.

Meetings and Process

To fulfill its charge, the workgroup solicited input from appellate justices and their staff, appellate attorneys, appellate and superior court clerks, appellate practitioners, and other stakeholders.

The workgroup met five times over a five-month period to review, analyze, and discuss information and data; hear from stakeholders; review and discuss appellate policies and practices; exchange comments and ideas; and consider, develop, and propose recommendations.

Summary of Findings and Recommendations

The excessive case delays revealed by the CJP in the Third District were avoidable and inexcusable, and they were harmful to the parties, the aims of justice, and the reputation of the court. But the district has taken prompt and effective measures to remedy the problems and to prevent them from recurring.

¹ The references throughout this report to the Courts of Appeal or the appellate courts exclude the California Supreme Court.

The workgroup found that the main causes of the case delays were a lack of transparent reporting to identify delayed cases and a failure to adequately follow up on known delayed cases to prioritize and resolve them. These causes were exacerbated by the facts that the Third District has a high caseload and until recently had a comparatively small attorney workforce.

The workgroup also found that no similar problem of excessively delayed appeals exists in any other district. As of the last reporting period, September 30, 2022, only a small percentage of fully briefed cases statewide were pending for more than 12 months. Within this small percentage, almost all the cases were deferred for valid reasons or were transferred from one court to another for prompt processing. The remaining handful of cases are actively being worked on.

In addition, the workgroup found that the statewide backlog of fully briefed cases in the Courts of Appeal has fallen significantly. In the last five years, the number of these cases was reduced

The revelation of the case delays in the Third District was crucial to correct the serious problem it exposed, but it overshadowed the larger context of the appellate courts' solid and improving overall condition.

by 47 percent, far eclipsing the 14 percent reduction in the overall number of appeals during the same period. This progress has left the courts better positioned to resolve cases more quickly.

The revelation of the excessive delays identified by the CJP was crucial to correct the serious problem it exposed, but it overshadowed the larger context of the appellate courts' solid and improving overall condition.

Still, the workgroup recommends that more be done to prevent excessive case delays from developing in any appellate district. Accordingly, it recommends that the Chief Justice take the following action:

- Request that a report be provided to the Judicial Council's Administrative Presiding Justices Advisory Committee (APJAC) every six months identifying appeals that have been fully briefed for more than a year and that do not have a valid reason for being deferred, and further direct that the APJAC ensure the prompt processing and resolution of identified cases.
- Direct that another report be provided to the APJAC annually to improve its ability to review and manage appellate caseload inequities.
- Urge the APJAC to recommend to the Judicial Council a new or amended rule authorizing the administrative presiding justices, under the oversight of the Chief Justice, to collectively review and address contentions that an administrative presiding justice or presiding justice has not properly managed an important matter.

The workgroup also recommends various other proposals to expedite the record preparation and briefing phases of the appellate process.

If adopted, these measures will speed up the appellate process, prevent excessive case delays from developing, and enhance the public's confidence in the appellate courts.

OVERVIEW OF THE COURTS OF APPEAL

The Courts of Appeal are charged by the California Constitution to render judgments on matters subject to the courts' appellate and original jurisdiction, and to issue decisions in writing with reasons stated for judgments that determine causes.² The appellate courts are busy. In fiscal year 2021–22, they issued 8,372 written opinions, of which 8,063 resolved appeals and 309 resolved writ petitions. In addition to resolving cases and writ petitions by issuing written opinions, the courts process appeals that are not resolved by opinions, decide writ petitions that are not resolved by opinions, rule on innumerable motions, and issue countless orders.

There are currently 106 justice positions authorized for the Courts of Appeal. These positions are distributed among 19 divisions within 6 districts, as follows:

District	Number of Divisions	Location	Number of Justices
First	5	San Francisco	20 justices (4 in each division)
Second	7	Los Angeles	28 justices (4 in each division)
	1	Ventura	4 justices
Third	1	Sacramento	11 justices
Fourth	1	San Diego	10 justices
	1	Riverside	8 justices
	1	Santa Ana	8 justices
Fifth	1	Fresno	10 justices
Sixth	1	San Jose	7 justices

The districts vary in terms of geography and population. The Third District, for example, has 11 justices and encompasses the largest geographic area, with 23 northern California counties within its jurisdiction. In contrast, the Sixth District has 7 justices and covers the smallest geographic area, with only 4 counties.

² Cal. Const., art. VI, §§ 3, 10, 11 & 14.

Following is a map showing the appellate district boundaries.



Each district is unique and has a set of local rules and internal operating procedures that supplement the California Constitution, statutes, and rules of court.

Presiding Justices and Administrative Presiding Justices

Each division of the Courts of Appeal has one presiding justice who is appointed by the Governor. In a district that has more than one division, the Chief Justice designates a presiding justice to act as the administrative presiding justice.³ In a district with only one division, the presiding justice acts as the administrative presiding justice. Thus, in the First, Second, and

³ Cal. Rules of Court, rule 10.1004.

All further rule references are to the California Rules of Court unless otherwise indicated.

Fourth Districts, the administrative presiding justice is appointed by the Chief Justice, while in the Third, Fifth, and Sixth Districts, the presiding justice is automatically the administrative presiding justice of their district.⁴

Each administrative presiding justice is “responsible for leading the court, establishing policies, promoting access to justice for all members of the public, providing a forum for the fair and expeditious resolution of disputes, and maximizing the use of judicial and other resources.”⁵ The administrative presiding justice must perform duties delegated by a majority of the justices in the district with the Chief Justice’s concurrence. Among other duties, the administrative presiding justice is responsible for personnel matters, acting as a presiding justice in matters not assigned to a particular division, cooperating and coordinating with the Chief Justice regarding Judicial Council activities, working with the Chief Justice to expedite business and equalize work through the transfer of cases, administering the court’s day-to-day operations, and handling matters involving the budget and facilities.⁶

Under the leadership of the Chief Justice, the administrative presiding justices sit on the APJAC.⁷ In this capacity, they are tasked with establishing administrative policies to advance efficient functioning of the appellate courts; advising the Judicial Council of resource needs and soliciting the council’s support in meeting budget, administrative, and staffing requirements; proposing training for justices and appellate support staff; commenting on and making recommendations to the council about appellate court operations; allocating resources among the appellate courts; and recommending budget change proposals.⁸

Three appellate divisions are separated geographically from the original base of their districts:

- Division Six of the Second District is located in Ventura;
- Division Two of the Fourth District is located in Riverside; and
- Division Three of the Fourth District is located in Santa Ana.

Presiding justices in these geographically separate divisions are authorized, under the general oversight of the district’s administrative presiding justice, to supervise staff not assigned to particular justices, act on behalf of the division regarding day-to-day activities, administer the division budget for day-to-day operations, and manage the division’s facilities.⁹

⁴ Rule 10.1004(a).

⁵ Rule 10.1004(b).

⁶ Rule 10.1004(c).

⁷ Rule 10.52(c).

⁸ Rule 10.52(b) & (d).

⁹ Rule 10.1004(d).

Appellate Courts' Writ Workload

In reviewing and developing recommendations to reduce appellate delay, the workgroup focused on the appellate courts' workload that involves processing appeals from superior court judgments. The workgroup, however, briefly describes another aspect of the appellate courts workload—the courts' work involving writ petitions—because it is significant and must often be prioritized over appeals.

Last fiscal year, approximately 5,844 writ petitions relating to civil, criminal, juvenile, and juvenile dependency matters were filed in the Courts of Appeal. Unlike appeals from superior court judgments, writ petitions involve the appellate courts' discretionary jurisdiction.¹⁰ Most writ petitions are for mandate (to compel the performance of a nondiscretionary duty),¹¹ prohibition (to prevent a threatened judicial act that would exceed a lower court's jurisdiction),¹² certiorari,¹³ supersedeas (to stay a lower court's judgment or order),¹⁴ or habeas corpus (to review the legality of actions affecting incarcerated prisoners).¹⁵

When a writ petition is filed, the court must first decide whether to exercise its discretionary jurisdiction over the matter. The amount of discretion the court has in making this decision is extensive but not unbounded. When the court declines to exercise its discretionary jurisdiction, it may deny the petition with a limited or no explanation of its reasons. Nonetheless, extensive review, research, and analysis—often on an expedited and priority basis—is typically required to decide the issues presented.

All appellate courts typically assign the initial review and analysis of writ petitions to attorneys who specialize in the law governing such petitions. These attorneys normally prepare an analysis and recommendation for a panel of three randomly assigned justices to consider. Courts differ on the procedures used for panel members to confer and rule on the petitions.

Some categories of writs, such as those filed in connection with juvenile court dependency proceedings, are given very high priority and are treated more like appeals than writs in the sense that lengthy written decisions are usually issued.

¹⁰ Cal. Const., art. VI, §§ 10 & 11; Code Civ. Proc., § 904.1(a) (“An appeal, other than in a limited civil case, is to the court of appeal”); Pen. Code, § 1235(b) (“An appeal from the judgment or appealable order in a felony case is to the court of appeal for the district in which the court from which the appeal is taken is located”).

¹¹ Code Civ. Proc., § 1085.

¹² Code Civ. Proc., § 1102.

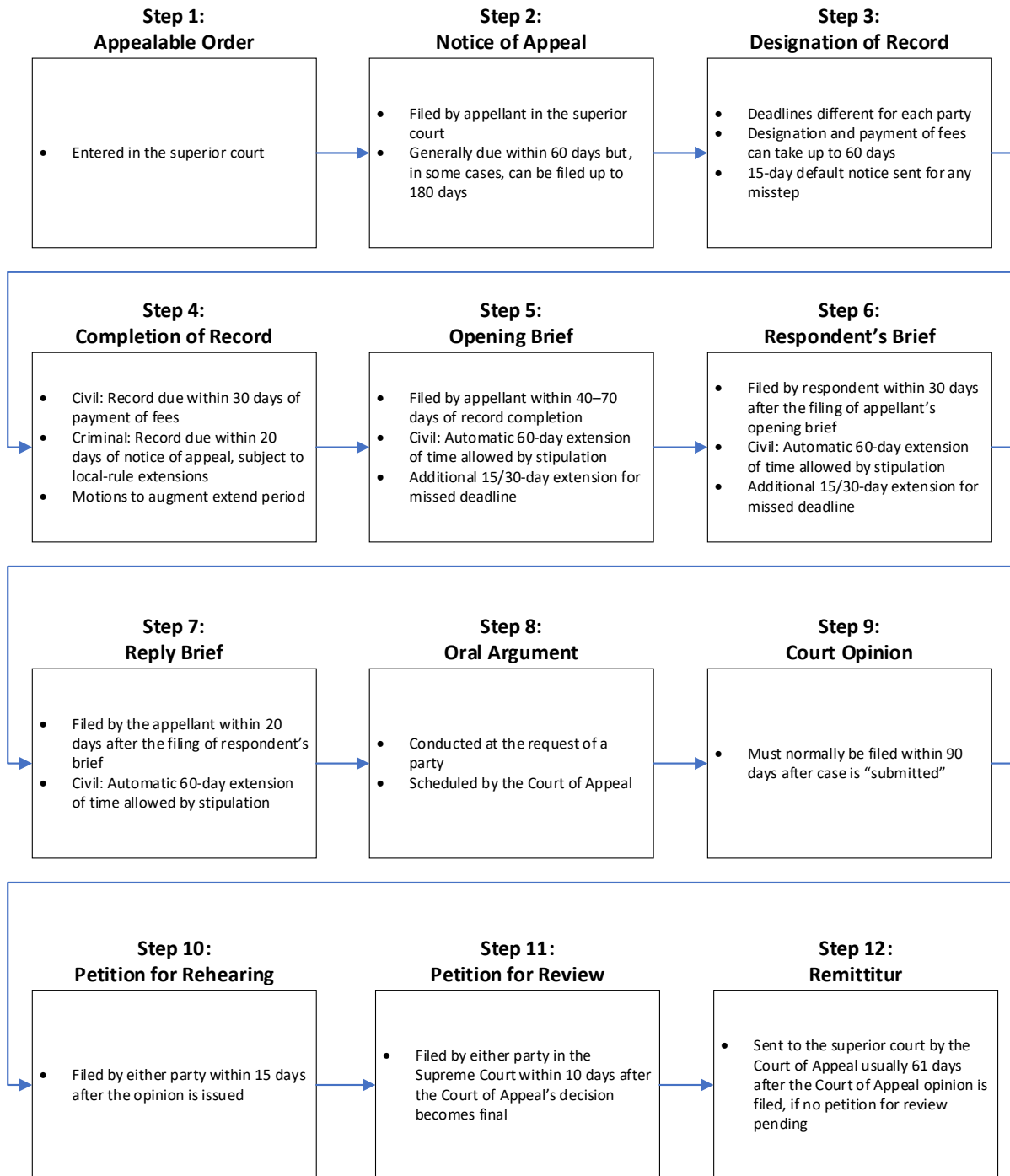
¹³ Code Civ. Proc., §§ 1067, 1068.

¹⁴ Rule 8.112.

¹⁵ Cal. Const., art. VI, § 10; rules 8.380–8.387.

Appellate Courts' Appeals Workload

In contrast to the writ process, the appeals process begins when the superior court issues an appealable order or judgment that leaves a party dissatisfied. To appeal from the order or judgment, the party must file a notice of appeal in the superior court in the time frame set by law. The ensuing appellate process involves many steps, as illustrated in the following chart.



As indicated by the chart, the amount of time needed to process and resolve appeals is substantial even in best-case scenarios, such as when the record is timely prepared and filed, no record augmentations are sought, no extensions of the briefing deadlines are requested, oral argument is waived or promptly scheduled, no difficulties arise during the court’s review and analysis of the issues or during its preparation and circulation of the draft memorandum or opinion, all panel members agree on the analysis and disposition, and no petitions for rehearing or review are sought. The appellate process can easily take a year or more, even when all these steps progress smoothly.

Considerations Affecting Appellate Case Processing

How quickly appeals can be processed is affected by several factors, many of which are unique to California and outside the appellate courts’ control.

The Code of Judicial Ethics requires judges to dispose of judicial matters fairly, promptly, and efficiently and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary.¹⁶ Other authority indicates that judges are expected to decide matters assigned to them within 90 days after an appeal is “submitted,” and they are prohibited from receiving their salaries when they have an undecided matter under submission for more than 90 days.¹⁷ Appellate cases are submitted when the court has heard oral argument or approved its waiver.¹⁸

Excessive delays are easy to condemn but harder to define. The National Center for State Courts takes the position that in 95 percent of civil cases, 450 days (about one year and three months) is a reasonable time from the date the notice of appeal is filed to the date the opinion is issued.¹⁹ And it takes the position that a reasonable time for criminal appeals, excluding death penalty cases, is 600 days (about a year and eight months). These guidelines are ill-fitting in California, given the many factors that delay appellate processing that are outside the control of the courts and justices.

The workgroup identified a number of systemic circumstances that can hasten or delay case processing.

¹⁶ Cal. Code Jud. Ethics, canons 2A, 3B(8).

¹⁷ Cal. Const., art. VI, § 19; *Mardikian v. Commission on Judicial Performance* (1985) 40 Cal.3d 473, 477, fn. 4.

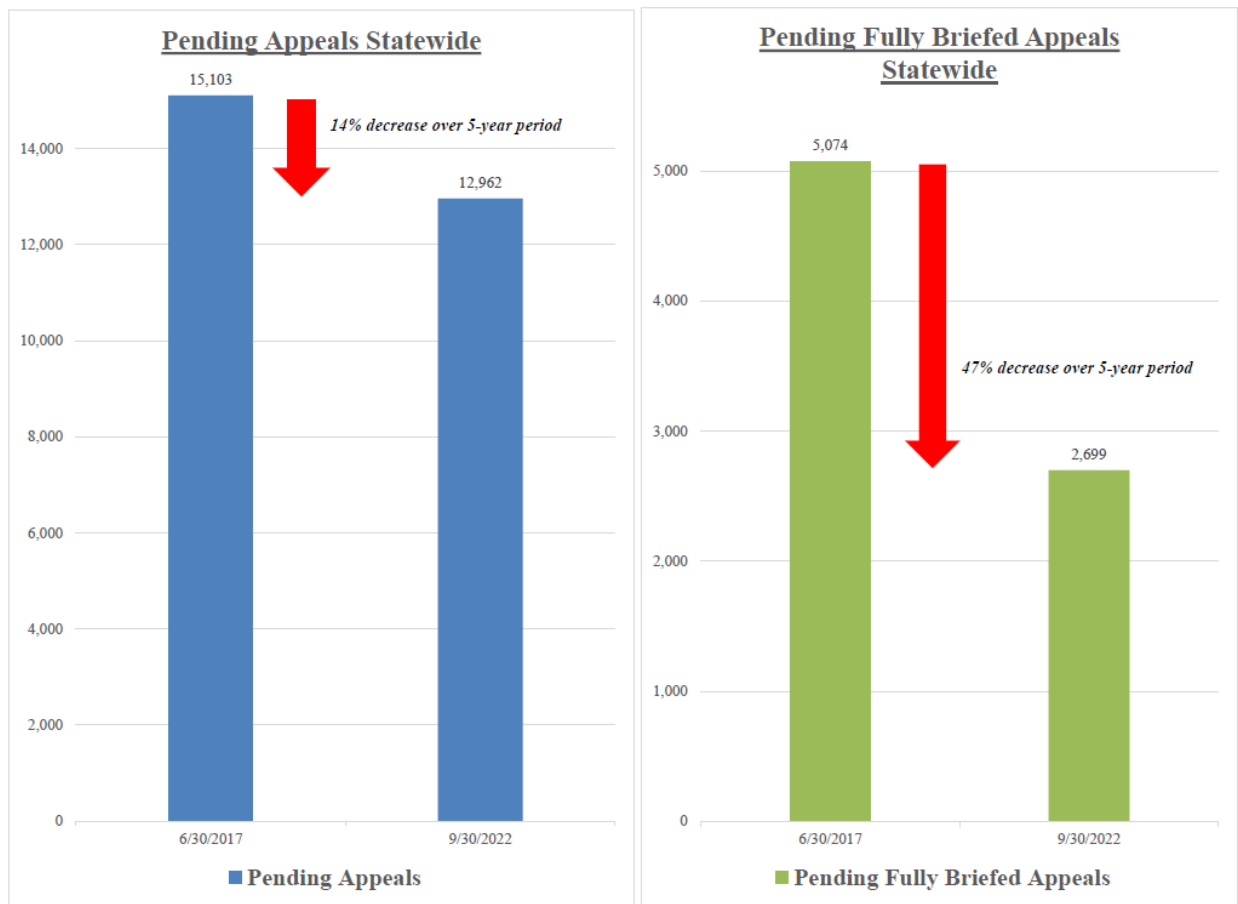
¹⁸ Rule 8.256(d)(1).

¹⁹ Doerner, John P. (2014), *Model Time Standards for State Appellate Courts*. National Center for State Courts. <https://ncsc.contentdm.oclc.org/digital/collection/appellate/id/1032/>.

Cases Can Be Resolved More Quickly Because Fully Briefed Caseloads Have Been Significantly Reduced

The part of the appellate process over which the courts and justices have the most control is the period that begins once a case is fully briefed. The workgroup found that in recent years significant statewide progress has been made in reducing the number of pending fully briefed cases. This reduction enables justices to start reviewing and deciding cases more quickly.

The significant reduction in pending caseloads cannot be explained away by suggesting that it was due to a decrease in appeals. While it is true that in the past five years the number of appeals pending fell by 14 percent, the number of pending fully briefed cases was reduced by 47 percent.



In short, the ability of the Courts of Appeal to resolve fully briefed cases more quickly has considerably improved in recent years.

Many Cases Are Deferred for Valid Reasons

The workgroup found that the processing of many appeals is properly extended for valid reasons. Examples of such reasons include:

- A bankruptcy court has stayed all related proceedings, including state appellate proceedings;
- Stays have been entered at the request of the parties, to allow for further proceedings in the trial court, or for other legitimate reasons;
- Supplemental briefs have been ordered to consider the effect of newly enacted legislation or for other legitimate reasons;
- Tentative opinions have been issued;
- Panel members are actively engaged in discussing the appropriate case resolution;
- Opinions have been issued but rehearing was granted;
- Interim petitions for review in the Supreme Court have been filed or granted;
- Cases are remanded by the United States or California Supreme Court; or
- Cases involve an appeal from a death sentence.

Cases Are Often Delayed Because of Automatic Extensions

California statutes and rules provide for many automatic extensions of time at various steps of the appellate process, and the courts have no ability to deny them. For example, if a party in a civil case makes a mistake in designating the record or fails to pay a record preparation fee, a notice of default must be sent by the superior court clerk, and the party is given 15 days from the date of the notice to remedy the problem.²⁰ Delays are compounded in cases in which multiple mistakes are made because multiple 15-day notices must be sent.

The parties in civil cases may also stipulate to extend the time for filing their briefs by up to 60 days.²¹ And if a party in a civil case fails to file a brief within the prescribed deadline, the appellate court clerk is required to notify the party that the brief must be (but still can be) filed within 15 days from the date of the notice.²² If a party in a criminal case fails to file a timely brief, a similar notice is sent, but it informs the party that the brief must be filed within 30 days from the date of the notice.²³ These automatic extensions can add up, and they result in a considerable amount of processing time over which the courts have no control.

²⁰ Rule 8.140(c).

²¹ Rule 8.212(b)(1).

²² Rule 8.220(a).

²³ Rule 8.360(c)(5).

Case Processing Is Affected by Statutory and Other Priorities

Statutory and other priorities also affect case processing. In California, many types of appeals are required by statute to be given priority. A list of statutes and rules that explicitly address many of these statutory priorities is provided in the appendix to this report. In addition, dozens of other statutes and rules indirectly suggest that other types of appeals should be prioritized. Prioritizing some appeals means that the appeals not prioritized necessarily take longer to resolve.

How best to prioritize cases requires a consideration of multiple factors in addition to the statutory directives, which can compete or be unclear. No guidelines explain how justices should apply these factors and directives, but they are best assessed by the assigned justice in the exercise of the justice's discretion and in consideration of the justice's entire docket.²⁴

The statutory priorities are often expressed in categorical terms or are unclear and can lead to superficial assumptions about how cases should be prioritized. In the CJP findings that gave rise to the establishment of this workgroup, the justice was criticized because "more than half of [his] delayed cases were matters in which the people of the state were parties. He did not accord these matters calendar preference over civil appeals, and other cases (excluding juvenile matters) that had been filed during the same period, as provided by section 44 of the Code of Civil Procedure."²⁵

The premise, however, assumes that Code of Civil Procedure section 44 categorically requires appeals involving the People to be prioritized over almost all other appeals. But dozens of other statutes expressly grant appellate preference. Without knowing the subject matter and circumstances of the "civil appeals, and other cases," it is unclear whether the justice's cases involving the People necessarily warranted a higher priority.

The premise also supposes that Code of Civil Procedure section 44 contains a clear directive. The section states:

Appeals in probate proceedings, in contested election cases, and in actions for libel or slander by a person who holds any elective public office or a candidate for any such office alleged to have occurred during the course of an election campaign shall be given preference in hearing in the courts of appeal, and in the Supreme Court when transferred thereto. All these cases shall be placed on the calendar in the order of their date of issue, next after cases in which the people of the state are parties.

²⁴ As our Supreme Court recognized recently, while the Legislature may impose reasonable rules and regulations governing how the courts are to conduct their business, the courts retain the right to control their own dockets, including the right to determine the order in which cases are decided. (*Briggs v. Brown* (2017) 3 Cal.5th 808, 852–853.) If the rule were otherwise, serious constitutional questions would arise under the separation of powers doctrine. (*Id.* at p. 853.)

²⁵ Public admonishment by the CJP, https://cjp.ca.gov/wp-content/uploads/sites/40/2022/06/Raye_DO_Pub_Admon_6-1-22.pdf?emrc=f5c572.

The People are parties in every criminal appeal. While many criminal appeals warrant priority, others may not. Appeals potentially affecting a defendant's liberty certainly take precedence, but appeals involving minor issues may not. Should a court prioritize an appeal of a defendant who was sentenced to life in prison when the defendant's appeal only seeks, for example, a recalculation of a small fine? Should such a case be prioritized over other appeals that also have statutory priority or present more legitimate, time-sensitive concerns, such as a civil appeal threatening the economic livelihood of a person or small family-owned business?

Reflexive assumptions about case priorities are misguided and may be harmful. Prioritizing appeals in a way to best advance the interests of the parties and the public is complicated and requires justices to consider statutory directives, the individual circumstances of particular appeals, and the other cases on their dockets.

Most Proposition 66 Appeals Must Be Deferred

Appeals filed under Proposition 66 are often deferred as the result of policy and budgetary decisions made by the other branches of government. Proposition 66 was approved by the California electorate in November 2016 to hasten the review of death penalty cases by changing various court procedures. Before Proposition 66, habeas corpus petitions in death-penalty cases were filed in and decided by the Supreme Court. Now, these petitions are filed in and decided by the trial court in which the defendant was originally convicted. Once decided in that court, the decision may be appealed to a Court of Appeal, followed by a final review by the California Supreme Court.

Appeals under Proposition 66 often cannot be processed because the Legislature has declined to authorize funding to pay for the retention of counsel for the appellant, or to enable courts to hire the necessary staff to handle these cases. Since the passage of Proposition 66, the judicial branch has regularly, but unsuccessfully, sought funding to enable the appellate courts to implement it. Although some of these cases can be processed when they raise straightforward procedural issues and the appellant is represented by private or other retained counsel, most will continue to be deferred.

Case Processing Is Slowed When There Are Prolonged Vacancies in Justice Positions

Currently there are 14 justice vacancies, with 3 more expected at the beginning of 2023 as the result of planned retirements. Courts, of course, have no authority over appointments to fill justice vacancies. This authority lies with the Governor.²⁶ The Governor's decision to fill vacancies is weighty and takes time, but the appellate courts' ability to process and resolve cases efficiently is inevitably diminished when vacancies are left unfilled for prolonged periods. Exacerbating the problem is that when a justice retires or leaves, the court often loses some or all of the justice's staff, including attorneys. These positions cannot be easily filled while the justice position remains vacant.

²⁶ Cal. Const., art. VI, § 16.

The loss of productivity resulting from justice vacancies can be mitigated with the appointment of pro tempore judges, but only to some extent.²⁷ Pro tempore judges are typically authorized for 60 days, with the possibility of an additional 30- or 60-day extension. Within these short periods, these temporary judges must familiarize themselves with the workload and their assigned court's policies and practices. Successive pro tempore appointments to fill prolonged vacancies lead to additional unavoidable inefficiencies. Finally, it can be challenging to find judges who are available to be appointed pro tempore. Many superior courts have case backlogs and their own judicial vacancies, and superior court presiding judges facing such circumstances can resist or impose limits on allowing judges to serve pro tempore on an appellate court.

²⁷ See Cal. Const., art. VI, § 6 (authorizing the Chief Justice to assign judges to other courts).

THE THREE PHASES OF AN APPEAL

The workgroup separated the appellate process into three distinct phases:

1. Record preparation phase;
2. Briefing phase; and
3. Decisional phase.

The Record Preparation Phase

The appellate process begins when a litigant files a notice of appeal with the trial court.²⁸ The clerk of the trial court mails a notice that the appeal has been filed to all counsel of record and to the appropriate Court of Appeal.²⁹

The next step is the preparation of the appellate record.³⁰ This record typically consists of the clerk's transcript³¹ (or an appendix in lieu of the clerk's transcript)³² and the reporter's transcript.³³

Applicable rules contemplate that appellate records will be prepared quickly, but this aspiration is often unfulfilled for reasons discussed below. Generally, the rules require that the clerk's and the reporter's transcripts in a criminal appeal be completed within 20 days of the date of the notice of appeal.³⁴ Local rules in the districts sometimes grant automatic extensions.³⁵ While the appellate court may order "one or more extensions of time for preparing the record," the total time extended may not exceed 60 days.³⁶ The rules provide that "[e]ach clerk/executive officer of the Court of Appeal, under the supervision of the administrative presiding justice or the presiding justice, must take all appropriate steps to ensure that superior court clerks and reporters promptly perform their duties under this rule."³⁷

²⁸ Rule 8.100.

²⁹ Rule 8.100(e).

³⁰ Rule 8.120.

³¹ Rule 8.122.

³² Rule 8.124.

³³ Rule 8.130.

³⁴ Rule 8.336(c)(2) & (d)(3).

³⁵ See Ct. App., First Dist., Local Rules, rule 2(b) (granting 30-day automatic extension).

³⁶ Rule 8.336(e)(2).

³⁷ Rule 8.336(h).

The workgroup met and spoke with court executive officers and representatives from multiple superior courts who identified two main causes of the most serious delays in the record preparation process:

- Many superior courts have too few fully trained record clerks.
- The pool of available certified shorthand reporters statewide is too small and has been shrinking.

Clerk's Transcript

The clerk's transcript is prepared by a clerk in the superior court. In civil cases, this transcript consists of the documents required by the rules of court³⁸ and the documents listed by the appellant on *Appellant's Notice Designating Record on Appeal* (form APP-003). A respondent may also designate documents to be included in the clerk's transcript.³⁹

A clerk's transcript can include any documents that are contained in the trial court file, such as:

- Filed documents and/or forms;
- Orders that were issued;
- Minute orders that record what happened in the trial court;
- Any exhibit that was admitted into evidence, or that was refused or lodged; and
- The record of administrative proceedings (in cases involving such proceedings).

In criminal appeals, the clerk's transcript consists mainly of the documents that the rules of court require to be included.⁴⁰

The superior courts have too few fully trained staff to compile clerks' transcripts promptly. The problem is particularly acute in smaller courts that may have too few appeals to justify hiring a full-time records preparation clerk. In these courts, the record preparation task becomes part of a larger job with competing duties, which may be perceived as having higher priority. In courts that are short-staffed, delays are worsened by employee turnover, vacancies, and absences.

Preparing the clerk's transcript can be difficult. The types of records needed for civil, criminal, and juvenile cases are all different, and it takes training and time to learn how to properly prepare these records. Finding case files, reviewing their contents, and identifying relevant documents takes time. In civil cases, designations of record submitted by self-represented litigants or less experienced attorneys can be unclear and imprecise, and they can require time-consuming follow-up measures, such as issuing multiple default notices. These difficulties

³⁸ Rule 8.122(b).

³⁹ Rule 8.122(a)(2).

⁴⁰ Rule 8.320(b) & (d).

are deepened when the court's newest and less experienced clerks are assigned record preparation duties.

On a positive note, technology is helping to make the record preparation process easier and faster. The adoption of rules requiring or allowing parties to file pleadings electronically, and programs that facilitate the electronic compilation and transfer of the appellate record, are easing the superior court's burdens. Preparing an electronic appellate record from an electronic database can be easier and more streamlined. But while this technological transition is underway, it is not complete, and in many courts, paper documents must be scanned for them to be included in an electronic record. Not all courts have full scanning capacity, and some courts, because of their small size or unique circumstances, want to retain the ability to transfer hard copies of appellate records.

Appendix in Lieu of Clerk's Transcript

In civil cases, an appendix can be used as an alternative to a clerk's transcript. Under this method of record preparation, the appellant prepares an appendix and decides which documents to include in it. If the respondent believes the appellant's appendix fails to include all of the relevant documents, the respondent may prepare a responsive appendix. The parties may also stipulate to using a joint appendix, under which the parties agree about which documents to include.

Because these appendixes are prepared by the parties rather than clerks, the record preparation process can be faster than the process of completing a clerk's transcript. Still, preparing an appendix is complicated and the parties, especially self-represented litigants and less experienced attorneys, frequently make errors. These errors cause delays because they require the appellate court clerks to notify the parties of the errors and await corrections. It is not uncommon for numerous notices of errors to be sent, thus compounding the delays.

Reporter's Transcript

A reporter's transcript is a written record prepared by a certified shorthand reporter of everything that was said in court, word-for-word, during proceedings relevant to the appeal. With a few minor exceptions, audio recordings are not permitted.⁴¹ A reporter's transcript is needed when a written record of the oral proceedings is necessary for a full understanding of the appellate issues. The parties may elect either an agreed statement⁴² or a settled statement⁴³ as a record of the proceedings instead of a reporter's transcript.

Obtaining timely submission of court reporters' transcripts is a growing problem that has two primary components. The first component is that court reporters are increasingly less accountable to the courts. In the past, more court reporters were employed by courts, which

⁴¹ See Code Civ. Proc., § 269.

⁴² Rule 8.134.

⁴³ Rule 8.137.

provided superior and appellate courts significant control over how and when transcripts were prepared. In recent decades, however, superior courts have been unable to employ court reporters in civil and other non-criminal cases. If parties in those cases want a written record of the oral discourse in their superior court proceedings for purposes of an appellate record, they must hire a private certified shorthand reporter. Courts have less control over how and when reporter's transcripts are prepared by private certified shorthand reporters. Reporter delays in preparing transcripts are frequent, and courts must often resort to time-consuming cajoling, pressure, and issuing orders to get reporters to complete and submit their transcripts.

The second primary component of the problem in obtaining timely submission of reporter's transcripts is that there are simply not enough certified shorthand reporters. The Superior

The pool of available certified shorthand reporters statewide is too small and has been shrinking.

Court of San Diego County, for example, reports that in 2021 alone, the court lost 11 court reporters through attrition while only 36 people passed the state certification examination

during that same year. In November 2022, the Superior Court of Los Angeles County stopped providing court reporters in all cases except felony criminal and juvenile matters, citing a lack of available reporters.

The shortage of court reporters causes serious delays in record preparation. Even when court reporters are available, they often must be in court to transcribe hearings. When they are continuously transcribing hearings in court, they do not have time to prepare transcripts.

The shortage of reporters adversely affects the dispensation of justice in other ways. In cases in which court reporters are not provided by the superior court, only parties that can afford to pay for a reporter can develop an appellate record that includes a written, verbatim record of what was said in the superior court proceedings. A reporter's transcript can be critical to presenting the issues for appellate court review. When such a record is available only for those who can pay for it, the result is a two-tiered system of appellate justice: one for those with financial resources and another for those without.⁴⁴

In 1993, the Judicial Council promulgated rules that would have allowed court proceedings to be recorded electronically, thereby reducing the need for court reporters. But in *California Court Reporters Association v. Judicial Council of California* (1995) 39 Cal.App.4th 15, the court struck down those rules, explaining that “[u]ntil the Legislature amends [Code of Civil Procedure] section 269 to permit electronic recording to create an official record, the normal

⁴⁴ Superior courts must provide a court reporter to civil litigants with a fee waiver who have made a timely request. (*Jameson v. Desta* (2018) 5 Cal.5th 594, 599.) But even then, courts are obligated to provide a reporter only when one is available, and that is not always the case.

practice in California superior courts is for an official shorthand reporter to create the official record.” (*Id.* at p. 33.)

It is unlikely the number of court reporters will significantly increase anytime soon and the number of active, licensed certified shorthand reporters in California falls every year. There are about 15 percent fewer licensed reporters in California than there were five years ago⁴⁵ and the number of people taking the licensing exam continues to decline. In 2018, there were 339 examinees; in 2021, there were only 175, and of those 175 examinees, only 36 passed.

One positive development was the passage of Assembly Bill 156 (Stats. 2022, ch. 569), which was signed into law by the Governor on September 27, 2022. This law allows certified reporters to create a verbatim record of proceedings by using voice-writing or voice-recognition technology instead of using symbols or abbreviations in written or machine shorthand. This enables reporters to use a closed microphone voice dictation silencer, steno mask, or similar device in capturing the court proceedings. The recent passage of this bill makes it difficult to know the extent to which it will encourage more reporters to join the field. Additional actions by the Legislature likely will be needed to allow alternative methods of creating an official record.

Record Preparation Phase Recommendations

To address some of these issues and to expedite other aspects of the record preparation process, the workgroup recommends that the Chief Justice take the following actions:

1. Encourage the Judicial Council to provide additional training to superior court record preparation clerks. The Judicial Council should consider advertising and expanding the training it provides through in-person classes and online training formats.⁴⁶
2. Encourage the appellate courts to offer district-specific assistance to superior court record preparation clerks. This is because all appellate districts operate differently with district-specific rules and expectations.
3. Encourage the Judicial Council to consider whether there are ways to reduce the number of tasks required by superior court clerks to prepare the record.
4. Encourage the Judicial Council to consider revising applicable Judicial Council record-designation forms to be simpler, clearer, and more efficient, such as the Second District’s form.
5. Encourage the Judicial Council to consider revising the rules of court to not only allow, but also to encourage, represented civil litigants to prepare their own joint appendixes.

⁴⁵ California Dept. of Consumer Affairs, Annual Reports (Court Reporters Board of California year-by-year comparison), https://www.dca.ca.gov/publications/annual_reports.shtml.

⁴⁶ The Judicial Council’s Center for Judicial Education and Research currently offers a Court Clerks Training Institute course every two years. This course is a five-day orientation for new superior court clerks that includes a segment on preparing appellate records.

6. Encourage the appellate courts to work with local bar associations to offer programs to help self-represented litigants and less experienced attorneys navigate the process of designating the record.
7. Encourage the Courts of Appeal to consider methods and available funding to enhance the Appellate Self-Help Resource Center website with a feature that would ask users questions and then automatically populate forms based on the answers provided (such as the TurboTax model). The website is easy to use and has helped thousands of self-represented litigants and attorneys unfamiliar with the appellate process. The enhanced feature would lead to fewer mistakes, which would lead to faster case processing.
8. Encourage the Judicial Council to consider amending the rules of court governing reporter's transcripts in civil cases that require the clerk of the superior court to supervise and process the reporter's transcripts that will ultimately be part of the appellate record. The Second District allows parties in some cases to elect to proceed by filing transcripts directly in the Court of Appeal, and the clerk of that court reported that the process has generally worked well and has streamlined the cases.
9. Encourage the Judicial Council to consider adopting a rule of court that would allow litigants in criminal cases to stipulate to the use of the superior court file in lieu of a clerk's transcript. The need to cure omissions from and to make augmentations to the standard criminal record are two of the most significant causes for record preparation delay. Allowing the superior court to use its file in lieu of creating the clerk's transcript would eliminate those problems and facilitate timely submission of the record to the Court of Appeal. Consideration must be given to whether such a rule would increase the size of criminal case records such that they would be unwieldy for appellate review and whether any such increase could be mitigated by the adoption of electronic record preparation by all superior courts.
10. Encourage the appellate courts to consider adopting local rules expressing the expectation that record-augmentation requests be submitted in one motion on the earliest date practicable, or not later than 30 days after the record has been filed or counsel appointed.⁴⁷ Such a rule would reduce late requests to augment the record as a method of obtaining a stay of the briefing deadline.
11. Encourage the Judicial Council to review and consider whether to modify *Civil Case Information Statement* (form APP-004) to allow litigants or counsel to identify an alternative, non-statutory ground for an appeal to be given priority.

The Briefing Phase

The briefing phase of the appellate process begins when the parties are notified that the record has been completed, submitted to the Court of Appeal, and filed. During this phase, three briefs are typically filed: the appellant's opening brief, the respondent's brief, and the appellant's

⁴⁷ See Ct. App., First Dist., Local Rules, rule 4(c).

reply brief.⁴⁸ In some cases, additional briefs are filed because there are numerous parties, there is a cross appeal,⁴⁹ the court has permitted the filing of an amicus curiae brief,⁵⁰ the parties have requested and have been granted permission to file supplemental briefs, or the court on its own motion has requested supplemental briefing.

Generally, the appellant's opening brief describes the judgment or order being appealed and argues why it was legally incorrect. The respondent's brief responds to the points raised by the appellant and it argues why the appellant is not entitled to appellate relief. The appellant's reply brief addresses the respondent's brief, and it argues why the points made in the respondent's brief fail to overcome the points made in the opening brief.

The briefing phase takes multiple months even when parties do not take advantage of extensions of time to file their brief. The appellant's opening brief is due 40 days after the Court of Appeal notifies the appellant that the record or reporter's transcript has been filed.⁵¹ In a civil case in which the appellant has elected to proceed with their own appendix and has not requested a reporter's transcript, the appellant's opening brief and appendix are due 70 days from the date of the election.⁵² The respondent's brief is due 30 days after the appellant's opening brief was filed⁵³ and the appellant's reply brief is due 20 days after the respondent's brief was filed.⁵⁴

The rules provide for certain automatic extensions of these deadlines. In most civil cases the parties may extend each of the time periods for filing a brief by up to an additional 60 days by stipulating to such an extension,⁵⁵ and the appellate court "may not shorten" any such extension.⁵⁶ In addition, if a party in a civil case fails to file a brief by a prescribed deadline, the appellate court clerk is required to notify the party that the brief must be filed within 15 days from the date of the notice.⁵⁷ If a party in a criminal case fails to file a timely brief, a similar notice is sent, but it informs the party that the brief must be filed within 30 days from the date of the notice.⁵⁸ The districts and divisions have different practices on how quickly they send these notices, an issue we address further below. Some districts send them almost immediately

⁴⁸ Rule 8.200(a).

⁴⁹ See rule 8.216.

⁵⁰ Rules 8.200(c), 8.360(f).

⁵¹ Rules 8.212(a)(1)(A), 8.360(c)(1).

⁵² Rule 8.212(a)(1)(B).

⁵³ Rules 8.212(a)(2), 8.360(c)(2).

⁵⁴ Rules 8.212(a)(3), 8.360(c)(3).

⁵⁵ Rule 8.212(b)(1).

⁵⁶ Rule 8.212(b)(2).

⁵⁷ Rule 8.220(a).

⁵⁸ Rule 8.360(c)(5).

and others do not. In any event, the appellate court must accept a brief that is filed within 15 days from the date of the notice.⁵⁹

In addition to these automatic extensions of briefing deadlines, other mandatory extensions sometimes apply. For example, during the COVID-19 pandemic appellate courts extended briefing deadlines under the authority of emergency orders entered by the Judicial Council.⁶⁰

Various automatic and mandatory extensions of time can result in protracted delays over which the courts have no control.

And under federal and state law, courts must provide a briefing extension when it constitutes a reasonable accommodation to a person with a disability or when not providing an extension would deny a person with a medical condition the full benefit of court

services.⁶¹ Together, these rules for automatic and mandatory extensions allow the briefing phase to be extended for 10 months or longer. The courts have little or no authority to shorten this period, and no court or justice can be fairly criticized for the processing time attributable to these nondiscretionary extensions.

In addition to automatic and mandatory extensions, extensions for cause are also allowed under the rules. In describing the policies governing requests for such extensions, the rules state that, on one hand, the rule-established “time limits . . . should generally be met to ensure expeditious conduct of appellate business and public confidence in the efficient administration of appellate justice.”⁶² On the other hand, the rules state that a party’s right to have effective assistance of counsel includes the right to have “adequate time for counsel to prepare briefs or other documents,” and that adequate time allows the preparation of “accurate, clear, concise, and complete submissions.”⁶³ In expressly balancing these interests, the rules conclude that any request for a non-automatic extension of time “must demonstrate good cause—or an exceptional showing of good cause.”⁶⁴ If such cause is demonstrated, rule 8.63(a)(3) dictates that the court “must extend the time.”⁶⁵

⁵⁹ Rule 8.212(b)(4).

⁶⁰ See California Courts Newsroom, Court Emergency Orders, Appellate Courts (March 18, April 9, and April 15, 2020), <https://newsroom.courts.ca.gov/covid-19-news-center/court-emergency-orders>.

⁶¹ See 42 U.S.C. § 12132; 28 C.F.R. § 35.130(b)(7) (2022); Gov. Code, § 11135.

⁶² Rule 8.63(a)(1).

⁶³ Rule 8.63(a)(2).

⁶⁴ Rule 8.63(a)(3). An “exceptional showing of good cause” is required in certain priority appeals, such as appeals from judgments or orders terminating parental rights or freeing a child from parental custody. See rules 8.416(a) & (f), 8.450(d).

⁶⁵ Clouding the applicable standard, rule 8.60(b) states that if such cause is demonstrated, the “presiding justice *may* extend the time to do any act required or permitted under these rules” (italics added).

The rules describe wide-ranging considerations for assessing whether a party has demonstrated “good cause—or an exceptional showing of good cause,”⁶⁶ such as:

- The degree of prejudice, if any, to any party;
- The positions of the client and opponent in civil appeals;
- The length of the record;
- The number and complexity of the issues;
- Whether settlement negotiations are underway and their status;
- Whether the case is entitled to priority;
- Whether counsel is new to the case;
- Whether counsel or the client needs more time to review the brief;
- Whether counsel can make a specific showing of other time-limited commitments that prevent the timely filing of the brief;
- Whether counsel is ill, has a personal emergency, or has a planned vacation that was not expected to conflict with the due date; and
- Any other relevant factor.⁶⁷

The workgroup had an extensive and lively discussion on non-automatic requests for extensions to file briefs. Members concluded that the rules articulate sensible policies and factors for courts to weigh in evaluating these requests. Still, some concerns were identified. First, some

Presiding justices, especially those in districts with multiple presiding justices, should periodically confer to advance more consistent applications of the standards used in considering requests for discretionary extensions of time.

attorney members of the workgroup commented that, while they have no objections to the rules’ policies and factors for courts to weigh, their experience has been that appellate courts inconsistently apply these policies and factors. One institutional attorney observed that appellate specialists often know which courts will be more lenient about extension requests, and they triage their workload by seeking extensions in those courts.

Thus, decisions to seek extension requests in particular cases can be driven by this practical consideration rather than a more meaningful evaluation of the relative importance and priority of the cases in the attorney’s workload.

Some justices on the workgroup raised concerns with the approved Judicial Council forms for seeking extensions of time. These forms are different in civil (APP-006) and criminal (CR-126)

⁶⁶ Rule 8.63(b).

⁶⁷ Rule 8.63(b)(1)–(11).

appeals, but some justices believed that neither provides sufficient information on which to assess the factors set forth in rule 8.63(b)(1)–(11). The civil form includes no place for the movant to identify whether the case has priority, and while the form requires the movant to identify if the other side was unwilling to stipulate to an extension, it does not require the movant to otherwise explain the extent to which an extension may or may not prejudice the client or other side. Although the criminal form requires the movant to identify the defendant’s conviction and the length of the record, it does not require the movant to otherwise explain the extent to which an extension may or may not prejudice the defendant.

Briefing Phase Recommendations

To address some of these issues and to expedite other aspects of the briefing phase, the workgroup recommends that the Chief Justice take the following actions:

1. Encourage presiding justices, especially those in districts with multiple presiding justices, to confer periodically in a meaningful attempt to advance more consistent applications of the standards used in considering requests for discretionary extensions of time.
2. Request that the appellate court clerks establish policies and practices that will ensure that notices to parties under rules 8.220(a) and 8.360(c)(5) are uniformly sent to the defaulting party within a day or two of the missed deadline. In addition, the Judicial Council’s Appellate Advisory Committee should consider whether the rules of court should be modified to allow an opposing party to send out such a notice, and to make the 15-day time period for filing the brief start to run from the earlier of the clerk’s or the party’s notice.
3. Encourage the Judicial Council to review and consider whether forms APP-006 and CR-126 should be modified to enable courts to better evaluate whether a movant has demonstrated good cause. Specifically, the council should consider whether the civil form should require additional information such as whether the appeal is a priority case, and the degree to which any extension might prejudice the client or opponent. For the criminal form, the council should consider whether the form should require additional information to help the court assess the degree to which an extension might prejudice the defendant. The council should also consider whether the rules of court should be modified to require the parties to include all or some of this information when they request an extension without using an approved form.
4. Encourage the Judicial Council to consider whether parties should be encouraged or required to submit, along with their briefs, excerpts of the record that would compile all parts of the record that are relevant and useful to the court in deciding the appeal.

The Decisional Phase

Once the appellant's reply brief is filed (or the time for filing it has expired), the appeal is considered fully briefed and the decisional phase of the appeal begins. Many appeals are dismissed before becoming fully briefed because the parties have abandoned or settled the appeal, or a motion to dismiss was granted. Thus, the number of cases that become fully briefed (and that therefore require resolution by an opinion) is far less than the number of appeals filed. Because most cases are not assigned to justices until they are fully briefed, the number of cases that are fully briefed is the most important and meaningful measure of justices' caseloads.

The ways cases are assigned varies. In some courts, cases are assigned to justices immediately or shortly after they become fully briefed, while in other courts they are assigned later, after the cases have been reviewed and justices' workloads are assessed. In some courts, cases are assigned weights to account for their complexity and then distributed in a way to roughly equalize workloads, while in other courts cases are assigned with the understanding that over time justices will receive relatively equal workloads. In many courts, certain categories of cases are assigned on a rotational basis, such as dependency matters or *Wende* appeals.⁶⁸

The ways in which cases are worked on also varies. All justices have full-time chambers attorneys, although the numbers vary. All courts also have writ and central staff attorneys, although their numbers also vary. In some courts all cases are assigned to chambers, which then seek assistance from central staff attorneys when they are available and needed to assist with the caseload. In other courts certain types of cases are assigned to chambers attorneys while other types of cases are first assigned to central staff attorneys.

Justices, chambers attorneys, and central staff attorneys all prepare memoranda or draft opinions proposing how a case should be decided. Some justices prepare many of their own drafts, while others rely more heavily on the attorneys for initial drafts. Each justice supervises his or her chambers staff. In some courts, justices decide whether and how their work is to be assigned to attorneys and completed; in others, cases are weighted and assigned first to attorneys who then coordinate with the responsible justice for the completion of the work.

Regardless of how cases are assigned, the next step in the decisional process is to draft a memorandum or proposed opinion. The steps required to prepare such a draft do not vary significantly. Briefs must be read and reread, the record must be reviewed, research must be conducted, analyses must be considered and evaluated, and the memorandum or draft opinion must be drafted, edited, cite-checked, and proofread.

The time required to complete these tasks varies significantly. An experienced attorney working with, consulting, and supporting the assigned justice can draft an opinion in a case with a

⁶⁸ A *Wende* appeal is one in which the criminal defendant's attorney has filed a statement declaring that no appealable issue was identified.

simple issue in a day or two. A case with average complexity that involves multiple issues can take a week or two. A difficult case can take a month or more.

When the assigned justice is satisfied with the draft, it is circulated to the other panel members who were randomly assigned to the case. Those panel members must consider the draft, read the briefs, evaluate the analysis, often conduct further research, and determine whether they agree or disagree with the proposed disposition. They may suggest revisions to the draft and these suggestions may or may not be accepted. If the panel members are unable to agree on the draft, concurring or dissenting opinions are considered and drafted. Depending on the case complexity and the existence of disagreements, the process of reaching a final opinion can be lengthy and involve significant additional justice and staff work.

What happens after an opinion is drafted depends on whether the parties have asked for oral argument. If argument has been waived, the assigned justice and any concurring or dissenting justices finalize their respective opinions and the majority opinion with any concurrence or dissent is filed. If argument has been requested, different procedures are followed. In some courts the assigned justice decides when to set the case for argument. In other courts the oral argument date is set at the time the case is assigned, requiring the justice to obtain an extension from the presiding justice if one is needed.

Different courts also have different procedures for conducting oral argument. Some courts issue tentative opinions or focus letters prior to argument. In courts that issue tentative opinions, if the parties accept the tentative opinion, oral argument is canceled and the tentative opinion typically becomes the court's final opinion. Some courts conduct arguments monthly or biweekly, and some even more frequently. Some courts strictly limit the length of oral argument, while others allow argument to continue as long as it remains productive. During the COVID-19 pandemic all courts conducted oral argument remotely. Courts are now increasingly holding arguments in the courtroom, or allowing hybrid arguments, in which one or more parties appear in person in court and one or more parties appear remotely.

Cases are typically deemed submitted after the conclusion of the argument. Cases in which argument was waived are deemed submitted when the court approves the waiver.⁶⁹ Once a case is deemed submitted, the opinion must be filed within 90 days.⁷⁰ After the argument, the panel continues to discuss any differences in views and the final opinions are prepared with any concurrences or dissents.

A filed opinion represents the court's initial determination of how an appeal should be decided and can be published or unpublished. Published opinions are used to resolve appeals that raise important legal issues that are either unresolved or that arise in a new or different factual context. Unpublished opinions are used when the issues involved are more common or uncontroversial. Less complicated opinions can be relatively short and can resolve the issues in

⁶⁹ Rule 8.256(d)(1).

⁷⁰ Cal. Const., art. VI, § 19.

a dozen pages or so. More complicated opinions can be lengthy, and they can require 50 pages or more.

Parties can challenge the court’s initial filed opinion by filing a petition for rehearing, arguing the court made a legal or factual error when deciding the case.⁷¹ In most courts, those petitions are forwarded to the authoring justice for investigation and a recommendation. If that justice determines the petition is possibly meritorious, he or she can request formal opposition from the opposing side.⁷² Based on the petition and any opposition, the authoring justice commonly recommends either granting the petition (which vacates the opinion and places the case at large as if no opinion had ever been filed),⁷³ denying the petition (which leaves the opinion unchanged), or denying the petition and then modifying the opinion to make whatever changes are necessary to address points that were raised in the petition.

An opinion is final and is no longer subject to change 30 days after it is filed if no rehearing is granted.⁷⁴ If an order changes an opinion without modifying the judgment, the finality period is not extended.⁷⁵ But if an order changes an opinion and modifies the judgment, the finality period runs from the date of the modification order.⁷⁶

In light of the CJP findings that gave rise to the establishment of this workgroup, the workgroup conducted an extensive review to determine whether there are cases in any of the Courts of

As of September 30, only a small percentage of fully briefed cases statewide were pending for more than 12 months, and the cases within this small percentage were pending for valid reasons or were actively being worked on.

Appeal in which the decisional phase has been excessively delayed. The result was heartening. The workgroup found that as of the end of the last quarter only a small percentage of fully briefed cases statewide were pending for more than 12 months. Within this small

percentage, almost all of the cases were deferred for valid reasons or were transferred from one court to another for prompt processing. The remaining handful of cases within the small percentage are complex cases actively being worked on.

⁷¹ Rules 8.268, 8.366.

⁷² Rule 8.268(b)(2).

⁷³ Rule 8.268(d).

⁷⁴ Rule 8.264(b)(1).

⁷⁵ Rule 8.264(c)(2).

⁷⁶ *Id.*

Decisional Phase Recommendations

The workgroup discussed whether, and to what extent, the different practices and approaches taken by different appellate courts affect the time of the decisional phase. It concluded that,

Efficient case processing is best achieved by managers monitoring whether cases are languishing and requiring prompt action when they are.

while the differences may have some effect on the timing, any such effect is minimal. Far more significant is whether cases are monitored to ensure that they are not

languishing and whether effective action is taken to ensure that delayed cases are promptly resolved. Specific recommendations to improve monitoring and to ensure effective follow-up to prevent excessive delays from developing are set forth in detail below.

THE CASE DELAYS IN THE THIRD DISTRICT

The workgroup next turns to address its findings regarding the case delays in the Third District, and to present its recommendations to help ensure that similar case delays do not recur or develop in any appellate court.

The Problem of Excessively Delayed Appeals in the Third District Was Limited to Some Justices and Has Been Effectively Addressed

As mentioned earlier, the case delays revealed by the CJP in the Third District were avoidable and inexcusable, and they were harmful to the parties, the aims of justice, and the reputation of the court. But as also previously mentioned, the district has taken prompt and effective measures to address the identified problems and to prevent them from recurring.

The workgroup found that the primary causes of the problem were the lack of transparent reporting to identify delayed cases and the failure to follow up on known delayed cases to prioritize, process, and resolve them. This oversight was exacerbated by the facts that the district had and has a high caseload, had an attorney workforce that was relatively too small, and had judicial vacancies but eschewed the appointment of pro tempore justices.

Many measures have been taken within the district to remedy the problem and to minimize the chance of its recurrence. The workgroup is pleased to report that as a result of these actions, there is currently *no* appeal in the Third District that has been pending for more than 12 months without a valid reason.

The current acting administrative presiding justice implemented a number of management changes to increase transparency, foster communication, raise awareness, and help justices and staff prioritize and resolve delayed cases. For example, he instituted a transparent monthly reporting and follow-up process to identify, review, and help process fully briefed cases that have been pending for more than eight months. Each month, a report identifying these cases is given to all the justices.⁷⁷ The report includes comments by the assistant clerk/executive officer of statistical trends and relevant case circumstances. Now, the vast majority of cases identified on the report remain pending for valid reasons or are in their final stages (i.e., oral argument is scheduled but has not occurred, or the opinion is being cite-checked and finalized). The report is reviewed by the district's managing attorney, who makes recommendations on whether a justice who has an identified case that lacks a valid reason for delay needs assistance by, for example, being assigned fewer cases in subsequent case-assignment rotations, being given additional attorney or staff help, or having cases transferred to other justices.

⁷⁷ Although a similar report, one that identified cases that were pending for more than 12 months, was instituted by the former administrative presiding justice, the report was not shared with other justices, and for too long there was minimal follow-up.

The current acting administrative presiding justice also began inviting executive staff (the district's managing attorney, clerk/executive officer, and assistant clerk/executive officer) to participate in monthly justice meetings to report on filings, case dispositions, and other matters. Justices and executive staff are encouraged to share information freely, which has increased engagement by the justices in court administration.

More attention is also now given to properly identify cases that may warrant calendar preference. When docketing new criminal appeals in the Appellate Court Case Management System, clerks input when the cases are assigned and the length of the sentences imposed. The managing attorney then identifies cases with short sentences and points out other circumstances that may justify prioritizing the cases so that these factors are readily apparent.

Finally, the current administrative presiding justice has ended the practice of not seeking appointment of pro tempore justices. Appointing pro tempore justices in the future will help the district to sustain workflow productivity in resolving cases.

In addition to management changes, the district's staffing was increased. In June 2021, the APJAC determined that the district's judicial workforce was too small given the size of the district's caseload. The committee voted to allocate additional funds to the district, enabling it to hire seven additional attorneys.⁷⁸

Perhaps the most notable and encouraging action taken in response to the CJP investigation and findings was that the district's justices, attorneys, and other staff collectively engaged in exceptional efforts to resolve older cases and reduce case backlogs. Between the end of 2020 (around the time the CJP initiated its investigation) and the end of September 2022 (the date of the most recent statistical report), the district filed 2,195 opinions. This is 338 more opinions than were filed in the preceding 21-month period, during which 1,857 opinions were filed.

The hard work has paid off. At the end of fiscal year 2019–20, the district had 814 fully briefed cases, and as of the end of September 2022, this number was reduced to 298. This reflects a *63.4 percent reduction* in fully briefed cases. This impressive progress cannot be explained away by pointing out that the number of appeals also fell during this period. While it is true that the number of appeals fell, likely because of the COVID-19 pandemic, the district's rate of resolving cases far eclipsed the rate of the slowdown of appeals. At the end of fiscal year 2019–20, the district had 2,039 pending appeals, while at the end of September 30, 2022, it had 1,350. Thus, while the number of appeals fell by 33.8 percent, the number of fully briefed cases fell by 63.4 percent.

In short, the Third District took prompt and effective measures to address the problems raised by the CJP investigation and findings, and to prevent them from recurring. It has no excessively

⁷⁸ According to the district, prior to this allocation the last time the district received additional funding for permanent attorney positions was 20 years earlier, in 2001, when it received funding for three such positions.

delayed cases, has significantly reduced its fully briefed caseload, and is in a far better position to ensure that appeals continue to be resolved in a timely manner.

Improved State-level Reporting and Oversight Will Help Prevent Appeals from Becoming Excessively Delayed

The workgroup found that the case delays in the Third District could have been discovered and remediated earlier if, in addition to better monitoring and follow-up internally, there had been better state-level oversight and accountability.

The workgroup therefore recommends that the Chief Justice direct the Administrative Director of the Judicial Council to provide a report every six months to the APJAC that identifies appeals that have been fully briefed for more than a year. It further recommends that the Chief Justice request that each appellate district compile from the report a list of cases for which there is no valid reason for their processing to be extended and to provide the list to the APJAC.

Examples of valid reasons include:

- When the appeal has been stayed by order of a bankruptcy court;
- When the appeal has been stayed as the result of the request of the parties, to allow for further proceedings in the trial court, or for other legitimate reasons;
- When supplemental briefs have been ordered to consider the effect of newly enacted legislation or for other legitimate reasons;
- When a tentative opinion has been issued;
- When panel members are actively engaged in discussing the appropriate case resolution;
- When an opinion has been issued but rehearing was granted;
- When an interim petition for review in the Supreme Court has been filed or granted;
- When a case is remanded by the United States Supreme Court or California Supreme Court; or
- When the case involves an appeal from a death sentence.

Finally, the workgroup recommends that the Chief Justice direct the APJAC to take action to ensure that identified cases are promptly processed and resolved. Such action may include the following:

- Providing the assigned justice of an identified case with additional resources;
- Assigning an identified case to a different authoring justice; or
- Requesting approval from the Supreme Court to transfer an identified case to a different appellate division or district.

Improved State-level Reporting and Oversight Will Help to Address Caseload Inequities

The workgroup found that the case delays in the Third District were partially caused and exacerbated by inequities in the ratios of caseload/workforce among the appellate courts.

Population, demographics, laws, and other factors affect the number and the types of appeals that are filed in different appellate courts. Recognizing that cases are not evenly distributed, the six administrative presiding justices periodically take measures to help equalize relative caseloads. These measures usually involve requesting transfers of cases to courts that are better positioned to handle them or allocating additional resources to overburdened courts to allow them to expand their workforce.⁷⁹

In the past three fiscal years, hundreds of cases have been transferred between courts. These include cases transferred from Division Two of the Fourth District to other divisions in that district and cases transferred from the Fifth and Sixth Districts to the First, Second, and Fourth Districts. As another example, in June 2021 the APJAC allocated fiscal resources to enable courts to hire additional staff attorneys. Seven new attorney positions were authorized for the Third District, four new attorney positions were authorized for the Fifth District, two new attorney positions were authorized for the Fourth District, and one new attorney position was authorized for each of the remaining districts.

Evaluating and addressing caseload inequities is not as easy as it may seem. Each year, the Judicial Council publishes the *Court Statistics Report*, a report that analyzes statewide caseload trends in the state courts. The report uses various metrics to assess each district/division on various categories such as the number of appeals and writs filed, the number of cases decided, and the length of time it took to complete different phases of the appellate process.

These statistics are useful but are typically published a year after the fiscal year captured in the report,⁸⁰ are widely misunderstood, and are used inaccurately to assess the relative productivity of divisions and districts. Relying on these statistics alone to compare productivity results in faulty comparisons, yet these faulty comparisons are common.⁸¹ Meaningful comparisons must take into account the judicial workforces available in, and the types of cases handled by, the different courts.

⁷⁹ See Cal. Const., art. VI, § 12(a); rule 10.1000.

⁸⁰ This means that management responses to the data in this report cannot be adopted until, at the very earliest, one year after conditions are revealed that may need to be addressed. And because the budget cycle takes at least one year, this means that budgetary responses to the data cannot be authorized until, at the very earliest, two years after conditions are revealed that may need to be addressed.

⁸¹ See, e.g., Judicial Council of Cal., *Report of the Appellate Process Task Force* (2000), www.courts.ca.gov/documents/min0800.pdf [suggesting workload comparisons should be made on a cases-per-justice basis]; *Daily Journal* (Sept. 21, 2022), Vol. 128, No. 183, p. 4 [same].

The judicial workforce in each district/division includes justices and attorneys.⁸² The size of this workforce does not correlate directly to the number of justices assigned to the court.

Comparisons of district/division caseloads are flawed unless they take into account the full judicial workforces available in, and the types of cases handled by, the different courts.

Inter-district/division redirection of fiscal resources, budget cuts and augmentations, and intra-district/division funding choices have resulted in judicial workforces that vary and are disproportionate. Variations on the size of courts' workforces are entirely appropriate. A court that processes more cases typically requires a larger workforce than a district that processes fewer cases of a similar type, regardless of the number of the courts' authorized justices.

Consider hypothetical District A and District B. District A has 10 justices, and it resolved 200 cases last year. District B has 20 justices, and it also resolved 200 cases last year. In isolation, these statistics suggest that District A was far more productive. A typical, but inaccurate, comment on the two districts might be something like, "The justices in District A averaged 20 cases each, while the justices in District B averaged 10 cases each." But in fact, *relative* productivity depends on the comparative levels of the two districts' judicial workforces. If District A had 40 attorneys (and thus a total of 50 justices and attorneys), and District B had 20 attorneys (and thus a total of 40 justices and attorneys), then District B was more productive than District A.

The most meaningful way to evaluate the districts' relative workload at any given time is to compare the number of fully briefed cases with the amount of the available judicial workforce. The chart below provides a snapshot of those statistics as of September 30, 2022. This snapshot depicts what the workload was at that time. It does not depict whether districts have been efficient or inefficient, nor does it depict whether appeals have been evenly distributed.

⁸² We include attorneys in the judicial workforce because attorneys work with justices in the decisional process by researching and analyzing the legal issues and drafting memoranda, opinions, and substantive orders. We do not include judicial assistants and clerks in the definition of judicial workforce, but we of course recognize the critical roles they have in processing appeals effectively and in a timely manner.

Statewide Comparison of Pending Fully Briefed Workload Appeals Per Judicial Staff			
AS OF SEPTEMBER 30, 2022			
	NUMBER OF FULLY BRIEFED CASES (A)	JUDICIAL STAFF (B)	APPEALS PER JUDICIAL STAFF (C = A/B)
First District	396	71	5.78
Second District	784	152.5	5.14
Third District	298	55	5.42
Fourth District ⁸³	705	121	5.83
<i>Division 1</i>	<i>220</i>	<i>45</i>	<i>4.89</i>
<i>Division 2</i>	<i>279</i>	<i>38</i>	<i>7.34</i>
<i>Division 3</i>	<i>206</i>	<i>38</i>	<i>5.42</i>
Fifth District	317	46.63	6.80
Sixth District	199	34	5.85
Statewide Totals	2,699	480.13	5.62

The ratio of routine and complex cases filed in courts also matters. Civil appeals generally take longer on average to resolve than criminal appeals, which include as a subset *Wende* appeals, which are usually relatively easy to resolve. In fiscal year 2021–22, the districts’ ratios of civil and criminal cases varied meaningfully.

Percentage of Appellate Opinions Written By Category in FY 2021–22			
	CIVIL	ADULT AND JUVENILE CRIMINAL	JUVENILE DEPENDENCY
First District	40%	50%	10%
Second District	34%	45%	21%
Third District	21%	71%	8%
Fourth District	35%	49%	16%
Fifth District	15%	73%	12%
Sixth District	29%	62%	9%
Statewide Totals	30.5%	54.5%	15%

Accounting for variations in the nature and complexity of the caseloads is challenging, but failing to recognize these differences leads to imbalanced and incomplete productivity comparisons.

⁸³ Recognizing the differences in the caseload/workforce ratios among the divisions in the Fourth District, the district’s administrative presiding justice years ago instituted a policy of transferring at least eight cases each month from Division 2 to Division 1.

In light of these considerations, the workgroup recommends that the Chief Justice direct the Administrative Director of the Judicial Council to provide an annual report to the APJAC to help it better monitor caseload/workforce inequities among the districts/divisions. In addition to other relevant metrics, the report should include for each district/division the number of appeals filed, the number of opinions issued, the number of pending fully briefed cases, the number of justices authorized, the available judicial workforce, and the types and complexity of cases filed to the extent they can be reasonably discerned.

Enhanced Oversight Will Help to Address Management Issues Earlier and to Strengthen Confidence in the Appellate Courts

The workgroup also found that the issues in the Third District might have been identified and remediated earlier if there had been, in addition to better management in the Third District, a mechanism for supplementary state-level management oversight.

Historically, administrative presiding justices or presiding justices in geographically separate divisions have largely managed their courts independently. Substantial management independence is appropriate and necessary given the considerable differences among the courts, but management actions or inactions should not be effectively immune from review.

Thus, to improve and strengthen confidence in management decisions, the workgroup recommends that the Chief Justice urge the APJAC to recommend that the Judicial Council adopt a new rule, or amend an existing rule, of the California Rules of Court authorizing the administrative presiding justices, under the oversight of the Chief Justice, to collectively review and address contentions that an administrative presiding justice or presiding justice has not properly managed an important matter. The workgroup recommends that the Chief Justice encourage the Judicial Council to adopt a new rule, or amend an existing rule, stating language substantially similar to the following:

Oversight of administrative presiding justices and presiding justices

- (1) Administrative presiding justices and presiding justices are expected to manage their courts inclusively and transparently. A contention that an administrative presiding justice or presiding justice has not properly addressed or managed an important matter may be brought to the attention of the administrative presiding justices collectively, under the oversight of the Chief Justice, for them to review and take appropriate remedial or other lawful action.
- (2) Any administrative presiding justice who is the subject of such a contention is recused from reviewing the contention but must cooperate with those who are reviewing it.
- (3) Presiding justices in multi-division districts, including those in geographically separate divisions, must cooperate with the administrative presiding justice of their district when the administrative presiding justice is carrying out his or her oversight responsibilities.

Statistical Reliability Will Be Enhanced by Requiring Consistent Data Entry

The workgroup found that inconsistencies in data entry into the court's case management system impact the information reported in the *Court Statistics Report*. As an example, different protocols have been used when coding the fully briefed date in cases in which supplemental briefing was ordered. Some courts coded the fully briefed date as the date when the case first became fully briefed, while others coded the fully briefed date as the date when the supplemental briefing was complete. As another example, some courts open dockets for each appealing party, while others do not.

Furthermore, the data can also be affected by procedural anomalies, inadvertent clerical errors, or local court practices. If one of two consolidated appeals is inadvertently left open at the conclusion of the appeal, the statistical average for how long cases were pending may be skewed and the number of opinions issued may be higher or lower depending on how cases that can be resolved by either an order or an opinion are handled.

The workgroup recommends that the Chief Justice request that the appellate clerks work with Judicial Council staff to review current data-input practices and establish standards to ensure consistent coding and entry practices among the appellate courts.

SUMMARY OF RECOMMENDATIONS

The workgroup proposes that the Chief Justice take the following actions:

Summary of Recommendations		
PURPOSE OF RECOMMENDATIONS	RECOMMENDATIONS	PAGE NUMBER
<i>To Help Ensure Excessive Case Delays Do Not Recur or Develop</i>	<ol style="list-style-type: none"> 1. Direct the Administrative Director of the Judicial Council to provide a report every six months to the Administrative Presiding Justices Advisory Committee (APJAC) that identifies appeals that have been fully briefed for more than a year. 2. Request that each appellate court compile from the report a list of cases for which there is no valid reason for deferral and to provide the list to the APJAC. 3. Direct the APJAC to ensure the prompt processing and resolution of identified cases. 	Page 31
<i>To Reduce Caseload/Workforce Inequities Among Districts/Divisions</i>	<ol style="list-style-type: none"> 1. Direct the Administrative Director of the Judicial Council to provide an annual report to the APJAC to help it better monitor caseload/workforce inequities among the districts/divisions. 2. Direct the Administrative Director of the Judicial Council to include metrics that identify for each district/division the number of appeals filed, the number of opinions issued, the number of pending fully briefed cases, the number of justices authorized, the available judicial workforce, and the types and complexity of cases filed to the extent they can be reasonably discerned. 	Page 35
<i>To Enhance Management Oversight and Increase Confidence in Management Decisions</i>	<ol style="list-style-type: none"> 1. Urge the APJAC to recommend to the Judicial Council a new rule, or amend an existing rule, of the California Rules of Court stating language substantially similar to the following: <p style="margin-left: 20px;">Oversight of administrative presiding justices and presiding justices</p> <p style="margin-left: 20px;">(1) Administrative presiding justices and presiding justices are expected to manage their courts inclusively and transparently. A contention that an administrative presiding justice or presiding justice has not properly addressed or managed an important matter may be brought to the attention of the administrative presiding justices collectively, under the oversight of the Chief Justice, for them to review and take appropriate remedial or other lawful action.</p> <p style="margin-left: 20px;">(2) Any administrative presiding justice who is the subject of such a contention is recused from reviewing the contention but must cooperate with those who are reviewing it.</p> <p style="margin-left: 20px;">(3) Presiding justices in multi-division districts, including those in geographically separate divisions, must cooperate with the</p> 	Page 35

Summary of Recommendations

PURPOSE OF RECOMMENDATIONS	RECOMMENDATIONS	PAGE NUMBER
	administrative presiding justice of their district when the administrative presiding justice is carrying out such oversight responsibilities.	
<i>To Improve the Usefulness of Statistical Data</i>	<ol style="list-style-type: none"> 1. Request that the appellate clerks work with Judicial Council staff to review current data-input practices and establish standards to ensure consistent coding and entry practices among the appellate courts. 	Page 36
<i>To Expedite the Preparation of the Appellate Record and the Parties' Briefing</i>	<ol style="list-style-type: none"> 1. Encourage the Judicial Council to provide additional training to superior court record preparation clerks and to consider advertising and expanding the training it provides through in-person classes and online courses. 2. Encourage the appellate courts to offer district-specific assistance to superior court record preparation clerks to help those clerks better understand district-specific rules and expectations. 3. Encourage the Judicial Council to consider whether there are ways to reduce the number of tasks required by superior court clerks in preparing records. 4. Encourage the Judicial Council to consider revising applicable Judicial Council record-designation forms to be simpler, clearer, and more efficient. 5. Encourage the Judicial Council to consider revising the rules of court to not only allow, but also to encourage, represented civil litigants to prepare their own joint appendixes. 6. Encourage the Courts of Appeal to work with local bar associations to offer programs to help less experienced attorneys and self-represented litigants navigate the record designation process. 7. Encourage the Courts of Appeal to consider methods and available funding to enhance the Appellate Self-Help Resource Center website with a feature that would ask users questions and then automatically populate forms based on the answers provided. 8. Encourage the Judicial Council to consider amending the rules of court governing reporter's transcripts in civil cases that require the clerk of the superior court to supervise and process the reporter's transcripts that will ultimately be part of the appellate record. 9. Encourage the Judicial Council to consider adopting a rule of court that would allow litigants in criminal cases to stipulate to the use of the superior court file in lieu of a clerk's transcript. 10. Encourage the Courts of Appeal to consider adopting local rules that express the expectation that a record-augmentation request be submitted in one motion on the earliest date 	Pages 19–20

Summary of Recommendations

PURPOSE OF RECOMMENDATIONS	RECOMMENDATIONS	PAGE NUMBER
	<p>practicable, or not later than 30 days after the record has been filed or counsel appointed.</p> <p>11. Encourage the Judicial Council to review and consider whether to modify <i>Civil Case Information Statement</i> (form APP-004) to allow litigants or counsel to identify an alternative, non-statutory ground for an appeal to be given priority.</p>	
	<p>12. Encourage presiding justices, especially those in districts with multiple presiding justices, to confer periodically in a meaningful attempt to advance more consistent applications of the standards used in considering requests for discretionary extensions of time.</p> <p>13. Request that the appellate clerks establish policies and practices to ensure that notices to parties under rules 8.220(a) and 8.360(c)(5) are uniformly sent to the defaulting party within a day or two of the missed deadline.</p> <p>14. Encourage the Judicial Council to review and consider whether forms APP-006 and CR-126 should be modified to enable courts to better evaluate whether a movant has demonstrated good cause.</p> <p>15. Encourage the Judicial Council to consider whether parties should be encouraged or required to submit, along with their briefs, excerpts of the record that would compile the parts of the record that are relevant and useful to the court in deciding the appeal.</p>	Page 24

PRIORITIZING APPELLATE CASES

Authorities Expressly Providing for Appellate Calendar Priority	
Code Section / Rule	Description / Statutory Language
RULES OF COURT	
<u>Cal. Rules of Court, rule 8.240</u>	“A party seeking calendar preference must promptly serve and file a motion for preference in the reviewing court. As used in this rule, ‘calendar preference’ means an expedited appeal schedule, which may include expedited briefing and preference in setting the date of oral argument.”
<u>Cal. Rules of Court, rule 8.416</u>	<p>Expedited process for appeals of termination of parental rights and juvenile dependency appeals in expedited review project courts:</p> <p style="margin-left: 40px;">(a) Application</p> <p style="margin-left: 40px;">(1) This rule governs:</p> <p style="margin-left: 80px;">(A) Appeals from judgments or appealable orders of all superior courts terminating parental rights under Welfare and Institutions Code section 366.26 or freeing a child from parental custody and control under Family Code section 7800 et seq.; and</p> <p style="margin-left: 80px;">(B) Appeals from judgments or appealable orders in all juvenile dependency cases of:</p> <p style="margin-left: 120px;">(i) The Superior Courts of Orange, Imperial, and San Diego Counties; and</p> <p style="margin-left: 120px;">(ii) Other superior courts when the superior court and the District Court of Appeal with jurisdiction to hear appeals from that superior court have agreed and have adopted local rules providing that this rule will govern appeals from that superior court.</p> <p style="margin-left: 40px;">(2) In all respects not provided for in this rule, rules 8.403–8.412 apply.</p> <p style="margin-left: 40px;">* * *</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	<p>(h) Oral argument and submission of the cause</p> <p>(1) Unless the reviewing court orders otherwise, counsel must serve and file any request for oral argument no later than 15 days after the appellant’s reply brief is filed or due to be filed. Failure to file a timely request will be deemed a waiver.</p> <p>(2) The court must hear oral argument within 60 days after the appellant’s last reply brief is filed or due to be filed, unless the court extends the time for good cause or counsel waive argument.</p> <p>(3) If counsel waive argument, the cause is deemed submitted no later than 60 days after the appellant’s reply brief is filed or due to be filed.</p>
<p>Cal. Rules of Court, rule 8.417 (takes effect 1/1/2023)</p>	<p>Expedited process for appeals from orders granting a motion to transfer a minor from juvenile court to a court of criminal jurisdiction:</p> <p>(a) Application This rule governs appeals from orders of the juvenile court granting a motion to transfer a minor from juvenile court to a court of criminal jurisdiction.</p> <p style="text-align: center;">* * *</p> <p>(i) Oral argument and submission of the cause</p> <p>(1) Unless the reviewing court orders otherwise, counsel must serve and file any request for oral argument no later than 15 days after the appellant’s reply brief is filed or due to be filed. Failure to file a timely request will be deemed a waiver.</p> <p>(2) The court must hear oral argument within 60 days after the appellant’s last reply brief is filed or due to be filed, unless the court extends the time for good cause or counsel waive argument.</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	<p>(3) If counsel waive argument, the cause is deemed submitted no later than 60 days after the appellant’s reply brief is filed or due to be filed.</p>
<p>Cal. Rules of Court, rule 10.660(d)</p>	<p>Appeal of superior court decision on writ petition under Gov. Code, § 71639.1 regarding trial court labor relations disputes:</p> <p>An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and the rules of court. The notice of appeal must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)): “Notice of Appeal on Petition filed under Government Code sections 71639.5 and 71825.2—Expedited Processing Requested.”</p>
<p>Cal. Rules of Court, rule 10.803(d)</p>	<p>Appeal of superior court decision on writ petition under Gov. Code, § 71675 regarding release of budget and management information by Judicial Council (i.e., information access disputes):</p> <p>An appeal of the superior court decision must be heard and decided on an expedited basis in the Court of Appeal for the district in which the petition was heard and must be given priority over other matters to the extent permitted by law and rules of court. The notice of appeal must state the following on the first page, below the case number, in the statement of the character of the proceeding (see rule 2.111(6)): “Notice of Appeal on Writ Petition filed under rule 10.500(j)(1) and Government Code section 71675—Expedited Processing Requested.”</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
CALIFORNIA CONSTITUTION	
Cal. Const., art. X A, § 6	<p>Appeal of action involving water resources development:</p> <p>(c) The superior court or a court of appeals shall give preference to the actions or proceedings described in this section over all civil actions or proceedings pending in the court. The superior court shall commence hearing any such action or proceeding within six months after the commencement of the action or proceeding, provided that any such hearing may be delayed by joint stipulation of the parties or at the discretion of the court for good cause shown. The provisions of this section shall supersede any provisions of law requiring courts to give preference to other civil actions or proceedings. The provisions of this subdivision may be enforced by mandamus.</p>
CODE OF CIVIL PROCEDURE	
Code Civ. Proc., § 44	<p>Appeal of probate proceedings, contested election proceedings, and certain libel/slander actions:</p> <p>Appeals in probate proceedings, in contested election cases, and in actions for libel or slander by a person who holds any elective public office or a candidate for any such office alleged to have occurred during the course of an election campaign shall be given preference in hearing in the courts of appeal, and in the Supreme Court when transferred thereto. All these cases shall be placed on the calendar in the order of their date of issue, next after cases in which the people of the state are parties.</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
Code Civ. Proc., § 45	<p>Appeal of judgment freeing or denying a recommendation to free minor from parental control:</p> <p style="padding-left: 40px;">An appeal from a judgment freeing a minor who is a dependent child of the juvenile court from parental custody and control, or denying a recommendation to free a minor from parental custody or control, shall have precedence over all cases in the court to which an appeal in the matter is taken. In order to enable the child to be available for adoption as soon as possible and to minimize the anxiety to all parties, the appellate court shall grant an extension of time to a court reporter or to counsel only upon an exceptional showing of good cause.</p>
Code Civ. Proc., § 1062.5	<p>Appeal of proceedings involving declaratory relief in medical malpractice insurance cases:</p> <p style="padding-left: 40px;">If the declaration is appealed, the appeal shall be given precedence in the court of appeal and Supreme Court and placed on the calendar in the order of its date of issue immediately following cases in which the state is a party.</p>
Code Civ. Proc., § 1291.2	<p>Appeal of arbitration proceedings:</p> <p style="padding-left: 40px;">In all proceedings brought under the provisions of this title, all courts wherein such proceedings are pending shall give such proceedings preference over all other civil actions or proceedings, except older matters of the same character and matters to which special precedence may be given by law, in the matter of setting the same for hearing and in hearing the same to the end that all such proceedings shall be quickly heard and determined.</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
<p>Code Civ. Proc., § 1294.4(a)</p> <p>(See Cal. Rules of Court, rules 8.710 et seq.; rule 8.717.)</p>	<p>Appeal of order dismissing or denying a petition to compel arbitration involving a claim under the Elder Abuse and Dependent Adult Civil Protection Act (Welf. & Inst. Code, § 15657.03) in which a party has been granted a trial court preference:</p> <p style="padding-left: 40px;">(a) Except as provided in subdivision (b), in an appeal filed pursuant to subdivision (a) of Section 1294 involving a claim under the Elder and Dependent Adult Civil Protection Act (Chapter 11 (commencing with Section 15600) of Part 3 of Division 9 of the Welfare and Institutions Code) in which a party has been granted a preference pursuant to Section 36 of this code, the court of appeal shall issue its decision no later than 100 days after the notice of appeal is filed.</p> <p style="padding-left: 40px;">(b) The court of appeal may grant an extension of time in the appeal only if good cause is shown and the extension will promote the interests of justice.</p>
ELECTIONS CODE	
<p>Elec. Code, § 13314</p>	<p>Appeal of writ proceedings involving alleged error in placement of name on ballot or other election materials:</p> <p style="padding-left: 40px;">(a) (1) An elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, county voter information guide, state voter information guide, or other official matter, or that any neglect of duty has occurred, or is about to occur.</p> <p style="padding-left: 40px;">(2) A peremptory writ of mandate shall issue only upon proof of both of the following:</p> <p style="padding-left: 80px;">(A) That the error, omission, or neglect is in violation of this code or the Constitution.</p> <p style="padding-left: 80px;">(B) That issuance of the writ will not substantially interfere with the conduct of the election.</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	(3) The action or appeal shall have priority over all other civil matters.
Elec. Code, § 14310(c)(2)(B)	<p>Appeal of action relating to request for order that provisional ballot be included in official canvass:</p> <p>A voter may seek the court order specified in this paragraph regarding his or her own ballot at any time prior to completion of the official canvass. Any judicial action or appeal shall have priority over all other civil matters. A fee shall not be charged to the claimant by the clerk of the court for services rendered in an action under this section.</p>
Elec. Code, § 16003	<p>Appeal of action contesting election of presidential electors:</p> <p>In a contest of the election of presidential electors the action or appeal shall have priority over all other civil matters. Final determination and judgment shall be rendered at least six days before the first Monday after the second Wednesday in December.</p>
Elec. Code, § 16920	<p>Appeal of action contesting primary election other than recount:</p> <p>Either party to a contest may appeal to the district court of appeal of the district where the contest is brought, if the appeal is perfected by the appellant within 10 days after judgment of the superior court is pronounced. The appeal shall have precedence over all other appeals and shall be acted upon by the district court of appeal within 10 days after the appeal is filed.</p>
FAMILY CODE	

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
Fam. Code, § 3454	<p>Appeal of Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA) cases:</p> <p style="padding-left: 40px;">An appeal may be taken from a final order in a proceeding under this chapter in accordance with expedited appellate procedures in other civil cases. Unless the court enters a temporary emergency order under Section 3424, the enforcing court may not stay an order enforcing a child custody determination pending appeal.</p>
GOVERNMENT CODE	
Gov. Code, § 7910(c)	<p>Appeal of action involving judicial review of local appropriations limits:</p> <p style="padding-left: 40px;">A court in which an action described in subdivision (b) is pending, including any court reviewing the action on appeal from the decision of a lower court, shall give the action preference over all other civil actions, in the manner of setting the action for hearing or trial and in hearing the action, to the end that the action shall be quickly heard and determined.</p>
Gov. Code, § 7911	<p>Appeal of action involving judicial review of return of excess local revenue:</p> <p style="padding-left: 40px;">Judicial review of such determination may be obtained only by a proceeding for a writ of mandate which shall be brought within 30 days after the governing body's determination.</p> <p style="padding-left: 40px;">All courts wherein such actions are or may be hereafter pending, including any court reviewing such action on appeal from the decision of a lower court, shall give such actions preference over all other civil actions therein, in the manner of setting the same</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	<p>for hearing or trial and in hearing the same, to the end that all such actions shall be quickly heard and determined.</p>
<p>Gov. Code, § 12963.5(d)</p>	<p>Appeal of action to compel compliance with subpoena brought by civil rights department:</p> <p>The order of the superior court is immediately appealable in the court of appeal. A party aggrieved by such order, or any part thereof, may within 15 days after the service of the superior court’s order, serve and file a notice of appeal. The appeal shall have precedence in the court to which the appeal is taken and shall be determined as soon as practicable after the notice of appeal is filed.</p>
<p>Gov. Code, § 15475.5(a)</p>	<p>Appeal of action involving judicial review of decisions of Office of Energy Infrastructure Safety:</p> <p>The decisions of the office are subject to judicial review in the superior court. The superior court shall give preference to cases seeking judicial review of decisions of the office over all civil actions or proceedings pending before the superior court. Appeals of the superior court’s decision of those cases shall be given preference in hearings before the court of appeal and the Supreme Court.</p>
<p>Gov. Code, § 65752</p>	<p>Appeal of certain proceedings involving local general plans:</p> <p>All actions brought pursuant to Section 65751, including the hearing of any such action on appeal from the decision of a lower court, shall be given preference over all other civil actions before the court in the matter of setting the same for hearing or trial, and in hearing the same, to the end that all such actions shall be speedily heard and determined.</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
PENAL CODE	
Pen. Code, § 1509.1(c)	<p>Appeal from grant or denial of relief on successive habeas petition:</p> <p>The people may appeal the decision of the superior court granting relief on a successive petition. The petitioner may appeal the decision of the superior court denying relief on a successive petition only if the superior court or the court of appeal grants a certificate of appealability. A certificate of appealability may issue under this subdivision only if the petitioner has shown both a substantial claim for relief, which shall be indicated in the certificate, and a substantial claim that the requirements of subdivision (d) of Section 1509 have been met. An appeal under this subdivision shall be taken by filing a notice of appeal in the superior court within 30 days of the court’s decision. The superior court shall grant or deny a certificate of appealability concurrently with a decision denying relief on the petition. The court of appeal shall grant or deny a request for a certificate of appealability within 10 days of an application for a certificate. The jurisdiction of the court of appeal is limited to the claims identified in the certificate and any additional claims added by the court of appeal within 60 days of the notice of appeal. An appeal under this subdivision shall have priority over all other matters and be decided as expeditiously as possible.</p>
PROBATE CODE	
Prob. Code, § 1962(b) (See Cal. Rules of Court, rule 8.482.)	<p>Appeal of judgment authorizing conservator to consent to sterilization:</p> <p>When a judgment authorizing the conservator of a person to consent to the sterilization is rendered, an appeal is automatically taken by the person proposed to be sterilized</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	<p>without any action by that person, or by his or her counsel. The Judicial Council shall provide by rule for notice of and procedure for the appeal. The appeal shall have precedence over other cases in the court in which the appeal is pending.</p>
PUBLIC RESOURCES CODE	
<p>Pub. Resources Code, § 21167.1(a)</p>	<p>Appeal of certain proceedings involving environmental impact:</p> <p>In all actions or proceedings brought pursuant to Sections 21167, 21168, and 21168.5, including the hearing of an action or proceeding on appeal from a decision of a lower court, all courts in which the action or proceeding is pending shall give the action or proceeding preference over all other civil actions, in the matter of setting the action or proceeding for hearing or trial, and in hearing or trying the action or proceeding, so that the action or proceeding shall be quickly heard and determined. The court shall regulate the briefing schedule so that, to the extent feasible, the court shall commence hearings on an appeal within one year of the date of the filing of the appeal.</p>
<p>Pub. Resources Code, § 21168.6.7(c)</p> <p>(See Cal. Rules of Court, rule 8.700 et seq.; rule 8.705.)</p>	<p>Appeal of streamlined CEQA proceedings relating to Oakland Sports and Mixed Use Project:</p> <p>Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by the Judicial Council, shall apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification or adoption of any environmental impact report for the project that is certified pursuant to subdivision (d) or the granting of any project approvals, to require the action or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	<p>the certified record of proceedings with the court. On or before September 1, 2019, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this subdivision.</p>
<p>Pub. Resources Code, § 21168.6.8(f)</p> <p>(See Cal. Rules of Court, rule 8.700 et seq.; rule 8.705.)</p>	<p>Appeal of streamlined CEQA proceedings relating to Inglewood Sports and Entertainment Complex:</p> <p>Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by the Judicial Council, shall apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification of any environmental impact report for the project or granting of any project approvals to require the actions or proceeding, including any potential appeals therefrom, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court. On or before July 1, 2019, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this subdivision.</p>
<p>Pub. Resources Code, § 21168.6.9(d)</p> <p>(See Cal. Rules of Court, rule 8.700 et seq.; rule 8.705.)</p>	<p>Appeal of streamlined CEQA proceedings involving environmental leadership transit projects:</p> <p>On or before January 1, 2023, the Judicial Council shall adopt rules of court that apply to any action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership transit project or the granting of any project approval that require the action or proceeding, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 365 calendar days of the filing of the certified record of proceedings with the court.</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
<p>Pub. Resources Code, § 21185</p> <p>(See Cal Rules of Court, rule 8.700 et seq.; rule 8.702(g) [“Unless otherwise ordered by the reviewing court, oral argument will be held within 45 days after the last reply brief is filed”].)</p>	<p>Appeal of streamlined CEQA proceedings involving environmental leadership development projects:</p> <p style="padding-left: 40px;">The Judicial Council shall adopt a rule of court to establish procedures that require actions or proceedings brought to attack, review, set aside, void, or annul the certification of an environmental impact report for an environmental leadership development project certified by the Governor under this chapter or the granting of any project approvals that require the actions or proceedings, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court.</p>
<p>Pub. Resources Code, § 21189.51</p> <p>(See Cal Rules of Court, rule 8.700 et seq.; rule 8.702(g) [“Unless otherwise ordered by the reviewing court, oral argument will be held within 45 days after the last reply brief is filed”].)</p>	<p>Appeal of CEQA proceedings relating to Capitol Building Annex and State Office Building Projects:</p> <p style="padding-left: 40px;">(a) On or before July 1, 2017, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for a capitol building annex project or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to Section 21189.52.</p> <p style="padding-left: 40px;">(b) On or before July 1, 2019, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for annex project related work or a state office building or the granting of any project approvals</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	<p>with respect to either that work or building that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to Section 21189.52.</p>
<p>Pub. Resources Code, § 21189.70.3</p> <p>(See Cal. Rules of Court, rule 8.700 et seq.; rule 8.705.)</p>	<p>Appeal of streamlined CEQA proceedings involving Old Town Center transit and transportation facilities project:</p> <p>Notwithstanding any other law, Rules 3.2220 to 3.2237, inclusive, of the California Rules of Court, as may be amended by the Judicial Council, shall apply to an action or proceeding brought to attack, review, set aside, void, or annul the certification of an environmental impact report for the transit and transportation facilities project approved pursuant to Section 21189.70.2 or the granting of any approvals for this project, including any potential appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 business days of the filing of the certified record of proceedings with the court. On or before January 1, 2022, the Judicial Council shall amend the California Rules of Court, as necessary, to implement this section.</p>
<p>Pub. Resources Code, § 25903</p>	<p>Appeal of judicial review of site and facility certification validity provisions:</p> <p>If any provision of subdivision (a) of Section 25531, with respect to judicial review of the decision on certification of a site and related facility, is held invalid, judicial review of such decisions shall be conducted in the superior court subject to the conditions of subdivision (b) of Section 25531. The superior court shall grant priority in setting such matters for review, and the appeals from any such review shall be given preference in hearings in the Supreme Court and courts of appeal.</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
WELFARE & INSTITUTIONS CODE	
Welf. & Inst. Code, § 395(a)(1)	<p>Appeal of child dependency proceedings under Welf. & Inst. Code, § 300 et seq.:</p> <p style="padding-left: 40px;">A judgment in a proceeding under Section 300 may be appealed in the same manner as any final judgment, and any subsequent order may be appealed as an order after judgment. However, that order or judgment shall not be stayed by the appeal, unless, pending the appeal, suitable provision is made for the maintenance, care, and custody of the person alleged or found to come within the provisions of Section 300, and unless the provision is approved by an order of the juvenile court. The appeal shall have precedence over all other cases in the court to which the appeal is taken.</p>
Welf. & Inst. Code, § 800(a)	<p>Appeal of proceeding declaring minor a ward of the court:</p> <p style="padding-left: 40px;">A judgment in a proceeding under Section 601 or 602 may be appealed from, by the minor, in the same manner as any final judgment, and any subsequent order may be appealed from, by the minor, as from an order after judgment. Pending appeal of the order or judgment, the granting or refusal to order release shall rest in the discretion of the juvenile court. The appeal shall have precedence over all other cases in the court to which the appeal is taken.</p>
Welf. & Inst. Code, § 801 (See Cal. Rules of Court, rule 8.417.)	<p>Appeal of juvenile transfer order:</p> <p style="padding-left: 40px;">(a) An order transferring a minor from the juvenile court to a court of criminal jurisdiction shall be subject to immediate appellate review if a notice of appeal is filed within 30 days of the order transferring the minor to a court of criminal jurisdiction. An</p>

Authorities Expressly Providing for Appellate Calendar Priority

Code Section / Rule	Description / Statutory Language
	<p>order transferring the minor from the juvenile court to a court of criminal jurisdiction may not be heard on appeal from the judgment of conviction.</p> <p>(b) Upon request of the minor, the superior court shall issue a stay of the criminal court proceedings until a final determination of the appeal. The superior court shall retain jurisdiction to modify or lift the stay upon request of the minor.</p> <p>(c) The appeal shall have precedence in the court to which the appeal is taken and shall be determined as soon as practicable after the notice of appeal is filed.</p>

**Demographic Data Provided by Justices and Judges
Relative to Gender, Race/Ethnicity, and Gender Identity/Sexual Orientation
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Gender

Court	Female		Male		Total Respondents	
	N	%	N	%	N	%
Supreme Court	4	57.1%	3	42.9%	7	100.0%
Court of Appeal	37	42.0%	51	58.0%	88	100.0%
Trial Court	635	39.7%	963	60.3%	1,598	100.0%
Total	676	39.9%	1,017	60.1%	1,693	100.0%

Race/Ethnicity²

Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only ³		More Than One Race		Information Not Provided ⁴		Total Respondents	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court	0	0.0%	1	14.3%	2	28.6%	1	14.3%	0	0.0%	2	28.6%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Court of Appeal	0	0.0%	5	5.7%	8	9.1%	8	9.1%	0	0.0%	62	70.5%	2	2.3%	3	3.4%	0	0.0%	88	100.0%
Trial Court	7	0.4%	151	9.4%	136	8.5%	202	12.6%	6	0.4%	976	61.1%	16	1.0%	72	4.5%	32	2.0%	1,598	100.0%
Total	7	0.4%	157	9.3%	146	8.6%	211	12.5%	6	0.4%	1,040	61.4%	18	1.1%	76	4.5%	32	1.9%	1,693	100.0%

1. The tabled data reflect responses from justices and judges that were active and serving on the bench as of December 31, 2022. The tables do not include demographic information for justices that were appointed but not yet confirmed, nor for judges that were appointed but had not yet taken their oaths of office as of December 31, 2022.

2. The race and ethnicity category descriptions were adapted from definitions used by the U.S. Census Bureau in Census 2020. The same category descriptions were used by the U.S. Census Bureau in Census 2010. See page 23 for descriptions of race and ethnicity categories.

3. "Some other race only" includes respondents who indicated they do not consider themselves to be any of the six identified race and ethnicity categories. To provide the most accurate data, the "some other race only" category includes only those respondents who identified some other race or ethnicity that did not clearly fall within one or more of the six identified categories.

4. "Information not provided" includes non-responses by active justices and judges participating in the survey that did not respond to a given survey question, as well as a smaller group of active justices and judges that have not responded to the survey more generally.

**Demographic Data Provided by Justices and Judges
Relative to Gender, Race/Ethnicity, and Gender Identity/Sexual Orientation
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Gender Identity/Sexual Orientation

Court	Heterosexual		Lesbian		Gay		Bisexual		Transgender		Information Not Provided ²		Total Respondents ³	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court	6	85.7%	0	0.0%	1	14.3%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Court of Appeal	73	83.0%	1	1.1%	1	1.1%	0	0.0%	0	0.0%	13	14.8%	88	100.0%
Trial Court	1,198	75.0%	29	1.8%	42	2.6%	4	0.3%	2	0.1%	323	20.2%	1,598	100.0%
Total	1,277	75.4%	30	1.8%	44	2.6%	4	0.2%	2	0.1%	336	19.8%	1,693	100.0%

1. The tabled data reflect responses from justices and judges that were active and serving on the bench as of December 31, 2022. The tables do not include demographic information for justices that were appointed but not yet confirmed, nor for judges that were appointed but had not yet taken their oaths of office as of December 31, 2022.

2. "Information not provided" includes non-responses by active justices and judges participating in the survey that did not respond to a given survey question, as well as a smaller group of active justices and judges that have not responded to the survey more generally.

3. Since the selection of more than one response alternative is possible for the question pertaining to gender identity/sexual orientation, total responses to this question may be greater than the sum of justices and judges responding to the survey in a given year.

**Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Court	Female		Male		Total Respondents	
	N	%	N	%	N	%
Supreme Court	4	57.1%	3	42.9%	7	100.0%
Court of Appeal	37	42.0%	51	58.0%	88	100.0%
First District	8	44.4%	10	55.6%	18	100.0%
Second District	12	48.0%	13	52.0%	25	100.0%
Third District	4	44.4%	5	55.6%	9	100.0%
Fourth District	7	35.0%	13	65.0%	20	100.0%
Fifth District	1	11.1%	8	88.9%	9	100.0%
Sixth District	5	71.4%	2	28.6%	7	100.0%
Trial Court	635	39.7%	963	60.3%	1,598	100.0%
Alameda	27	39.1%	42	60.9%	69	100.0%
Alpine	0	0.0%	2	100.0%	2	100.0%
Amador	1	50.0%	1	50.0%	2	100.0%
Butte	6	54.5%	5	45.5%	11	100.0%
Calaveras	0	0.0%	2	100.0%	2	100.0%
Colusa	1	50.0%	1	50.0%	2	100.0%
Contra Costa	20	58.8%	14	41.2%	34	100.0%
Del Norte	0	0.0%	2	100.0%	2	100.0%
El Dorado	4	66.7%	2	33.3%	6	100.0%
Fresno	18	43.9%	23	56.1%	41	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Court	Female		Male		Total Respondents	
	N	%	N	%	N	%
Trial Court						
Glen	1	50.0%	1	50.0%	2	100.0%
Humboldt	2	33.3%	4	66.7%	6	100.0%
Imperial	2	20.0%	8	80.0%	10	100.0%
Inyo	0	0.0%	1	100.0%	1	100.0%
Kern	12	38.7%	19	61.3%	31	100.0%
Kings	4	57.1%	3	42.9%	7	100.0%
Lake	1	25.0%	3	75.0%	4	100.0%
Lassen	0	0.0%	2	100.0%	2	100.0%
Los Angeles	191	39.9%	288	60.1%	479	100.0%
Madera	2	33.3%	4	66.7%	6	100.0%
Marin	6	46.2%	7	53.8%	13	100.0%
Mariposa	1	50.0%	1	50.0%	2	100.0%
Mendocino	5	71.4%	2	28.6%	7	100.0%
Merced	4	40.0%	6	60.0%	10	100.0%
Modoc	1	50.0%	1	50.0%	2	100.0%
Mono	0	0.0%	2	100.0%	2	100.0%
Monterey	8	50.0%	8	50.0%	16	100.0%
Napa	4	57.1%	3	42.9%	7	100.0%
Nevada	2	50.0%	2	50.0%	4	100.0%
Orange	39	35.1%	72	64.9%	111	100.0%
Placer	4	36.4%	7	63.6%	11	100.0%
Plumas	1	50.0%	1	50.0%	2	100.0%
Riverside	22	32.8%	45	67.2%	67	100.0%
Sacramento	17	30.4%	39	69.6%	56	100.0%
San Benito	0	0.0%	1	100.0%	1	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Court	Female		Male		Total Respondents	
	N	%	N	%	N	%
Trial Court						
San Bernardino	21	30.9%	47	69.1%	68	100.0%
San Diego	53	39.8%	80	60.2%	133	100.0%
San Francisco	21	42.0%	29	58.0%	50	100.0%
San Joaquin	10	35.7%	18	64.3%	28	100.0%
San Luis Obispo	5	62.5%	3	37.5%	8	100.0%
San Mateo	14	53.8%	12	46.2%	26	100.0%
Santa Barbara	8	36.4%	14	63.6%	22	100.0%
Santa Clara	36	50.0%	36	50.0%	72	100.0%
Santa Cruz	4	36.4%	7	63.6%	11	100.0%
Shasta	4	44.4%	5	55.6%	9	100.0%
Sierra	1	50.0%	1	50.0%	2	100.0%
Siskiyou	2	50.0%	2	50.0%	4	100.0%
Solano	9	47.4%	10	52.6%	19	100.0%
Sonoma	6	37.5%	10	62.5%	16	100.0%
Stanislaus	8	34.8%	15	65.2%	23	100.0%
Sutter	2	40.0%	3	60.0%	5	100.0%
Tehama	1	25.0%	3	75.0%	4	100.0%
Trinity	0	0.0%	1	100.0%	1	100.0%
Tulare	7	35.0%	13	65.0%	20	100.0%
Tuolumne	2	50.0%	2	50.0%	4	100.0%
Ventura	10	37.0%	17	63.0%	27	100.0%
Yolo	2	18.2%	9	81.8%	11	100.0%
Yuba	3	60.0%	2	40.0%	5	100.0%

1. The tabled data reflect responses from justices and judges that were active and serving on the bench as of December 31, 2022. The tables do not include demographic information for justices that were appointed but not yet confirmed, nor for judges that were appointed but had not yet taken their oaths of office as of December 31, 2022.

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Race/Ethnicity ² Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only ³		More Than One Race		Information Not Provided ⁴		Total Respondents	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court	0	0.0%	1	14.3%	2	28.6%	1	14.3%	0	0.0%	2	28.6%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Court of Appeal	0	0.0%	5	5.7%	8	9.1%	8	9.1%	0	0.0%	62	70.5%	2	2.3%	3	3.4%	0	0.0%	88	100.0%
First District	0	0.0%	2	11.1%	2	11.1%	1	5.6%	0	0.0%	12	66.7%	1	5.6%	0	0.0%	0	0.0%	18	100.0%
Second District	0	0.0%	2	8.0%	2	8.0%	1	4.0%	0	0.0%	19	76.0%	0	0.0%	1	4.0%	0	0.0%	25	100.0%
Third District	0	0.0%	0	0.0%	1	11.1%	1	11.1%	0	0.0%	7	77.8%	0	0.0%	0	0.0%	0	0.0%	9	100.0%
Fourth District	0	0.0%	0	0.0%	1	5.0%	3	15.0%	0	0.0%	14	70.0%	0	0.0%	2	10.0%	0	0.0%	20	100.0%
Fifth District	0	0.0%	0	0.0%	1	11.1%	2	22.2%	0	0.0%	5	55.6%	1	11.1%	0	0.0%	0	0.0%	9	100.0%
Sixth District	0	0.0%	1	14.3%	1	14.3%	0	0.0%	0	0.0%	5	71.4%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Trial Court	7	0.4%	151	9.4%	136	8.5%	202	12.6%	6	0.4%	976	61.1%	16	1.0%	72	4.5%	32	2.0%	1,598	100.0%
Alameda	0	0.0%	9	13.0%	11	15.9%	6	8.7%	0	0.0%	35	50.7%	0	0.0%	8	11.6%	0	0.0%	69	100.0%
Alpine	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Amador	1	50.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Butte	1	9.1%	1	9.1%	0	0.0%	1	9.1%	0	0.0%	8	72.7%	0	0.0%	0	0.0%	0	0.0%	11	100.0%
Calaveras	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Colusa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Contra Costa	0	0.0%	4	11.8%	3	8.8%	1	2.9%	0	0.0%	25	73.5%	0	0.0%	1	2.9%	0	0.0%	34	100.0%
Del Norte	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
El Dorado	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Fresno	1	2.4%	2	4.9%	4	9.8%	8	19.5%	0	0.0%	24	58.5%	1	2.4%	1	2.4%	0	0.0%	41	100.0%
Glenn	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Humboldt	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Imperial	0	0.0%	1	10.0%	0	0.0%	5	50.0%	0	0.0%	2	20.0%	0	0.0%	1	10.0%	1	10.0%	10	100.0%
Inyo	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Kern	0	0.0%	1	3.2%	1	3.2%	4	12.9%	1	3.2%	24	77.4%	0	0.0%	0	0.0%	0	0.0%	31	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Race/Ethnicity ² Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only ³		More Than One Race		Information Not Provided ⁴		Total Respondents		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
Trial Court																					
Kings	0	0.0%	1	14.3%	0	0.0%	0	0.0%	0	0.0%	6	85.7%	0	0.0%	0	0.0%	0	0.0%	7	100.0%	
Lake	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	
Lassen	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	
Los Angeles	2	0.4%	61	12.7%	59	12.3%	81	16.9%	2	0.4%	233	48.6%	7	1.5%	21	4.4%	13	2.7%	479	100.0%	
Madera	1	16.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	66.7%	1	16.7%	0	0.0%	0	0.0%	6	100.0%	
Marin	0	0.0%	1	7.7%	0	0.0%	1	7.7%	0	0.0%	10	76.9%	0	0.0%	1	7.7%	0	0.0%	13	100.0%	
Mariposa	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%	0	0.0%	2	100.0%	
Mendocino	0	0.0%	0	0.0%	0	0.0%	1	14.3%	0	0.0%	5	71.4%	0	0.0%	1	14.3%	0	0.0%	7	100.0%	
Merced	0	0.0%	1	10.0%	0	0.0%	0	0.0%	0	0.0%	9	90.0%	0	0.0%	0	0.0%	0	0.0%	10	100.0%	
Modoc	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	
Mono	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	
Monterey	0	0.0%	2	12.5%	0	0.0%	1	6.3%	0	0.0%	11	68.8%	0	0.0%	2	12.5%	0	0.0%	16	100.0%	
Napa	0	0.0%	0	0.0%	1	14.3%	1	14.3%	0	0.0%	5	71.4%	0	0.0%	0	0.0%	0	0.0%	7	100.0%	
Nevada	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	
Orange	0	0.0%	8	7.2%	7	6.3%	12	10.8%	0	0.0%	75	67.6%	1	0.9%	5	4.5%	3	2.7%	111	100.0%	
Placer	0	0.0%	1	9.1%	1	9.1%	1	9.1%	0	0.0%	7	63.6%	0	0.0%	1	9.1%	0	0.0%	11	100.0%	
Plumas	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	
Riverside	0	0.0%	4	6.0%	7	10.4%	9	13.4%	0	0.0%	42	62.7%	0	0.0%	5	7.5%	0	0.0%	67	100.0%	
Sacramento	0	0.0%	8	14.3%	2	3.6%	4	7.1%	0	0.0%	36	64.3%	1	1.8%	3	5.4%	2	3.6%	56	100.0%	
San Benito	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	
San Bernardino	0	0.0%	5	7.4%	8	11.8%	10	14.7%	1	1.5%	40	58.8%	1	1.5%	3	4.4%	0	0.0%	68	100.0%	
San Diego	1	0.8%	7	5.3%	12	9.0%	19	14.3%	0	0.0%	80	60.2%	3	2.3%	3	2.3%	8	6.0%	133	100.0%	
San Francisco	0	0.0%	12	24.0%	4	8.0%	7	14.0%	0	0.0%	27	54.0%	0	0.0%	0	0.0%	0	0.0%	50	100.0%	
San Joaquin	0	0.0%	2	7.1%	3	10.7%	4	14.3%	0	0.0%	19	67.9%	0	0.0%	0	0.0%	0	0.0%	28	100.0%	
San Luis Obispo	0	0.0%	1	12.5%	0	0.0%	1	12.5%	0	0.0%	6	75.0%	0	0.0%	0	0.0%	0	0.0%	8	100.0%	

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Race/Ethnicity ² Court	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only ³		More Than One Race		Information Not Provided ⁴		Total Respondents	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Trial Court																				
San Mateo	0	0.0%	2	7.7%	4	15.4%	0	0.0%	0	0.0%	18	69.2%	1	3.8%	1	3.8%	0	0.0%	26	100.0%
Santa Barbara	0	0.0%	1	4.5%	1	4.5%	4	18.2%	0	0.0%	16	72.7%	0	0.0%	0	0.0%	0	0.0%	22	100.0%
Santa Clara	0	0.0%	12	16.7%	2	2.8%	9	12.5%	2	2.8%	40	55.6%	0	0.0%	4	5.6%	3	4.2%	72	100.0%
Santa Cruz	0	0.0%	1	9.1%	0	0.0%	0	0.0%	0	0.0%	8	72.7%	0	0.0%	2	18.2%	0	0.0%	11	100.0%
Shasta	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	9	100.0%	0	0.0%	0	0.0%	0	0.0%	9	100.0%
Sierra	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Siskiyou	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Solano	0	0.0%	1	5.3%	4	21.1%	2	10.5%	0	0.0%	10	52.6%	0	0.0%	2	10.5%	0	0.0%	19	100.0%
Sonoma	0	0.0%	0	0.0%	0	0.0%	2	12.5%	0	0.0%	13	81.3%	0	0.0%	1	6.3%	0	0.0%	16	100.0%
Stanislaus	0	0.0%	1	4.3%	2	8.7%	2	8.7%	0	0.0%	17	73.9%	0	0.0%	1	4.3%	0	0.0%	23	100.0%
Sutter	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%
Tehama	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Trinity	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Tulare	0	0.0%	1	5.0%	0	0.0%	1	5.0%	0	0.0%	15	75.0%	0	0.0%	3	15.0%	0	0.0%	20	100.0%
Tuolumne	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	75.0%	0	0.0%	0	0.0%	1	25.0%	4	100.0%
Ventura	0	0.0%	0	0.0%	0	0.0%	3	11.1%	0	0.0%	22	81.5%	0	0.0%	1	3.7%	1	3.7%	27	100.0%
Yolo	0	0.0%	0	0.0%	0	0.0%	1	9.1%	0	0.0%	10	90.9%	0	0.0%	0	0.0%	0	0.0%	11	100.0%
Yuba	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%	0	0.0%	0	0.0%	0	0.0%	5	100.0%

1. The tabled data reflect responses from justices and judges that were active and serving on the bench as of December 31, 2022. The tables do not include demographic information for justices that were appointed but not yet confirmed, nor for judges that were appointed but had not yet taken their oaths of office as of December 31, 2022.

2. The race and ethnicity category descriptions were adapted from definitions used by the U.S. Census Bureau in Census 2020. The same category descriptions were used by the U.S. Census Bureau in Census 2010. See page 23 for descriptions of race and ethnicity categories.

3. "Some other race only" includes respondents who indicated they do not consider themselves to be any of the six identified race and ethnicity categories. To provide the most accurate data, the "some other race only" category includes only those respondents who identified some other race or ethnicity that did not clearly fall within one or more of the six identified categories.

4. "Information not provided" includes non-responses by active justices and judges participating in the survey that did not respond to a given survey question, as well as a smaller group of active justices and judges that have not responded to the survey more generally.

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2022¹**

	Total Number of Responding Justices/Judges	Responses with Two or More Races	
		Number	Percent
Supreme Court	7	1	<i>14.3%</i>
Asian; Pacific Islander		1	
Court of Appeal			
Second District	25	1	<i>4.0%</i>
Hispanic or Latino; White		1	
Fourth District	20	2	<i>10.0%</i>
Black; Hispanic		1	
Hispanic or Latino; White		1	
Trial Court			
Alameda	69	7	<i>10.1%</i>
Black or African American; Hispanic or Latino		2	
Black or African American; White		3	
Hispanic or Latino; White		2	
Contra Costa	34	1	<i>2.9%</i>
Hispanic or Latino; White		1	
Fresno	41	2	<i>4.9%</i>
Hispanic or Latino; White		2	
Imperial	10	1	<i>10.0%</i>
American Indian or Alaska Native; White		1	
Los Angeles	479	22	<i>4.6%</i>
Asian; Other Race		1	
Asian; Hispanic or Latino; White		1	
Asian; Pacific Islander		2	
Asian; White		3	
Black or African American, White		2	
Black or African American; Hispanic or Latino; White		1	
Hispanic or Latino; White		8	
Hispanic or Latino; White; Some Other Race		1	
White; Some Other Race		3	

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2022¹**

	Total Number of Responding Justices/Judges	Responses with Two or More Races	
		Number	Percent
Trial Court			
Marin	13	1	7.7%
Asian; Hispanic or Latino		1	
Mariposa	2	1	50.0%
Hispanic or Latino; White		1	
Mendocino	7	1	14.3%
American Indian or Alaska Native; White		1	
Monterey	16	2	12.5%
Black or African American; Hispanic or Latino		1	
Hispanic or Latino; White		1	
Orange	111	6	5.4%
American Indian or Alaska Native; White		1	
Hispanic or Latino; White		4	
Asian; Hispanic or Some Other Race		1	
Placer	11	1	9.1%
Asian; White		1	
Riverside	67	5	7.5%
American Indian or Alaska Native; White		1	
Asian; White		1	
Black or African American; Latino		1	
Black or African American; White		1	
Hispanic or Latino; White		1	
Sacramento	56	3	5.4%
Asian; Black or African American		1	
Black or African American; White		1	
Pacific Islander; White		1	
San Bernardino	68	3	4.4%
American Indian or Alaska Native; Hispanic or Latino		1	
Asian; Pacific Islander; White		1	
Black or African American; White		1	

**Demographic Data Provided by Justices and Judges
Responses with Two or More Races
(Gov. Code; § 12011.5(n))
As of December 31, 2022¹**

	Total Number of Responding Justices/Judges	Responses with Two or More Races	
		Number	Percent
Trial Court			
San Diego	133	3	2.3%
American Indian or Alaska Native; Hispanic or Latino; White		1	
Asian; Hispanic or Latino		1	
White; Some Other Race		1	
San Mateo	26	1	3.8%
Asian; Hispanic or Latino		1	
Santa Clara	72	6	8.3%
Asian; Hispanic or Latino		2	
American Indian or Alaska Native; Some Other Race		1	
Hispanic or Latino; White		1	
White; Some Other Race		2	
Santa Cruz	11	2	18.2%
Hispanic or Latino; White		2	
Sonoma	16	1	6.3%
Hispanic or Latino; White		1	
Stanislaus	23	1	4.3%
Asian; Hispanic or Latino		1	
Tulare	20	3	15.0%
American Indian or Alaskan Native ; Hispanic or Latino; White		1	
Black or African American; White		1	
Hispanic or Latino; White		1	
Ventura	27	1	3.7%
Hispanic or Latino; White		1	

1. The data reflect responses from courts where one or more judicial officers have indicated that their race/ethnic backgrounds include multiple groups. Only those justices and judges that are active as of December 31, 2022 are included. The tables do not include justices that were appointed but not yet confirmed, nor judges that were appointed but had not yet taken their oaths of office as of December 31, 2022.

**Demographic Data Provided by Justices and Judges
Relative to Gender Identity/Sexual Orientation
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Gender Identity / Sexual Orientation

Courts	Heterosexual		Lesbian		Gay		Bisexual		Transgender		Information Not Provided ²		Total Respondents ³	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court	6	85.7%	0	0.0%	1	14.3%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Court of Appeal	73	83.0%	1	1.1%	1	1.1%	0	0.0%	0	0.0%	13	14.8%	88	100.0%
First District	15	83.3%	0	0.0%	1	5.6%	0	0.0%	0	0.0%	2	11.1%	18	100.0%
Second District	24	96.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	4.0%	25	100.0%
Third District	8	88.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	11.1%	9	100.0%
Fourth District	13	65.0%	1	5.0%	0	0.0%	0	0.0%	0	0.0%	6	30.0%	20	100.0%
Fifth District	7	77.8%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	22.2%	9	100.0%
Sixth District	6	85.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	14.3%	7	100.0%
Trial Court	1,198	75.0%	29	1.8%	42	2.6%	4	0.3%	2	0.1%	323	20.2%	1,598	100.0%
Alameda	50	72.5%	5	7.2%	4	5.8%	0	0.0%	1	1.4%	9	13.0%	69	100.0%
Alpine	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Amador	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Butte	9	81.8%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	18.2%	11	100.0%
Calaveras	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Colusa	1	50.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	2	100.0%
Contra Costa	28	82.4%	1	2.9%	1	2.9%	0	0.0%	0	0.0%	4	11.8%	34	100.0%
Del Norte	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
El Dorado	5	83.3%	1	16.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Fresno	30	73.2%	1	2.4%	0	0.0%	0	0.0%	0	0.0%	10	24.4%	41	100.0%
Glenn	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Humboldt	6	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	6	100.0%
Imperial	7	70.0%	0	0.0%	1	10.0%	0	0.0%	0	0.0%	2	20.0%	10	100.0%
Inyo	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Kern	24	77.4%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	22.6%	31	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Gender Identity/Sexual Orientation
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Gender Identity / Sexual Orientation

Courts	Heterosexual		Lesbian		Gay		Bisexual		Transgender		Information Not Provided ²		Total Respondents ³	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Trial Court														
Kings	5	71.4%	1	14.3%	0	0.0%	0	0.0%	0	0.0%	1	14.3%	7	100.0%
Lake	4	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Lassen	1	50.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	2	100.0%
Los Angeles	346	72.2%	7	1.5%	19	4.0%	2	0.4%	0	0.0%	105	21.9%	479	100.0%
Madera	4	66.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	33.3%	6	100.0%
Marin	12	92.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	7.7%	13	100.0%
Mariposa	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Mendocino	6	85.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	14.3%	7	100.0%
Merced	10	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	10	100.0%
Modoc	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Mono	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Monterey	14	87.5%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	12.5%	16	100.0%
Napa	7	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	100.0%
Nevada	2	50.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	50.0%	4	100.0%
Orange	81	73.0%	1	0.9%	2	1.8%	0	0.0%	0	0.0%	27	24.3%	111	100.0%
Placer	8	72.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	27.3%	11	100.0%
Plumas	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Riverside	52	77.6%	1	1.5%	0	0.0%	0	0.0%	0	0.0%	14	20.9%	67	100.0%
Sacramento	39	69.6%	0	0.0%	1	1.8%	0	0.0%	1	1.8%	15	26.8%	56	100.0%
San Benito	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
San Bernardino	55	80.9%	2	2.9%	1	1.5%	1	1.5%	0	0.0%	9	13.2%	68	100.0%
San Diego	92	69.2%	2	1.5%	7	5.3%	0	0.0%	0	0.0%	32	24.1%	133	100.0%
San Francisco	35	70.0%	2	4.0%	4	8.0%	0	0.0%	0	0.0%	9	18.0%	50	100.0%
San Joaquin	19	67.9%	0	0.0%	0	0.0%	1	3.6%	0	0.0%	8	28.6%	28	100.0%
San Luis Obispo	8	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	8	100.0%
San Mateo	21	80.8%	1	3.8%	1	3.8%	0	0.0%	0	0.0%	3	11.5%	26	100.0%
Santa Barbara	20	90.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	9.1%	22	100.0%
Santa Clara	49	68.1%	3	4.2%	1	1.4%	0	0.0%	0	0.0%	19	26.4%	72	100.0%
Santa Cruz	9	81.8%	1	9.1%	0	0.0%	0	0.0%	0	0.0%	1	9.1%	11	100.0%
Shasta	7	77.8%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	22.2%	9	100.0%

**Demographic Data Provided by Justices and Judges
Relative to Gender Identity/Sexual Orientation
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Gender Identity / Sexual Orientation

Courts	Heterosexual		Lesbian		Gay		Bisexual		Transgender		Information Not Provided ²		Total Respondents ³	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Trial Court														
Sierra	2	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
Siskiyou	4	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	100.0%
Solano	14	73.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	5	26.3%	19	100.0%
Sonoma	13	81.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	18.8%	16	100.0%
Stanislaus	21	91.3%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	8.7%	23	100.0%
Sutter	2	40.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	60.0%	5	100.0%
Tehama	3	75.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	25.0%	4	100.0%
Trinity	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Tulare	17	85.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	15.0%	20	100.0%
Tuolumne	3	75.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	25.0%	4	100.0%
Ventura	20	74.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	7	25.9%	27	100.0%
Yolo	10	90.9%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	9.1%	11	100.0%
Yuba	2	40.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	60.0%	5	100.0%

1. The tabled data reflect responses from justices and judges that were active and serving on the bench as of December 31, 2022. The tables do not include demographic information for justices that were appointed but not yet confirmed, nor for judges that were appointed but had not yet taken their oaths of office as of December 31, 2022.

2. "Information not provided" includes non-responses by active justices and judges participating in the survey that did not respond to a given survey question, as well as a smaller group of active justices and judges that have not responded to the survey more generally.

3. Since the selection of more than one response alternative is possible for the question pertaining to gender identity/sexual orientation, total responses to this question may be greater than the sum of judicial officers responding to the survey in a given year.

**Demographic Data Provided by Responding Justices and Judges
Relative to Veteran and Disability Status
(Gov. Code, § 12011.5(n))
As of December 31, 2022**

Court	Veteran ¹						Disabled ¹					
	No		Yes		Total Respondents		No		Yes		Total Respondents	
	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court	4	100%	0	0%	4	100%	4	100%	0	0%	4	100%
Court of Appeal	42	93%	3	7%	45	100%	44	98%	1	2%	45	100%
First District	12	100%	0	0%	12	100%	12	100%	0	0%	12	100%
Second District	13	93%	1	7%	14	100%	13	93%	1	7%	14	100%
Third District	2	100%	0	0%	2	100%	2	100%	0	0%	2	100%
Fourth District	7	87%	1	13%	8	100%	8	100%	0	0%	8	100%
Fifth District	4	100%	0	0%	4	100%	4	100%	0	0%	4	100%
Sixth District	4	80%	1	20%	5	100%	5	100%	0	0%	5	100%
Trial Court	779	94%	52	6%	831	100%	815	98%	19	2%	834	100%
Alameda	34	94%	2	6%	36	100%	35	97%	1	3%	36	100%
Alpine	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Amador	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Butte	4	100%	0	0%	4	100%	4	100%	0	0%	4	100%
Calaveras	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Contra Costa	16	84%	3	16%	19	100%	17	89%	2	11%	19	100%
Del Norte	1	50%	1	50%	2	100%	2	100%	0	0%	2	100%
El Dorado	4	80%	1	20%	5	100%	5	100%	0	0%	5	100%
Fresno	19	100%	0	0%	19	100%	19	100%	0	0%	19	100%
Glenn	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%

**Demographic Data Provided by Responding Justices and Judges
Relative to Veteran and Disability Status
(Gov. Code, § 12011.5(n))
As of December 31, 2022**

Court	Veteran ¹						Disabled ¹					
	No		Yes		Total Respondents		No		Yes		Total Respondents	
Trial Court	N	%	N	%	N	%	N	%	N	%	N	%
Humboldt	5	100%	0	0%	5	100%	5	100%	0	0%	5	100%
Imperial	5	100%	0	0%	5	100%	5	100%	0	0%	5	100%
Inyo	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Kern	14	93%	1	7%	15	100%	15	100%	0	0%	15	100%
Kings	3	75%	1	25%	4	100%	4	100%	0	0%	4	100%
Lake	2	100%	0	0%	2	100%	2	100%	0	0%	2	100%
Lassen	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Los Angeles	230	94%	14	6%	244	100%	240	98%	5	2%	245	100%
Madera	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Marin	5	100%	0	0%	5	100%	5	100%	0	0%	5	100%
Mariposa	2	100%	0	0%	2	100%	2	100%	0	0%	2	100%
Mendocino	3	100%	0	0%	3	100%	3	100%	0	0%	3	100%
Merced	5	100%	0	0%	5	100%	5	100%	0	0%	5	100%
Modoc	0	0%	1	100%	1	100%	0	0%	1	100%	1	100%
Monterey	7	100%	0	0%	7	100%	7	100%	0	0%	7	100%
Napa	5	100%	0	0%	5	100%	4	80%	1	20%	5	100%
Nevada	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Orange	53	95%	3	5%	56	100%	53	95%	3	5%	56	100%
Placer	2	50%	2	50%	4	100%	4	100%	0	0%	4	100%
Plumas	0	0%	0	0%	0	0%	1	100%	0	0%	1	100%

**Demographic Data Provided by Responding Justices and Judges
Relative to Veteran and Disability Status
(Gov. Code, § 12011.5(n))
As of December 31, 2022**

Court	Veteran ¹						Disabled ¹					
	No		Yes		Total Respondents		No		Yes		Total Respondents	
Trial Court	N	%	N	%	N	%	N	%	N	%	N	%
Riverside	42	100%	0	0%	42	100%	42	100%	0	0%	42	100%
Sacramento	24	89%	3	11%	27	100%	26	96%	1	4%	27	100%
San Benito	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
San Bernardino	34	92%	3	8%	37	100%	36	97%	1	3%	37	100%
San Diego	69	93%	5	7%	74	100%	72	97%	2	3%	74	100%
San Francisco	24	96%	1	4%	25	100%	25	100%	0	0%	25	100%
San Joaquin	12	100%	0	0%	12	100%	12	100%	0	0%	12	100%
San Luis Obispo	5	100%	0	0%	5	100%	4	80%	1	20%	5	100%
San Mateo	14	93%	1	7%	15	100%	15	100%	0	0%	15	100%
Santa Barbara	8	89%	1	11%	9	100%	9	100%	0	0%	9	100%
Santa Clara	36	97%	1	3%	37	100%	38	100%	0	0%	38	100%
Santa Cruz	6	86%	1	14%	7	100%	7	100%	0	0%	7	100%
Shasta	5	100%	0	0%	5	100%	5	100%	0	0%	5	100%
Sierra	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Siskiyou	4	100%	0	0%	4	100%	4	100%	0	0%	4	100%
Solano	10	91%	1	9%	11	100%	11	100%	0	0%	11	100%
Sonoma	11	85%	2	15%	13	100%	12	100%	0	0%	12	100%
Stanislaus	11	85%	2	15%	13	100%	13	93%	1	7%	14	100%
Sutter	2	100%	0	0%	2	100%	2	100%	0	0%	2	100%
Tehama	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%

**Demographic Data Provided by Responding Justices and Judges
Relative to Veteran and Disability Status
(Gov. Code, § 12011.5(n))
As of December 31, 2022**

Court	Veteran ¹						Disabled ¹					
	No		Yes		Total Respondents		No		Yes		Total Respondents	
Trial Court	N	%	N	%	N	%	N	%	N	%	N	%
Trinity	1	100%	0	0%	1	100%	1	100%	0	0%	1	100%
Tulare	9	100%	0	0%	9	100%	9	100%	0	0%	9	100%
Tuolumne	3	100%	0	0%	3	100%	2	100%	0	0%	2	100%
Ventura	10	91%	1	9%	11	100%	12	100%	0	0%	12	100%
Yolo	6	86%	1	14%	7	100%	7	100%	0	0%	7	100%
Yuba	3	100%	0	0%	3	100%	3	100%	0	0%	3	100%

1. Tabled values for veteran and disability status include responses from justices and judges new to the bench in calendar years 2014 through 2022, as well as experienced justices and judges who chose to update their demographic information during the same 8 year period. Demographic questions pertaining to veteran status and disability status are new as of 2014 and reflect an expansion of the mandate for the collection of demographic information from new justices and judges.

**Year-to-Year Comparison of Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Court / Year	Female		Male		Total Respondents	
	N	%	N	%	N	%
Supreme Court						
2014	4	57.1%	3	42.9%	7	100.0%
2015	3	50.0%	3	50.0%	6	100.0%
2016	4	57.1%	3	42.9%	7	100.0%
2017	4	57.1%	3	42.9%	7	100.0%
2018	3	50.0%	3	50.0%	6	100.0%
2019	3	50.0%	3	50.0%	6	100.0%
2020	3	42.9%	4	57.1%	7	100.0%
2021	3	42.9%	4	57.1%	7	100.0%
2022	3	50.0%	3	50.0%	6	100.0%
2023	4	57.1%	3	42.9%	7	100.0%
Court of Appeal						
2014	29	30.5%	66	69.5%	95	100.0%
2015	31	31.6%	67	68.4%	98	100.0%
2016	30	30.9%	67	69.1%	97	100.0%
2017	31	33.3%	62	66.7%	93	100.0%
2018	33	36.7%	57	63.3%	90	100.0%
2019	41	39.4%	63	60.6%	104	100.0%
2020	41	40.2%	61	59.8%	102	100.0%
2021	39	39.4%	60	60.6%	99	100.0%
2022	38	40.4%	56	59.6%	94	100.0%
2023	37	42.0%	51	58.0%	88	100.0%

**Year-to-Year Comparison of Demographic Data Provided by Justices and Judges
Relative to Gender
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Court / Year	Female		Male		Total Respondents	
	N	%	N	%	N	%
Trial Court						
2014	508	32.2%	1,071	67.8%	1,579	100.0%
2015	499	32.2%	1,052	67.8%	1,551	100.0%
2016	517	32.9%	1,053	67.1%	1,570	100.0%
2017	531	33.5%	1,053	66.5%	1,584	100.0%
2018	543	34.3%	1,039	65.7%	1,582	100.0%
2019	589	36.1%	1,044	63.9%	1,633	100.0%
2020	604	37.2%	1,019	62.8%	1,623	100.0%
2021	598	37.4%	999	62.6%	1,597	100.0%
2022	617	38.4%	989	61.6%	1,606	100.0%
2023	635	39.7%	963	60.3%	1,598	100.0%
Total						
2014	541	32.2%	1,140	67.8%	1,681	100.0%
2015	533	32.2%	1,122	67.8%	1,655	100.0%
2016	551	32.9%	1,123	67.1%	1,674	100.0%
2017	566	33.6%	1,118	66.4%	1,684	100.0%
2018	579	34.5%	1,099	65.5%	1,678	100.0%
2019	633	36.3%	1,110	63.7%	1,743	100.0%
2020	648	37.4%	1,084	62.6%	1,732	100.0%
2021	640	37.6%	1,063	62.4%	1,703	100.0%
2022	658	38.6%	1,048	61.4%	1,706	100.0%
2023	676	39.9%	1,017	60.1%	1,693	100.0%

1. The calendar years in which the demographic data was released may be found in the first column of the table. The 2013 through 2023 data reflect the number of justices and judges on the bench as of December 31 of the previous year.

Note: The changes in percentages from year to year are the result of more than one factor, including: (1) new judicial appointments; (2) judicial retirements; and (3) newly-acquired data from judges on the bench who previously did not provide their demographic information.

**Year-to-Year Comparison of Demographic Data Provided by Justices and Judges Relative to
Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Race/Ethnicity ² Court / Year	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only ³		More Than One Race		Information Not Provided ⁴		Total Respondents	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Supreme Court																				
2014	0	0.0%	2	28.6%	0	0.0%	0	0.0%	0	0.0%	3	42.9%	0	0.0%	2	28.6%	0	0.0%	7	100.0%
2015	0	0.0%	2	33.3%	0	0.0%	0	0.0%	0	0.0%	3	50.0%	0	0.0%	1	16.7%	0	0.0%	6	100.0%
2016	0	0.0%	2	28.6%	1	14.3%	1	14.3%	0	0.0%	2	28.6%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
2017	0	0.0%	2	28.6%	1	14.3%	1	14.3%	0	0.0%	2	28.6%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
2018	0	0.0%	2	33.3%	1	16.7%	1	16.7%	0	0.0%	1	16.7%	0	0.0%	1	16.7%	0	0.0%	6	100.0%
2019	0	0.0%	2	33.3%	1	16.7%	1	16.7%	0	0.0%	1	16.7%	0	0.0%	1	16.7%	0	0.0%	6	100.0%
2020	0	0.0%	2	28.6%	1	14.3%	1	14.3%	0	0.0%	2	28.6%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
2021	0	0.0%	1	14.3%	2	28.6%	1	14.3%	0	0.0%	2	28.6%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
2022	0	0.0%	1	16.7%	2	33.3%	0	0.0%	0	0.0%	2	33.3%	0	0.0%	1	16.7%	0	0.0%	6	100.0%
2023	0	0.0%	1	14.3%	2	28.6%	1	14.3%	0	0.0%	2	28.6%	0	0.0%	1	14.3%	0	0.0%	7	100.0%
Court of Appeal																				
2014	0	0.0%	2	2.1%	5	5.3%	5	5.3%	0	0.0%	75	78.9%	1	1.1%	6	6.3%	1	1.1%	95	100.0%
2015	0	0.0%	1	1.0%	7	7.1%	6	6.1%	0	0.0%	75	76.5%	1	1.0%	7	7.1%	1	1.1%	98	100.0%
2016	0	0.0%	2	2.1%	8	8.2%	6	6.2%	0	0.0%	73	75.3%	1	1.0%	6	6.2%	1	1.0%	97	100.0%
2017	0	0.0%	2	2.2%	9	9.7%	5	5.4%	0	0.0%	71	76.3%	1	1.1%	5	5.4%	0	1.0%	93	100.0%
2018	0	0.0%	2	2.2%	10	11.1%	6	6.7%	0	0.0%	65	72.2%	2	2.2%	5	5.6%	0	0.0%	90	100.0%
2019	0	0.0%	5	4.8%	10	9.6%	7	6.7%	0	0.0%	75	72.1%	2	1.9%	5	4.8%	0	0.0%	104	100.0%
2020	0	0.0%	6	5.9%	9	8.8%	6	5.9%	0	0.0%	75	73.5%	2	2.0%	4	3.9%	0	0.0%	102	100.0%
2021	0	0.0%	5	5.1%	10	10.1%	6	6.1%	0	0.0%	72	72.7%	2	2.0%	4	4.0%	0	0.0%	99	100.0%
2022	0	0.0%	5	5.3%	11	11.7%	7	7.4%	0	0.0%	66	70.2%	2	2.1%	3	3.2%	0	0.0%	94	100.0%
2023	0	0.0%	5	5.7%	8	9.1%	8	9.1%	0	0.0%	62	70.5%	2	2.3%	3	3.4%	0	0.0%	88	100.0%

**Year-to-Year Comparison of Demographic Data Provided by Justices and Judges Relative to
Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2022¹**

Race/Ethnicity ² Court / Year	American Indian or Alaska Native Only		Asian Only		Black or African American Only		Hispanic or Latino Only		Pacific Islander Only		White Only		Some Other Race Only ³		More Than One Race		Information Not Provided ⁴		Total Respondents		
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%	
Trial Court																					
2014	8	0.5%	95	6.0%	99	6.3%	148	9.4%	4	0.3%	1,108	70.2%	18	1.1%	52	3.3%	47	3.0%	1,579	100.0%	
2015	8	0.5%	97	6.3%	101	6.5%	149	9.6%	4	0.3%	1,079	69.6%	18	1.2%	50	3.2%	45	2.9%	1,551	100.0%	
2016	9	0.6%	104	6.6%	101	6.4%	158	10.1%	4	0.3%	1,082	68.9%	19	1.2%	50	3.2%	43	2.7%	1,570	100.0%	
2017	9	0.6%	106	6.7%	106	6.7%	163	10.3%	4	0.3%	1,086	68.6%	16	1.0%	52	3.3%	42	2.7%	1,584	100.0%	
2018	9	0.6%	116	7.3%	111	7.0%	166	10.5%	4	0.3%	1,067	67.4%	17	1.1%	51	3.2%	41	2.6%	1,582	100.0%	
2019	8	0.5%	127	7.8%	123	7.5%	177	10.8%	4	0.2%	1,079	66.1%	16	1.0%	62	3.8%	37	2.3%	1,633	100.0%	
2020	8	0.5%	129	7.9%	124	7.6%	181	11.2%	5	0.3%	1,059	65.2%	16	1.0%	67	4.1%	34	2.1%	1,623	100.0%	
2021	7	0.4%	132	8.3%	125	7.8%	184	11.5%	5	0.3%	1,030	64.5%	15	0.9%	66	4.1%	33	2.1%	1,597	100.0%	
2022	8	0.5%	143	8.9%	130	8.1%	192	12.0%	5	0.3%	1,009	62.8%	15	0.9%	71	4.4%	33	2.1%	1,606	100.0%	
2023	7	0.4%	151	9.4%	136	8.5%	202	12.6%	6	0.4%	976	61.1%	16	1.0%	72	4.5%	32	2.0%	1,598	100.0%	
Total																					
2014	8	0.5%	99	5.9%	104	6.2%	153	9.1%	4	0.2%	1,186	70.6%	19	1.1%	60	3.6%	48	2.9%	1,681	100.0%	
2015	8	0.5%	100	6.0%	108	6.5%	155	9.4%	4	0.2%	1,157	69.9%	19	1.1%	58	3.5%	46	2.8%	1,655	100.0%	
2016	9	0.5%	108	6.5%	110	6.6%	165	9.9%	4	0.2%	1,157	69.1%	20	1.2%	57	3.4%	44	2.6%	1,674	100.0%	
2017	9	0.5%	110	6.5%	116	6.9%	169	10.0%	4	0.2%	1,159	68.8%	17	1.0%	58	3.4%	42	2.5%	1,684	100.0%	
2018	9	0.5%	120	7.2%	122	7.3%	173	10.3%	4	0.2%	1,133	67.5%	19	1.1%	57	3.4%	41	2.4%	1,678	100.0%	
2019	8	0.5%	134	7.7%	134	7.7%	185	10.6%	4	0.2%	1,155	66.3%	18	1.0%	68	3.9%	37	2.1%	1,743	100.0%	
2020	8	0.5%	137	7.9%	134	7.7%	188	10.9%	5	0.3%	1,136	65.6%	18	1.0%	72	4.2%	34	2.0%	1,732	100.0%	
2021	7	0.4%	138	8.1%	137	8.0%	191	11.2%	5	0.3%	1,104	64.8%	17	1.0%	71	4.2%	33	1.9%	1,703	100.0%	
2022	8	0.5%	149	8.7%	143	8.4%	199	11.7%	5	0.3%	1,077	63.1%	17	1.0%	75	4.4%	33	1.9%	1,706	100.0%	
2023	7	0.4%	157	9.3%	146	8.6%	211	12.5%	6	0.4%	1,040	61.4%	18	1.1%	76	4.5%	32	1.9%	1,693	100.0%	

1. The calendar years in which the demographic data was released may be found in the first column of the table. The 2013 through 2023 data reflect the number of justices and judges on the bench as of December 31 of the previous year.

2. The race and ethnicity category descriptions were adapted from definitions used by the U.S. Census Bureau in Census 2000. The same category descriptions were used by the U.S. Census Bureau in Census 2010. See page 23 for descriptions of race and ethnicity categories.

3. "Some other race only" includes respondents who indicated they do not consider themselves to be any of the six identified race and ethnicity categories. To provide the most accurate data, the "some other race only" category includes only those respondents who identified some other race or ethnicity that did not clearly fall within one or more of the six identified categories.

4. "Information not provided" includes non-responses by active justices and judges participating in the survey that did not respond to a given survey question, as well as a smaller group of active justices and judges that have not responded to the survey more generally.

**Demographic Data Provided by Justices and Judges
Relative to Race/Ethnicity
(Gov. Code, § 12011.5(n))
As of December 31, 2022**

Race/Ethnicity Categories

The category descriptions are adapted from definitions used by the U.S. Census Bureau in 2010 and again in 2020, with the 2010 census being the first in which respondents were invited to identify more than one category.

American Indian or Alaska Native: A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian: A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent. The category includes persons who indicate their race as Cambodian, Chinese, East Indian, Filipino, Japanese, Korean, Malaysian, Pakistani, Thai, or Vietnamese.

Black or African American: A person having origins in any of the black racial groups of Africa.

Hispanic or Latino: A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Native Hawaiian or Other Pacific Islander: A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White: A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

HON. MARSHA G. SLOUGH
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Judicial Branch Budget Committee
Chair, Litigation Management Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Maria Lucy Armendariz
Hon. Richard Bloom
Hon. C. Todd Botke
Hon. Kevin C. Brazile
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Brad R. Hill
Ms. Rachel W. Hill
Hon. Harold W. Hopp
Hon. Ann C. Moorman
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg

ADVISORY MEMBERS

Hon. Judith K. Dulcich
Ms. Rebecca J. Fleming
Mr. Shawn C. Landry
Hon. Kimberly Merrifield
Hon. Glenn Mondo
Hon. David Rosenberg
Mr. David H. Yamasaki

MR. MARTIN HOSHINO
Administrative Director
Judicial Council

October 31, 2022

Ms. Cara L. Jenkins
Legislative Counsel
1021 O Street, Suite 3210
Sacramento, California 95814

Ms. Erika Contreras
Secretary of the Senate
State Capitol, Room 305
Sacramento, California 95814

Ms. Sue Parker
Chief Clerk of the Assembly
State Capitol, Room 319
Sacramento, California 95814

Re: The Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment, as required under Government Code section 69614(c)(1) and (3)

Dear Ms. Jenkins, Ms. Contreras, and Ms. Parker:

Attached is the report required under Government Code section 69614(c)(1) and (3), which requires the Judicial 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 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 98 new judicial officers, as shown in table 2 of the report.

Timely access to justice for all Californians is a judicial branch priority. Funding in recent years has provided for additional judicial resources

October 31, 2022

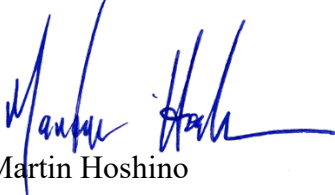
Page 2

across the state, greatly reducing the gap in overall judicial need. This report identifies the need for new judgeships in some superior courts.

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/KG
Attachment

October 31, 2022

Page 3

cc: Eric Dang, Policy Consultant, Office of Senate President pro Tempore Toni G. Atkins
Alf Brandt, General Counsel, Office of Assembly Speaker Anthony Rendon
Shaun Naidu, Policy Consultant, Office of Assembly Speaker Anthony Rendon
Anita Lee, Principal Fiscal and Policy Analyst, Legislative Analyst's Office
Gabriel Petek, Legislative Analyst, Legislative Analyst's Office
Jessie Romine, Budget Analyst, Department of Finance
Margie Estrada, Chief Counsel, Senate Judiciary Committee
Mary Kennedy, Chief Counsel, Senate Public Safety Committee
Eric Csizmar, Consultant, Senate Republican Policy Office
Morgan Branch, Consultant, Senate Republican Policy Office
Alison Merrilees, Chief Counsel, Assembly Judiciary Committee
Sandy Uribe, Chief Counsel, Assembly Public Safety Committee
Jennifer Kim, Consultant, Assembly Budget Committee
Lyndsay Mitchell, Consultant, Assembly Republican Office of Policy & Budget
Gary Olson, Consultant, Assembly Republican Office of Policy & Budget
Daryl Thomas, Consultant, Assembly Republican Office of Policy & Budget
Amy Leach, Minute Clerk, Office of Assembly Chief Clerk
Cory T. Jaspersen, Director, Governmental Affairs, Judicial Council
Jenniffer Herman, Administrative Coordinator, Governmental Affairs, Judicial Council

October 31, 2022

Page 4



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

HON. MARSHA G. SLOUGH
Chair, Executive and Planning Committee

HON. DAVID M. RUBIN
Chair, Judicial Branch Budget Committee
Chair, Litigation Management Committee

HON. MARLA O. ANDERSON
Chair, Legislation Committee

HON. CARIN T. FUJISAKI
Chair, Rules Committee

HON. KYLE S. BRODIE
Chair, Technology Committee

Hon. Maria Lucy Armendariz
Hon. Richard Bloom
Hon. C. Todd Bottke
Hon. Kevin C. Brazile
Hon. Jonathan B. Conklin
Hon. Carol A. Corrigan
Hon. Samuel K. Feng
Mr. David D. Fu
Hon. Brad R. Hill
Ms. Rachel W. Hill
Hon. Harold W. Hopp
Hon. Ann C. Moorman
Ms. Gretchen Nelson
Mr. Maxwell V. Pritt
Hon. Thomas J. Umberg

ADVISORY MEMBERS

Hon. Judith K. Dulcich
Ms. Rebecca J. Fleming
Mr. Shawn C. Landry
Hon. Kimberly Merrifield
Hon. Glenn Mondo
Hon. David Rosenberg
Mr. David H. Yamasaki

MR. MARTIN HOSHINO
Administrative Director
Judicial Council

Report title: *The Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment*

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

Date of report: November 2022

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 the requirements of Government Code section 9795.

In recent years, the branch has received funding for the 50 judgeships authorized by AB 159 (Stats. 2007, ch. 722). This funding has greatly minimized the gap between the number of authorized judgeships and judicial need. However, there continues to be workload-based judicial need in some superior courts.

The Judicial Council must also report on the conversion of SJO positions, in excess of the maximum 16 per year, that results 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 415-865-7832.



The Need for New Judgeships in the Superior Courts: 2022 Update of the Judicial Needs Assessment

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

NOVEMBER 2022



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*

OPERATIONS AND PROGRAMS DIVISION

Robert Oyung
Chief Operating Officer

BUSINESS MANAGEMENT SERVICES

Leah Rose-Goodwin
Manager, Office of Court Research

Kristin Greenaway
Supervising Research Analyst, Office of Court Research

Khulan Erdenebaatar
*Senior 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. In recent years, the branch has received funding for the 50 judgeships authorized by AB 159 (Stats. 2007, ch. 722): two judgeships were funded in 2018, 25 were funded in 2019, and, most recently, 23 were funded in 2022. This funding has greatly minimized the gap between the number of authorized judgeships and judicial need. However, there continues to be workload-based judicial need in some superior courts.

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 2018 time study conducted 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 2019.²

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.

2022 Judicial Needs Assessment

The 2022 statewide assessed judicial need shows that 1,905.5 FTE judicial officers are needed statewide.³ The needs assessment is based on an average of the three most recent years of

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

² Judicial Council of Cal., Workload Assessment Advisory Com. Rep., *Judicial Workload Assessment: 2018 Judicial Workload Study Updated Caseweights* (Sept. 10, 2019), www.courts.ca.gov/documents/20190924-19-083.pdf.

³ In 2007, Assembly Bill 159 (Stats. 2007, ch. 722) authorized 50 new judgeships. Of the 50 authorized judgeships, two were funded in 2018 and allocated to the Superior Court of Riverside County, 25 were funded in the 2019 Budget Act, and the remaining 23 judgeships were funded in the 2022 Budget Act.

available filings data to ensure that the workload assessment is based on the most current data available. Table 1 summarizes the current statewide authorized judicial positions (AJPs) and the assessed judicial need.

The 2022 update is based on filings from fiscal years 2018–19 through 2020–21. The fiscal year (FY) 2019–20 filings data have been adjusted to take account for the sharp decline in filings in the immediate months following the onset of the pandemic. Given the impacts the pandemic has had on the workload of the trial court—beginning in March 2020—the Workload Assessment Advisory Committee (WAAC) approved a different approach for the filings used in the workload model updates: Resource Assessment Study (RAS) and Judicial Workload.

The committee approved not using March to June 2020 actual filings data and instead replacing those months with data that is more representative of the expected trend in filings, by court and by month. During those months, many courts’ operations were constrained by shelter-in-place orders and physical distancing protocols, and the filings count for those months did not reflect actual court workload. In proposing the adjustment, the committee’s approach focused on retaining all of the policies and principles of the workload models, such as use of a three-year average of filings and periodic updates to model parameters. The approved committee approach uses the July 2019–February 2020 filings (eight months) for each court, by casetype, and extrapolated to a full year, adjusted for seasonality patterns observed based on the averages of FY 2017–18 and FY 2018–19 data. For workload analysis, any three-year data set that includes FY 2019–20 filings, this approach will be used.

Table 1. Statewide Need for Judicial Officers, 2020 and 2022 Judicial Needs Assessments

Year	Authorized Judicial Positions (AJPs)	Authorized and Funded Judgeships and Authorized SJO Positions		Assessed Judicial Need (AJN)
2020	2,005	1,982		1,967.5
2022	2,005	2,005		1,905.5

Some Courts Continue to Need Judicial Resources

Judicial need is calculated by taking the difference between the assessed judicial need in each court and the number of authorized and funded positions in each court (see table A1 in the Appendix). 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 table A1 shows, under a pure workload analysis, two of California's two-judge courts—in Alpine and Sierra Counties—would need only 0.1 and 0.2 FTE judicial officers, respectively, but have the minimum 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 30 judicial officers that San Bernardino County requires 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 requires. 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.⁴ For example, the Kern County court has a judicial officer FTE need of 11.8, which rounds down to 11 new judgeships.

Based on the *2022 Update of the Judicial Needs Assessment*, 17 courts need new judgeships, for a total need of 98 judges (table 2). A map illustrating judge need is shown in figure A1. The need estimate does not include judicial vacancies resulting from retirements, elevations, or other changes that have not yet been filled.⁵

⁴ Per the Judicial Council policy adopted in 2014, an exception is made for courts with a 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. See Judicial Council of Cal., Workload Assessment 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.

⁵ Judicial vacancies are reported monthly at www.courts.ca.gov/15893.htm.

Table 2. Need for New Judgeships, by Court

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2022 Assessed Judicial Need	Number of Judgeships Needed* (B – A)	Percentage Judicial Need Over AJP (C / A)
Tehama	4.3	5.6	1	23%
Lake	4.7	5.5	1	21%
Humboldt	8.0	9.3	1	13%
Shasta	13.0	14.9	1	8%
Orange	144.0	145.3	1	1%
Madera	10.3	12.3	2	19%
Kings	10.6	13.0	2	19%
Placer	15.5	17.5	2	13%
Merced	13.0	15.1	2	15%
Stanislaus	26.0	28.1	2	8%
Tulare	25.0	28.6	3	12%
Sacramento	77.5	82.2	4	5%
San Joaquin	35.5	41.8	6	17%
Fresno	53.0	60.0	7	13%
Kern	47.0	58.8	11	23%
Riverside	89.0	111.7	22	25%
San Bernardino	100.0	130.5	30	30%
Total			98	

* Rounded down to the nearest whole number.

Prioritization of New Judgeships

The California Budget Act of 2022 authorized and funded 23 new trial court judgeships upon adoption of the Judicial Council’s Judicial Needs Assessment.⁶ Table 3 lists the 12 trial courts that will be receiving the 23 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.⁷ The methodology was first approved by the Judicial Council in 2001 and is codified in Government Code section 69614(b). Appendix Table A2 lists the allocation order for each of the 98 judgeships needed in the California trial courts.

⁶ Dept. of Finance, *California Budget 2022–23*, “Judicial Branch,” www.ebudget.ca.gov/2022-23/pdf/Enacted/BudgetSummary/FullBudgetSummary.pdf (June 27, 2022).

⁷ 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.

Table 3. Allocation of 23 New Judgeships Approved in Budget Act of 2022

Court	Number of New Judgeships
San Bernardino	6
Riverside	4
Kern	2
Sacramento	2
Fresno	2
San Joaquin	1
Stanislaus	1
Tulare	1
Kings	1
Madera	1
Sutter	1
Placer	1
Total	23

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.⁸

Conversions of additional positions were authorized for FY 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 (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.

Adequate Judicial Resources Helps Ensure Timely Access to Justice

Timely access to justice for all Californians is a judicial branch priority. Funding in recent years has provided for additional judicial resources across the state, greatly reducing the gap in overall need. This report identifies the need for new judgeships in some superior courts.

⁸ As authorized by Gov. Code, § 69615(c)(1)(C).

Appendix: Judicial Needs Resources

Table A1. Assessed Judicial Need Compared to Authorized Positions

Court	A Authorized and Funded Judicial Positions*	B 2022 Assessed Judicial Need (AJN)	C AJN – AJP (B – A)	D Percentage Judicial Need Over AJP (C / A)†
San Bernardino	100	130.5	30.5	30%
Tehama	4	5.6	1.2	29%
Riverside	89	111.7	22.7	26%
Kern	47	58.8	11.8	25%
Kings	11	13.0	2.4	23%
Madera	10	12.3	2.0	20%
Lake	5	5.5	0.8	18%
San Joaquin	36	41.8	6.3	18%
Merced	13	15.1	2.1	16%
Humboldt	8	9.3	1.3	16%
Shasta	13	14.9	1.9	15%
Tulare	25	28.6	3.6	15%
Fresno	53	60.0	7.0	13%
Placer	16	17.5	2.0	13%
San Benito	3	2.8	0.3	12%
Sutter	6	7.0	0.7	11%
Stanislaus	26	28.1	2.1	8%
Sacramento	78	82.2	4.7	6%
Calaveras	2	2.4	0.1	5%
Amador	3	3.1	0.1	2%
Monterey	21	21.5	0.3	1%
Del Norte	3	2.8	0.0	1%
Orange	144	145.3	1.3	1%
Yuba	5	5.4	0.0	0%
Butte	13	12.8	-0.2	-2%
Ventura	34	32.8	-1.2	-3%
Tuolumne	5	4.5	-0.2	-5%
Sonoma	23	21.0	-2.0	-9%
Yolo	12	11.3	-1.1	-9%
San Luis Obispo	15	13.6	-1.4	-9%
Glenn	2	2.1	-0.2	-9%
Contra Costa	42	37.9	-4.1	-10%
Solano	23	20.4	-2.6	-11%
Santa Cruz	14	11.9	-1.6	-12%
Napa	8	7.0	-1.0	-12%
Los Angeles	585	511.7	-73.6	-13%

	A	B	C	D
Court	Authorized and Funded Judicial Positions*	2022 Assessed Judicial Need (AJN)	AJN – AJP (B – A)	Percentage Judicial Need Over AJP (C / A)†
Lassen	2	2.0	-0.3	-14%
San Diego	154	132.6	-21.4	-14%
El Dorado	9	7.7	-1.3	-14%
Imperial	11	9.5	-1.8	-16%
Santa Barbara	24	20.0	-4.0	-17%
San Mateo	33	26.7	-6.3	-19%
Mendocino	8	6.4	-2.0	-24%
Siskiyou	5	3.8	-1.2	-24%
Santa Clara	82	62.3	-19.7	-24%
Marin	13	9.5	-3.2	-25%
Alameda	83	59.5	-23.5	-28%
Colusa	2	1.6	-0.7	-30%
San Francisco	56	38.7	-17.2	-31%
Inyo	2	1.5	-0.8	-34%
Nevada	8	4.9	-2.7	-36%
Trinity	2	1.5	-0.8	-36%
Mariposa	2	1.3	-1.0	-42%
Plumas	2	1.1	-1.2	-50%
Mono	2	1.0	-1.3	-58%
Modoc	2	1.0	-1.3	-59%
Sierra	2	0.2	-2.1	-90%
Alpine	2	0.2	-2.1	-93%

* Authorized judicial positions (AJPs) 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).

† Percentages in table A1 differ slightly from those in table 2, Need for New Judgeships, by Court. Percentages in table A1 are calculated based on the *actual* differences between AJN and AJP, whereas the percentages in table 2 are based on *rounded-down* differences.

Figure A1. 2022 Judgeship Needs Map: Number of Judges Needed in California Courts Based on Workload

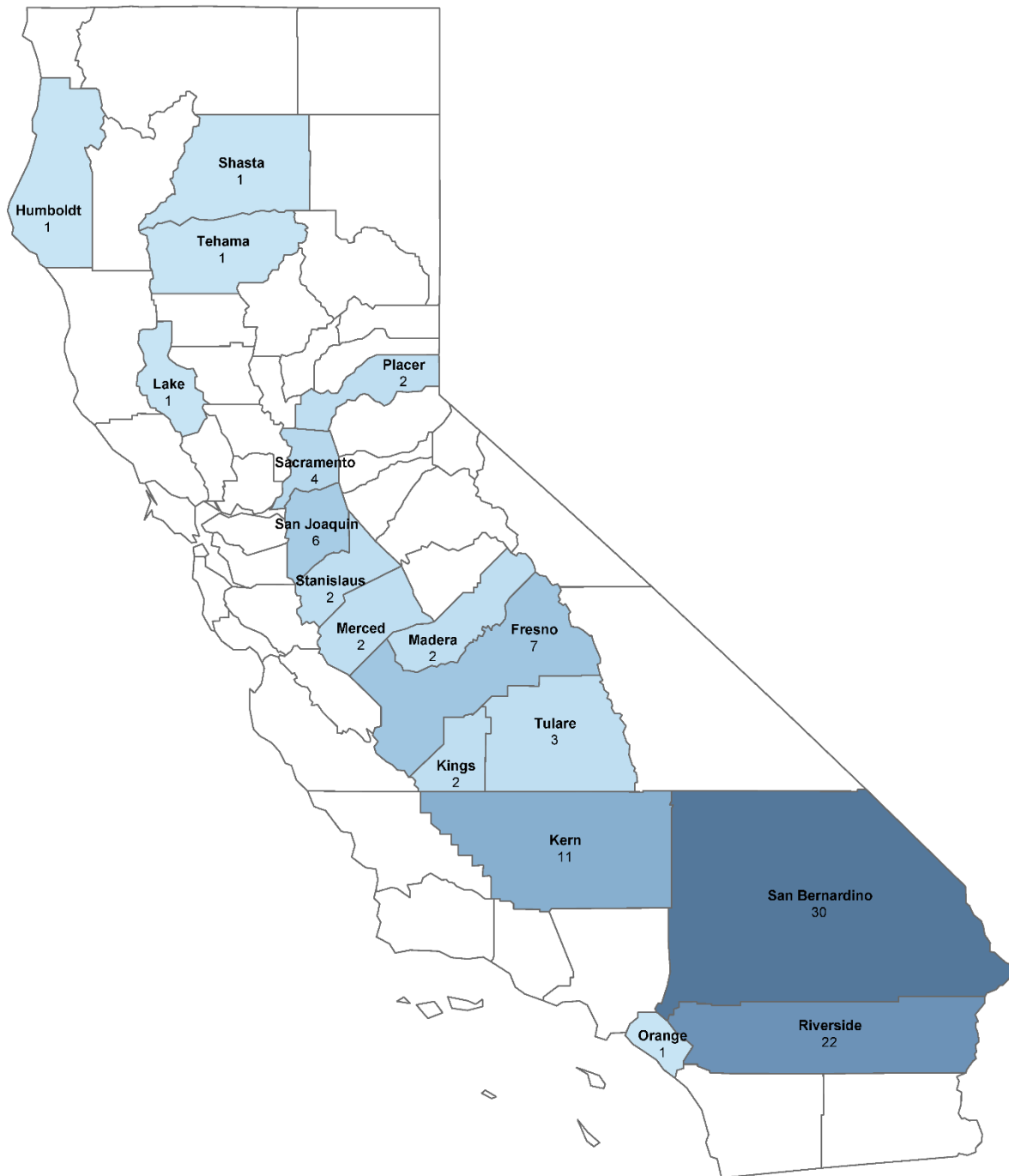


Table A2. Allocation Order of New Judgeships

Court	Alloc. Order	Court	Alloc. Order	Court	Alloc. Order
San Bernardino	1	Kern	45	San Bernardino	89
Riverside	2	Riverside	46	Fresno	90
Kern	3	Madera	47	Riverside	91
San Bernardino	4	Merced	48	San Bernardino	92
Riverside	5	San Bernardino	49	San Bernardino	93
San Joaquin	6	San Joaquin	50	Riverside	94
San Bernardino	7	Riverside	51	San Bernardino	95
Fresno	8	Fresno	52	Riverside	96
Kern	9	San Bernardino	53	San Bernardino	97
Riverside	10	Placer	54	San Bernardino	98
San Bernardino	11	Kern	55		
Tulare	12	Riverside	56		
Kings	13	San Bernardino	57		
Madera	14	Tulare	58		
San Bernardino	15	Stanislaus	59		
Riverside	16	San Bernardino	60		
Merced	17	Riverside	61		
Tehama	18	Sacramento	62		
Kern	19	Kern	63		
Sacramento	20	San Bernardino	64		
Shasta	21	Fresno	65		
Placer	22	San Joaquin	66		
San Joaquin	23	Riverside	67		
San Bernardino	24	San Bernardino	68		
Fresno	25	Riverside	69		
Riverside	26	San Bernardino	70		
Humboldt	27	Kern	71		
Stanislaus	28	San Bernardino	72		
San Bernardino	29	Orange	73		
Kern	30	Riverside	74		
Riverside	31	San Bernardino	75		
Lake	32	Fresno	76		
San Bernardino	33	Riverside	77		
Tulare	34	San Bernardino	78		
Riverside	35	Kern	79		
San Joaquin	36	Sacramento	80		
San Bernardino	37	San Joaquin	81		
Kern	38	Riverside	82		
Fresno	39	San Bernardino	83		
Kings	40	San Bernardino	84		
San Bernardino	41	Riverside	85		
Riverside	42	San Bernardino	86		
Sacramento	43	Kern	87		
San Bernardino	44	Riverside	88		

Budget Summary – Details of Request

The judiciary’s appropriation request for fiscal year (FY) 2024 totals \$9,934,829,000 (including \$796,144,000 in mandatory appropriations and \$9,138,685,000 in discretionary appropriations). The judiciary’s discretionary request is \$677.2 million (8.0 percent) above FY 2023 enacted annual discretionary appropriations.

Summary of FY 2024 Request			
(\$000)			
	Mandatory	Discretionary	Total
FY 2023 Enacted Appropriation	761,366	8,461,479	9,222,845
FY 2024 Adjustments to Base	34,778	561,426	596,204
FY 2024 Program Increases	-	115,780	115,780
FY 2024 Total Increases	34,778	677,206	711,984
FY 2024 Total Request	796,144	9,138,685	9,934,829

Fiscal Year 2023 Appropriations

The judiciary built the FY 2024 budget request on the FY 2023 enacted appropriation level. For bill language, the judiciary used the language from P.L. 117-328, Financial Services and General Government Appropriations Act, 2023.

Adjustments to Base (Mandatory Appropriations)

An increase of \$34.8 million is requested for mandatory judiciary appropriations for FY 2024, as follows:

1. An increase of \$25.8 million is for pay and benefit adjustments for Article III judges for the Supreme Court; the Court of Appeals for the Federal Circuit; the Court of International Trade; and active, senior, and retired Article III judges and bankruptcy judges within the courts’ Salaries and Expenses account, including the annualization of the January 2023 pay adjustment of 4.1 percent for judges and an assumed additional 4.7 percent pay adjustment for judges effective January 2024.

2. For the courts' Salaries and Expenses account, an increase of \$8.9 million is associated with an additional 18 active Article III judge FTE (based on an assumption of 45 confirmations), an additional 7 senior judge FTE, and an additional 8 bankruptcy judge FTE.
3. An increase of \$0.1 million is necessary for the Judicial Retirement Trust Funds account based on requirements calculated by an independent actuary.

Adjustments to Base (Discretionary Appropriations)

Of the requested \$677.2 million increase in discretionary appropriations, \$561.4 million (83 percent) will provide for pay adjustments, inflation, and other adjustments to base necessary to maintain current services. Base adjustments include:

1. An increase of \$346.8 million will provide for inflationary pay and benefit increases for magistrate and Court of Federal Claims judges, judges' staff, other judiciary personnel, and panel attorney rate adjustments. This includes an assumed federal pay adjustment effective January 2024 (4.7 percent for magistrate and Court of Federal Claims court judges and 5.2 percent for staff), annualizing the January 2023 pay adjustment (4.1 percent for magistrate and Court of Federal Claims court judges and 4.6 percent for staff), changes in benefit costs, one more compensable day, and a wage rate adjustment for court security officers (CSOs).
2. An increase of \$84.4 million in financing adjustments is necessary to maintain current services due to changes in the availability of carryforward balances and/or non-appropriated resources, composed of the following increases:
 - \$7.4 million for the courts' Salaries and Expenses account,
 - \$70.8 million for the Defender Services account,
 - \$0.3 million for the Fees of Jurors and Commissioners account,
 - \$4.5 million for the Court Security account, and
 - \$1.3 million for the Administrative Office (AO) account.

The judiciary will keep the Appropriations Subcommittees informed of any change in this estimate.

3. A net increase of \$44.1 million in information technology (IT) requirements for the courts' Salaries and Expenses account is due to:
 - an increase of \$28.5 million for Infrastructure and Collaboration Tools,
 - an increase of \$17.5 million for Court IT allotments,
 - an increase of \$17.2 million for Cybersecurity and IT Modernization Plan,
 - an increase of \$1.2 million for the IT Court Reimbursable Program,
 - a decrease of \$1.9 million for Judicial Statistical and Reporting Systems,
 - a decrease of \$2.4 million for Administrative and Management Systems,
 - a decrease of \$6.0 million for the Telecommunications Program, and
 - a decrease of \$9.9 million for Court Administration and Case Management Systems.
4. An increase of \$41.3 million will provide for increases in contract rates and other standard inflationary increases. Of this amount, \$0.9 million is for the Vaccine Injury Compensation Trust Fund.
5. A net increase of \$31.0 million is associated with changes in the judiciary's space program, including:
 - a net \$27.2 million increase is attributed to the court's Salaries and Expenses account:
 - an increase of \$31.3 million for tenant improvements,
 - an increase of \$21.2 million for inflationary adjustments to building operations and GSA space rental costs,
 - an increase of \$9.1 million for changes in space/new space expected to be delivered in FY 2024,
 - a decrease of \$1.4 million associated with the space reduction program, and
 - a decrease of \$32.9 million in non-recurring space adjustments.
 - an increase of \$3.8 million is associated with space rental increases of \$2.1 million, \$1.4 million, \$0.3 million, and \$18,300 for the Defender Services, Court of Appeals for the Federal Circuit, Court of International Trade, and the Supreme Court accounts, respectively.

6. An increase of \$18.9 million is for chambers staff associated with the additional active and senior Article III judges and bankruptcy judges (noted above in the mandatory adjustments to base section), specifically, 100 FTE for chambers staff for active Article III judges, 35 FTE for senior judges, and 23 FTE for bankruptcy judges.
7. An increase of \$11.3 million is associated with the annualization of positions funded in FY 2023, including:
 - \$3.0 million for a net increase of 27 positions (14 FTE) for the Defender Services account, consisting of decreases in federal public defender organization (FPDO) (-26 positions/-13 FTE) and community defender organization (CDO) (-6 positions), offset by increases related to the Supreme Court decision in *McGirt v. Oklahoma* (44 positions /22 FTE), national programs (9 positions/5 FTE), and the reimbursable program (8 positions);
 - \$8.0 million for 109 CSO and 16 USMS positions (8 FTE) for the Court Security account; and
 - \$0.4 million for 4 positions (2.0 FTE) for the AO account.
8. An increase of \$5.1 million is associated with the annualization of programs at the Supreme Court, including:
 - \$1.1 million for the annualization of 2 IT security positions and building security contracts, and
 - \$4.0 million for the annualization of police pay adjustments and protective activities that were funded by the supplemental appropriation provided in FY 2022.
9. An increase of \$3.3 million is for estimated increases in Federal Protective Service (FPS) security charges.
10. An increase of \$0.7 million is associated with a projected net change in juror requirements based on FY 2024 projected caseload.
11. A decrease of \$1.8 million is associated with adjustments to security systems and equipment requirements in the Court Security account.
12. A decrease of \$4.0 million is associated with a change in panel attorney requirements based on FY 2024 caseload projections in the Defender Services program.
13. A decrease of \$19.7 million is associated with a reduction in non-recurring requirements in the Supreme Court Building and Grounds (\$18.7 million) and the Federal Judicial Center (\$1.0 million) accounts.

Program Changes (Discretionary Appropriations)

The remaining \$115.8 million (17 percent) of the requested increase is for program enhancements, including:

1. An increase of \$21.8 million for the courts' Salaries and Expenses account will fund tenant alterations to address life and safety requirements, including repair and replacements of judges' elevators.
2. An increase of \$16.0 million for the courts' Salaries and Expenses account will fund a major upgrade to the Judiciary Integrated Financial Management System.
3. An increase of \$11.5 million for the Defender Services account is for information technology requirements, including:
 - \$1.4 million for 3 data and data management initiatives,
 - \$0.2 million for contract management requirements, and
 - \$9.9 million for cybersecurity and IT modernization.
4. An increase of \$10.1 million is associated with an increase of 198 positions (99 FTE) in court support staffing in the courts' Salaries and Expenses account due to changes in projected caseload.
5. An increase of \$7.9 million for the courts' Salaries and Expenses account is associated with a multi-year initiative to upgrade the judiciary's enterprise-wide Microsoft Office 365 licenses.
6. An increase of \$7.0 million for the courts' Salaries and Expenses account will fund a multi-year initiative to implement an identity access management system.
7. An increase of \$6.5 million in the Supreme Court Buildings and Grounds account is for physical security improvements to reinforce the Supreme Court Building.
8. An increase of \$5.9 million in the Supreme Court Salaries and Expenses account is associated with the expansion of the Supreme Court Police's protective activities for Justices.
9. An increase of \$5.5 million for the courts' Salaries and Expenses account will fund 58 additional reimbursable positions (29 reimbursable FTE) to support the implementation of the multi-year cybersecurity and IT modernization plan.

10. An increase of \$5.0 million for the Court Security account is associated with the implementation of an equipment modernization and cyclical replacement strategy for screening systems.
11. An increase of \$3.1 million for the Supreme Court Buildings and Grounds account will fund the continuation of the courtyard restoration project at the Supreme Court.
12. An increase of \$3.0 million for the courts' Salaries and Expenses account will fund the continued implementation of the multi-year initiative to produce an annual consolidated financial statement as part of the judiciary data integrity, reporting, and controls (JDIRC) program.
13. An increase of \$2.6 million in the courts' Salaries and Expenses account will fund 23 FTE for the national court law clerk program.
14. An increase of \$2.2 million is associated with training operations in the Defender Services account, including:
 - \$0.9 million for 21st century training operations, which includes funding for an updated Event Management System, a Learning Management System, and a real-time polling/survey platform,
 - \$0.8 million to meet the demand for hybrid (in-person and virtual) training in the post-pandemic world, and
 - \$0.6 million for additional training requirements on case management; mental health; representing clients with intellectual disabilities; diversity; managing electronically stored information; and FDO budget, procurement, and financial training and materials.
15. An increase of \$1.7 million for the Court Security account will fund 9 additional judiciary-funded USMS positions (5 FTE) and 2 contractors.
16. An increase of \$1.5 million for the Judiciary Vulnerability Management Program in the Court Security account will fund additional software licenses, automated tools, and support for identifying, redacting, and reducing personally identifiable information from the internet for judges and eligible family members.
17. An increase of \$1.0 million for the Court Security account will fund the operations, maintenance, and life-cycle replacement costs for emergency management equipment in remote districts in order to sustain satellite communications equipment for continuity of operations.

18. An increase of \$1.0 million for the Court Security account will fund 4 new emergency management reimbursable positions (4 reimbursable FTE).
19. An increase of \$0.8 million is associated with contractor support for the acquisition and procurement improvement activities in the courts' Salaries and Expenses account.
20. An increase of \$0.7 million for the courts' Salaries and Expenses account will fund 1 additional full-time magistrate judge position, 4 support staff (4 FTE), and associated operating costs for the Northern District of Oklahoma at Tulsa.
21. An increase of \$0.6 million in the Supreme Court Salaries and Expenses account will fund 5 IT engineer positions (2.5 FTE) in cybersecurity, software development, and network engineering at the Supreme Court.
22. An increase of \$0.4 million for the AO account will fund 4 positions (2 FTE) for implementing best practices for IT project management across the AO.
23. An increase of \$0.4 million for the Court Security account will fund 6 additional CSO positions related to increased requirements as a result of the Supreme Court's decision in *McGirt v. Oklahoma*.
24. An increase of \$0.3 million will fund 3 reimbursable positions in the Defender Services account to support program reviews and budgetary/financial operations for federal defenders and their staff in the areas of audit preparation, financial management, internal controls, procurement, and accountable officer liability.
25. An increase of \$0.2 million for the court's Salaries and Expenses account will fund 2 reimbursable positions (1 reimbursable FTE) in the AO's Office of Public Affairs to help support the judiciary's programs.
26. An increase of \$0.2 million for the AO account will fund 2 positions (1 FTE) associated with the Office of Judicial Integrity at the AO for investigative support for workplace conduct matters, to include conducting investigations, consultative support, and investigations training.
27. An increase of \$0.2 million for the AO account will fund 2 positions (1 FTE) for the Department of Technology Services, which provides staff support to the Judicial Conference Committee on Information Technology (IT Committee) and other stakeholder groups that provide advice on IT policies and their implementation.

28. An increase of \$0.1 million for the AO account will fund 1 position (0.5 FTE) to staff the incoming Chief Information Officer's efforts to review recommendations and assess the AO's organizational structure and authority.
29. An increase of \$0.1 million for the Court of Appeals for the Federal Circuit account will fund a newly created Director of Civic Engagement position.
30. A decrease of \$1.4 million for the Defender Services account is associated with a decrease of 6 FTE for 12 fewer FDO staff (12 FPDO positions/6 FTE) based on current caseload projections.

The Judiciary
Summary of Appropriation Request for Fiscal Year 2024 (\$000)

	FY 2022			FY 2023			FY 2024 Request					
	Enacted			Enacted			Change			Total		
	Mand ¹	Discret	Total Available	Mand ¹	Discret	Total Available	Mand	Discret	Total	Mand	Discret	Total Request
Supreme Court												
Salaries and Expenses	2,789	98,338	101,127	2,896	109,551	112,447	177	17,513	17,690	3,073	127,063	130,136
Building and Grounds	-	14,434	14,434	-	29,246	29,246	-	(8,558)	(8,558)	-	20,688	20,688
Total, Supreme Court	2,789	112,772	115,561	2,896	138,797	141,693	177	8,955	9,132	3,073	147,751	150,824
Court of Appeals for the Federal Circuit	3,241	34,280	37,521	3,356	36,735	40,091	176	2,947	3,123	3,532	39,682	43,214
Court of International Trade	1,717	20,600	22,317	2,163	21,260	23,423	220	1,144	1,364	2,383	22,404	24,787
Courts of Appeals, District Courts and Other Judicial Services												
Salaries and Expenses - Direct	460,225	5,580,052	6,040,277	501,151	5,905,055	6,406,206	34,105	465,336	499,441	535,256	6,370,391	6,905,647
Vaccine Injury Fund	-	9,850	9,850	-	9,975	9,975	-	894	894	-	10,869	10,869
Total, Salaries and Expenses	460,225	5,589,902	6,050,127	501,151	5,915,030	6,416,181	34,105	466,230	500,335	535,256	6,381,260	6,916,516
Defender Services	-	1,343,175	1,343,175	-	1,382,680	1,382,680	-	150,335	150,335	-	1,533,015	1,533,015
Fees of Jurors and Commissioners	-	32,603	32,603	-	58,239	58,239	-	1,663	1,663	-	59,902	59,902
Court Security	-	704,800	704,800	-	750,163	750,163	-	33,302	33,302	-	783,465	783,465
Subtotal (CADCOJS)	460,225	7,670,480	8,130,705	501,151	8,106,112	8,607,263	34,105	651,530	685,635	535,256	8,757,642	9,292,898
Administrative Office of the U.S. Courts	-	98,545	98,545	-	102,673	102,673	-	10,301	10,301	-	112,974	112,974
Federal Judicial Center	-	29,885	29,885	-	34,261	34,261	-	821	821	-	35,082	35,082
Judicial Retirement Funds	272,600	-	272,600	251,800	-	251,800	100	-	100	251,900	-	251,900
Sentencing Commission	-	20,564	20,564	-	21,641	21,641	-	1,509	1,509	-	23,150	23,150
Direct, Total	740,572	7,977,276	8,717,848	761,366	8,451,504	9,212,870	34,778	676,312	711,090	796,144	9,127,816	9,923,960
Vaccine Injury Fund, Total	-	9,850	9,850	-	9,975	9,975	-	894	894	-	10,869	10,869
Grand Total	740,572	7,987,126	8,727,698	761,366	8,461,479	9,222,845	34,778	677,206	711,984	796,144	9,138,685	9,934,829
Supreme Court Supplemental Appropriation	-	9,100	9,100	-	-	-	-	-	-	-	-	-
Court Security Supplemental Appropriation	-	-	-	-	112,500	112,500	-	-	-	-	-	-
Total, Judiciary, Annual + Supplemental	740,572	7,996,226	8,736,798	761,366	8,573,979	9,335,345	34,778	677,206	711,984	796,144	9,138,685	9,934,829

¹ FY 2022 mandatory levels reflect actuals with the exception of the Supreme Court, which reflects the FY 2022 financial plan
FY 2023 mandatory levels represent FY 2023 assumed financial plan levels.

**The Judiciary
Summary of Mandatory Costs**

	FY 2022		FY 2023		FY 2024			
	Actual ¹		Estimate ¹		Change		Requested	
	Authorized Positions	Amount (\$000)	Authorized Positions	Amount (\$000)	Authorized Positions	Mand.	Authorized Positions	Amount (\$000)
Supreme Court	9	2,789	9	2,896	-	177	9	3,073
Court of Appeals for the Federal Circuit	12	3,241	12	3,356	-	176	12	3,532
Court of International Trade	9	1,717	9	2,163	-	220	9	2,383
Courts of Appeals, District Courts and Other Judicial Services	1,189	460,225	1,189	501,151	-	34,105	1,189	535,256
Judicial Retirement Funds	-	272,600	-	251,800	-	100	-	251,900
Total	1,219	740,572	1,219	761,366	-	34,778	1,219	796,144

¹ FY 2022 mandatory levels reflect actuals

The FY 2023 mandatory level represents the financial plan level.

Summary of Personnel

Full Time Equivalents by Account	FY 2022	FY 2023	FY 2024 Request	
	Actual FTEs	Estimate FTEs	Increase FTEs	Total FTEs
<i>Direct Positions</i>				
Supreme Court				
Salaries and Expenses	508	536	4	540
Building and Grounds	46	50	-	50
Court of Appeals for the Fed. Circuit	144	152	1	153
Court of International Trade	65	77	-	77
Courts of Appeals, District Courts and Other Judicial Services				
Salaries and Expenses	27,289	27,280	318	27,598
Defender Services	3,182	3,451	8	3,459
Fees of Jurors and Commissioners	-	-	-	-
Court Security	72	96	13	109
<i>Subtotal</i>	<i>30,543</i>	<i>30,827</i>	<i>339</i>	<i>31,166</i>
Administrative Office of the U.S. Courts	585	649	7	656
Reimbursable From:				
<i>Salaries and Expenses</i>	<i>512</i>	<i>630</i>	<i>50</i>	<i>680</i>
<i>Electronic Public Access</i>	<i>74</i>	<i>107</i>		<i>107</i>
<i>Defenders Services</i>	<i>41</i>	<i>58</i>	<i>6</i>	<i>64</i>
<i>Court Security</i>	<i>13</i>	<i>29</i>	<i>4</i>	<i>33</i>
Federal Judicial Center	123	128	-	128
Payment to Judicial Retirement Funds	-	-	-	-
Sentencing Commission	96	96	-	96
Grand Total	32,750	33,339	410	33,749
<i>Reimbursable Positions</i>				
Supreme Court				
Salaries and Expenses	-	-	-	-
Buildings and Grounds	-	-	-	-
Court of Appeals for the Fed. Circuit	-	-	-	-
Court of International Trade	-	-	-	-
Courts of Appeals, District Courts and Other Judicial Services				
Salaries and Expenses (Vaccine Injury)	46	48	-	48
Defender Services	-	-	-	-
Fees of Jurors and Commissioners	-	-	-	-
Court Security	-	-	-	-
<i>Subtotal</i>	<i>46</i>	<i>48</i>	<i>-</i>	<i>48</i>
Administrative Office of the U.S. Courts	-	-	-	-
Federal Judicial Center	-	-	-	-
Judicial Retirement Funds	-	-	-	-
Sentencing Commission	-	-	-	-
Grand Total	46	48	-	48

FY 2024 Summary of Requested Mandatory & Discretionary Changes - Courts of Appeals, District Courts, and Other Judicial Services (CADCOJS) Details										
	Salaries and Expenses (\$000)		Defender Services (\$000)		Fees of Jurors and Commissioners (\$000)		Court Security (\$000)		Total CADCOJS (\$000)	
	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)	FTE	(\$000)
FY 2023 Enacted Appropriation Level - Mandatory	1,887	501,151	-	-	-	-	-	-	1,887	501,151
FY 2023 Enacted Appropriation Level - Discretionary	25,393	5,915,030	3,451	1,382,680	58,239	96	750,163	28,940	8,106,112	
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-	-
FY 2023 Enacted Appropriation	27,280	6,416,181	3,451	1,382,680	58,239	96	750,163	30,827	8,607,263	
FY 2024 Adjustments to Base										
Judges and Associated Staff										
- Annualization of 2023 pay adjustment (4.1% for three months)	-	6,964	-	-	-	-	-	-	6,964	
- Pay and benefits adjustments	-	27,163	-	-	-	-	-	-	27,163	
- Increase in average number of filled Article III judgeships	118	16,835	-	-	-	-	-	118	16,835	
- Increase in average number of senior judges	42	6,032	-	-	-	-	-	42	6,032	
- Increase in average number of filled bankruptcy judgeships	31	4,914	-	-	-	-	-	31	4,914	
- Payments to judiciary retirement trust funds	-	-	-	-	-	-	-	-	-	
Court Personnel and Other Programs										
- Annualization of 2023 pay adjustment (4.6% for three months)	-	43,279	-	6,833	-	-	215	-	50,327	
- Pay and benefits adjustments	-	195,840	-	35,993	-	-	968	-	232,801	
- One more compensable day	-	15,335	-	2,400	-	-	2,055	-	19,790	
- Annualization of 2023 IT positions and building security contracts at Supreme Court	-	-	-	-	-	-	-	-	-	
- Annualization of 2023 for police pay and protective activities at Supreme Court	-	-	-	-	-	-	-	-	-	
- Annualization of 2023 panel attorney capital rate	-	-	-	863	-	-	-	-	863	
- Annualization of 2023 panel attorney non-capital rate	-	-	-	10,913	-	-	-	-	10,913	
- Annualization of FY 2023 increase in positions (including McGirt)	-	-	14	2,990	-	-	-	14	2,990	
- Annualization of FY 2023 increase of court security officer (CSO) positions	-	-	-	-	-	-	5,284	-	5,284	
- Annualization of FY 2023 increase of USMS positions	-	-	-	-	-	8	2,680	8	2,680	
- FY 2024 CSO contract and wage rate adjustments (3%)	-	-	-	-	-	-	5,348	-	5,348	
- Funding necessary to maintain current services (financing adjustment)	-	7,400	-	70,830	326	-	4,523	-	83,079	
- Inflation (including law books and computer assisted legal research)	-	28,879	-	8,743	594	-	261	-	38,477	
- Space related costs (includes inflation for space rental rates)	-	27,196	-	2,103	-	-	-	-	29,299	
- Vaccine Injury Compensation Trust Fund adjustment	-	894	-	-	-	-	-	-	894	
- Information technology requirements	-	44,079	-	-	-	-	-	-	44,079	
- Change in projected panel attorney requirements	-	-	-	(4,000)	-	-	-	-	(4,000)	
- Change in available jurors	-	-	-	-	743	-	-	-	743	
- FPS security service charges	-	-	-	-	-	-	3,248	-	3,248	
- Reduction for non-recurring requirements	-	-	-	-	-	-	-	-	-	
- Adjustments to base for security systems and equipment	-	-	-	-	-	-	(1,848)	-	(1,848)	
Subtotal, FY 2024 Adjustments to Base	191	424,810	14	137,668	1,663	8	22,734	213	586,875	
Total Adjustments to Base Mandatory	33	34,105	-	-	-	-	-	33	34,105	
Total Adjustments to Base Discretionary	158	390,705	14	137,668	1,663	8	22,734	180	552,770	
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-	
FY 2024 Adjusted Base	27,471	6,840,991	3,465	1,520,348	59,902	104	772,897	31,040	9,194,138	
FY 2024 Program Changes										
Judges and Associated Staff										
- Magistrate judges and staff	5	721	-	-	-	-	-	5	721	
Court Personnel and Other Programs										
- Expansion of protective activities at Supreme Court	-	-	-	-	-	-	-	-	-	
- IT security positions at Supreme Court	-	-	-	-	-	-	-	-	-	
- Courtyard restoration at Supreme Court	-	-	-	-	-	-	-	-	-	
- Physical security improvements at Supreme Court	-	-	-	-	-	-	-	-	-	
- Position director of civic engagement at Court of Appeals for the Federal Circuit	-	-	-	-	-	-	-	-	-	
- FY 2023 court support staffing due to workload changes	99	10,052	-	-	-	-	-	99	10,052	
- National court law clerk program	23	2,559	-	-	-	-	-	23	2,559	
- Judiciary Integrated Financial Management System	-	16,000	-	-	-	-	-	-	16,000	
- Identity Access Management System (IdAM)	-	7,000	-	-	-	-	-	-	7,000	
- Reimbursable positions for IT infrastructure and modernization	-	5,510	-	-	-	-	-	-	5,510	
- Reimbursable positions for Office of Public Affairs	-	207	-	-	-	-	-	-	207	
- Office 365 upgrade	-	7,905	-	-	-	-	-	-	7,905	
- Tenant alterations to address life and safety requirements	-	21,796	-	-	-	-	-	-	21,796	
- Judiciary Data Integrity, Reporting, and Controls initiative	-	3,025	-	-	-	-	-	-	3,025	
- Acquisition and Procurement Improvement	-	750	-	-	-	-	-	-	750	
- Continued implementation of the FDO staffing formula	-	-	(6)	(1,368)	-	-	-	(6)	(1,368)	
- Defender Services training operations	-	-	-	2,233	-	-	-	-	2,233	
- Defenders Services reimbursable positions	-	-	-	316	-	-	-	-	316	
- Defender Services IT, cybersecurity, and IT modernization requirements	-	-	-	11,486	-	-	-	-	11,486	
- Service to support the removal of Judges' PII from the internet	-	-	-	-	-	-	1,500	-	1,500	
- Emergency management equipment sustainment	-	-	-	-	-	-	1,000	-	1,000	
- Emergency management reimbursable positions	-	-	-	-	-	-	1,000	-	1,000	
- USMS staffing positions for Judicial Facility Security Program	-	-	-	-	-	5	1,691	5	1,691	
- Screening equipment replacement and disposal	-	-	-	-	-	-	5,000	-	5,000	
- CSO staffing for McGirt requirements	-	-	-	-	-	-	377	-	377	
- Office of Judicial Integrity at AO	-	-	-	-	-	-	-	-	-	
- IT oversight support staff at AO	-	-	-	-	-	-	-	-	-	
- Project management staff at AO	-	-	-	-	-	-	-	-	-	
- DTS Judicial Conference and Advisory Council Support at AO	-	-	-	-	-	-	-	-	-	
Subtotal, FY 2024 Program Changes	127	75,525	(6)	12,667	-	5	10,568	126	98,760	
Total Program Changes Mandatory	-	-	-	-	-	-	-	-	-	
Total Program Changes Discretionary	127	75,525	(6)	12,667	-	5	10,568	126	98,760	
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-	
Total Mandatory	33	34,105	-	-	-	-	-	33	34,105	
Total Discretionary	285	466,230	8	150,335	1,663	13	33,302	306	651,530	
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-	
Subtotal, FY 2024 Total Increases	318	500,335	8	150,335	1,663	13	33,302	339	685,635	
FY 2024, Total Mandatory Appropriation	1,920	535,256	-	-	-	-	-	1,920	535,256	
FY 2024, Total Discretionary Appropriation	25,678	6,381,260	3,459	1,533,015	59,902	109	783,465	29,246	8,757,642	
AO Reimbursable FTE	-	-	-	-	-	-	-	-	-	
FY 2024, Total Judiciary	27,598	6,916,516	3,459	1,533,015	59,902	109	783,465	31,166	9,292,898	

THE JUDICIARY

COMPARATIVE SUMMARY OF OBLIGATIONS BY OBJECT CLASSIFICATION

Object Classification	FY 2022 Actual	FY 2023 Estimate	FY 2024 Request
Personnel Services and benefits			
11 Personnel compensation	3,528,349	3,901,161	4,165,059
12 Personnel benefits	1,306,606	1,367,840	1,487,111
13 Benefits for former personnel	11,612	13,215	14,632
Total personnel services and benefits	4,846,567	5,282,216	5,666,802
21 Travel	91,000	102,712	109,606
22 Transportation of things	6,751	7,823	7,978
23 Rental payments to GSA	1,111,448	1,192,616	1,239,561
23 Rental payments to others	31,685	35,376	46,107
23 Communications utilities & misc charges	64,539	80,193	73,157
24 Printing and reproduction	7,730	8,710	9,259
25 Other services	1,844,530	2,163,288	2,068,911
26 Supplies and materials	17,554	28,886	28,586
91 Financial Transfers	591,664	618,194	661,221
Total contractual services and supplies	3,766,901	4,237,798	4,244,385
Acquisition of capital assets			
31 Equipment	108,844	138,553	141,243
32 Lands and Structures	58,220	104,176	97,231
42 Claims and Indemnities	-	-	-
Total acquisition of capital assets	167,064	242,729	238,474
Grants and fixed charges			
41 Grants, subsidies and contributions	186,457	207,256	217,027
42 Insurance claims and indemnities	12	52	54
43 Interest and dividends	-	-	-
Total grants and fixed charges	186,469	207,308	217,081
91 Undefined Disbursements	2,738	3,927	-
Total obligations	8,969,740	9,973,978	10,366,742
Unobligated balance, start-of-year	(560,206)	(560,374)	(211,360)
Unobligated balance, end-of-year	548,562	214,019	19,484
Fee Availability	(162,402)	(138,236)	(170,673)
Transfer to other accounts	633	-	-
Anticipated Financial Plan savings	(1,333)	-	-
Other Adjustments to Budgetary Resources	(58,194)	(229,042)	(31,863)
Emergency Supplemental, start-of-year	(9,100)	(112,500)	(75,000)
Emergency Supplemental, end-of-year	-	75,000	37,500
Appropriation, Assumed	8,727,698	9,222,845	9,934,829
Supplemental, Enacted	9,100	112,500	
Appropriation, Annual + Supplemental	8,736,798	9,335,345	9,934,829

Detailed tables by fiscal year and appropriation follow

THE JUDICIARY
COMPARATIVE SUMMARY OF OBLIGATIONS BY OBJECT CLASSIFICATION (\$000)

Fiscal Year 2022

Object Classification	Administrative Office								Federal Judicial Ctr	Judicial Retirement Funds	Sentencing Commission	Vaccine Injury Trust Fund	Total Judiciary	
	Supreme Court	Ct of Appeals Federal Cir	Ct of Intrl Trade	Salaries and Expenses	Defender Services	Fees of Jurors	Court Security	Direct Program ¹						Reimbursable Program ¹
Personnel Services and benefits														
11 Personnel compensation	61,443	17,832	8,085	2,892,440	404,196	24,676	9,048	172,036	(90,291)	17,006	-	11,877	-	3,528,349
12 Personnel benefits	23,571	4,613	2,440	1,083,335	152,412	-	351	62,621	(33,224)	6,090	-	4,396	-	1,306,606
13 Benefits for former personnel	-	116	-	7,233	710	-	3,540	20	(7)	1	-	-	-	11,612
Total personnel services and benefits	85,015	22,561	10,525	3,983,008	557,318	24,676	12,939	234,677	(123,522)	23,097	-	16,273	-	4,846,567
21 Travel	1,140	29	64	51,551	12,406	21,207	519	685	(179)	3,532	-	46	-	91,000
22 Transportation of things	60	37	21	6,251	296	-	23	108	(90)	40	-	5	-	6,751
23 Rental payments to GSA	-	6,519	8,814	1,042,353	46,951	-	6,811	-	-	-	-	-	-	1,111,448
23 Rental payments to others	-	-	-	31,178	504	-	3	-	-	-	-	-	-	31,685
23 Communications utilities & misc charges	3,340	136	32	41,898	14,370	2,812	1,368	470	(455)	542	-	26	-	64,539
24 Printing and reproduction	125	10	1	7,276	66	-	-	88	(87)	52	-	200	-	7,730
25 Other services	26,671	6,232	1,608	456,007	479,509	1,844	596,247	3,963	(3,018)	1,207	272,600	1,660	-	1,844,530
26 Supplies and materials	2,948	117	29	9,391	1,735	1,118	1,089	257	(91)	922	-	40	-	17,554
91 Financial Transfers	-	-	-	589,698	-	-	-	1,696	-	270	-	-	-	591,664
Total contractual services and supplies	34,283	13,080	10,569	2,235,601	555,837	26,981	606,061	7,267	(3,920)	6,565	272,600	1,977	-	3,766,901
Acquisition of capital assets														
31 Equipment	7,872	793	183	45,027	21,744	-	30,100	1,388	(799)	396	-	2,140	-	108,844
32 Lands and Structures	1,802	-	-	-	-	-	56,418	-	-	-	-	-	-	58,220
42 Claims and Indemnities	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total acquisition of capital assets	9,674	793	183	45,027	21,744	-	86,518	1,388	(799)	396	-	2,140	-	167,064
Grants and fixed charges														
41 Grants, subsidies and contributions	-	-	-	-	186,457	-	-	-	-	-	-	-	-	186,457
42 Insurance claims and indemnities	-	-	-	-	12	-	-	-	-	-	-	-	-	12
43 Interest and dividends	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total grants and fixed charges	-	-	-	-	186,469	-	-	-	-	-	-	-	-	186,469
91 Undefined Disbursements ²	-	-	950	-	-	-	186	4,074	(2,729)	257	-	-	-	2,738
FY 2022 Total Obligations	128,972	36,434	22,227	6,263,635	1,321,368	51,657	705,704	247,407	(130,970)	30,315	272,600	20,390	-	8,969,740
Unobligated balance, start-of-year	(23,583)	-	-	(355,158)	(126,718)	(18,812)	(34,961)	-	-	(974)	-	-	-	(560,206)
Unobligated balance, end-of-year	19,272	454	90	352,180	124,306	1,326	49,713	-	-	1,047	-	174	-	548,562
Fee Availability	-	-	-	(162,402)	-	-	-	-	-	-	-	-	-	(162,402)
Other Adjustments to Budgetary Resources	-	-	1	(15,728)	(8,181)	(235)	(15,656)	(17,892)	-	(503)	-	-	-	(58,194)
Transfers to other accounts	-	633	-	(32,400)	32,400	-	-	-	-	-	-	-	-	633
Anticipated financial plan savings	-	-	-	-	-	(1,333)	-	-	-	-	-	-	-	(1,333)
Vaccine Injury Compensation Trust Fund	-	-	-	(9,850)	-	-	-	-	-	-	-	-	9,850	-
Emergency Supplemental ³	(9,100)	-	-	-	-	-	-	-	-	-	-	-	-	(9,100)
Reimbursable Program ¹	-	-	-	-	-	-	-	(130,970)	130,970	-	-	-	-	-
FY 2022 Appropriation, Enacted	115,561	37,521	22,317	6,040,277	1,343,175	32,603	704,800	98,545	-	29,885	272,600	20,564	9,850	8,727,698
FY 2022 Supplemental, Enacted³	9,100	-	-	-	-	-	-	-	-	-	-	-	-	9,100
Total Appropriation	124,661	37,521	22,317	6,040,277	1,343,175	32,603	704,800	98,545	-	29,885	272,600	20,564	9,850	8,736,798

¹ More information on AO reimbursable program obligations is included in section 8

² Deposited into the JITF fund

THE JUDICIARY
COMPARATIVE SUMMARY OF OBLIGATIONS BY OBJECT CLASSIFICATION (\$000)

Object Classification	Administrative Office													
	Supreme Court	Ct of Appeals Federal Cir	Ct of Intnl Trade	Salaries and Expenses	Defender Services	Fees of Jurors	Court Security	Direct Program ¹	Reimbursable Program ¹	Federal Judicial Ctr	Judicial Retirement Funds	Sentencing Commission	Vaccine Injury Trust Fund	Total Judiciary
Personnel Services and benefits														
11 Personnel compensation	63,666	18,919	9,654	3,182,992	458,850	27,565	12,085	212,954	(116,658)	18,387	-	12,747	-	3,901,161
12 Personnel benefits	25,267	5,030	2,499	1,138,786	165,098	-	-	62,556	(41,997)	6,335	-	4,266	-	1,367,840
13 Benefits for former personnel	6	212	-	8,846	715	-	3,420	23	(7)	-	-	-	-	13,215
Total personnel services and benefits	88,939	24,161	12,153	4,330,624	624,663	27,565	15,505	275,533	(158,662)	24,722	-	17,013	-	5,282,216
Contractual services and supplies														
21 Travel	1,450	158	117	53,302	15,963	23,237	1,817	1,370	(343)	5,328	-	312	-	102,712
22 Transportation of things	94	44	22	7,087	421	-	55	144	(115)	66	-	5	-	7,823
23 Rental payments to GSA	-	6,765	8,901	1,115,880	51,643	-	9,427	-	-	-	-	-	-	1,192,616
23 Rental payments to others	-	-	-	34,199	1,177	-	-	-	-	-	-	-	-	35,376
23 Communications utilities & misc charges	3,701	339	35	47,755	22,681	3,584	1,398	604	(567)	638	-	25	-	80,193
24 Printing and reproduction	458	5	5	7,889	127	-	-	160	(155)	56	-	166	-	8,710
25 Other services	44,321	7,694	1,940	640,292	550,098	2,897	658,110	4,881	(3,710)	2,576	251,800	2,389	-	2,163,288
26 Supplies and materials	3,215	181	50	18,587	2,149	2,282	468	1,478	(487)	789	-	174	-	28,886
91 Financial Transfers	-	-	-	613,729	-	-	-	4,465	-	-	-	-	-	618,194
Total contractual services and supplies	53,240	15,186	11,070	2,538,719	644,259	32,000	671,275	13,102	(5,377)	9,453	251,800	3,071	-	4,237,798
Acquisition of capital assets														
31 Equipment	11,434	744	200	59,665	30,808	-	33,027	1,701	(978)	395	-	1,557	-	138,553
32 Lands and Structures	1,800	-	-	-	-	-	102,376	-	-	-	-	-	-	104,176
Total acquisition of capital assets	13,234	744	200	59,665	30,808	-	135,403	1,701	(978)	395	-	1,557	-	242,729
Grants and fixed charges														
41 Grants, subsidies and contributions	-	-	-	-	207,256	-	-	-	-	-	-	-	-	207,256
42 Insurance claims and indemnities	-	-	-	-	-	-	52	-	-	-	-	-	-	52
43 Interest and dividends	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total grants and fixed charges	-	-	-	-	207,256	-	52	-	-	-	-	-	-	207,308
91 Undefined Disbursements ²	-	1,053	1,205	-	-	-	-	-	-	-	-	1,669	-	3,927
FY 2023 Total Assumed Obligations	155,413	41,144	24,628	6,929,008	1,506,986	59,565	822,235	290,336	(165,017)	34,570	251,800	23,310	-	9,973,978
Unobligated balance, start-of-year	(19,079)	(2,473)	(1,371)	(374,591)	(124,306)	(1,326)	(34,572)	-	-	(987)	-	(1,669)	-	(560,374)
Unobligated balance, end-of-year	5,359	1,473	200	150,000	40,000	1,000	15,000	-	-	987	-	-	-	214,019
Fee Availability	-	-	-	(138,236)	-	-	-	-	-	-	-	-	-	(138,236)
Transfers	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Adjustments to Budgetary Resources	-	(53)	(34)	(150,000)	(40,000)	(1,000)	(15,000)	(22,646)	-	(309)	-	-	-	(229,042)
Vaccine Injury Compensation Trust Fund	-	-	-	(9,975)	-	-	-	-	-	-	-	-	9,975	-
Reimbursable Program ¹	-	-	-	-	-	-	-	(165,017)	165,017	-	-	-	-	-
Emergency Supplemental, start-of-year ³	-	-	-	-	-	-	(112,500)	-	-	-	-	-	-	(112,500)
Emergency Supplemental, end-of-year ³	-	-	-	-	-	-	75,000	-	-	-	-	-	-	75,000
FY 2023 Appropriation, Enacted	141,693	40,091	23,423	6,406,206	1,382,680	58,239	750,163	102,673	-	34,261	251,800	21,641	9,975	9,222,845
FY 2023 Emergency Supplemental, Enacted³	-	-	-	-	-	-	112,500	-	-	-	-	-	-	112,500
Total Appropriation	141,693	40,091	23,423	6,406,206	1,382,680	58,239	862,663	102,673	-	34,261	251,800	21,641	9,975	9,335,345

¹ More information on AO reimbursable program obligations is included in section 8

² Deposited into the JITF fund

THE JUDICIARY
COMPARATIVE SUMMARY OF OBLIGATIONS BY OBJECT CLASSIFICATION (\$000)

Fiscal Year 2024

Object Classification	Administrative Office								Federal Judicial Ctr	Judicial Retirement Funds	Sentencing Commission	Vaccine Injury Trust Fund	Total Judiciary	
	Supreme Court	Ct of Appeals Federal Cir	Ct of Intn'l Trade	Salaries and Expenses	Defender Services	Fees of Jurors	Court Security	Direct Program ¹						Reimbursable Program ¹
Personnel Services and benefits														
11 Personnel compensation	67,928	20,116	10,341	3,392,519	488,741	29,320	15,987	238,398	(131,777)	19,888	-	13,598	-	4,165,059
12 Personnel benefits	28,309	5,337	2,679	1,248,196	172,377	-	-	66,349	(47,249)	6,447	-	4,665	-	1,487,111
13 Benefits for former personnel	6	225	-	8,857	728	-	4,801	23	(8)	-	-	-	-	14,632
Total personnel services and benefits	96,244	25,678	13,020	4,649,572	661,846	29,320	20,788	304,770	(179,034)	26,335	-	18,263	-	5,666,802
Contractual services and supplies														
21 Travel	2,075	162	119	56,095	16,813	25,625	1,872	1,406	(352)	5,461	-	330	-	109,606
22 Transportation of things	100	45	23	7,222	430	-	57	148	(120)	68	-	5	-	7,978
23 Rental payments to GSA	-	8,213	9,168	1,159,033	53,437	-	9,710	-	-	-	-	-	-	1,239,561
23 Rental payments to others	-	-	-	44,907	1,200	-	-	-	-	-	-	-	-	46,107
23 Communications utilities & misc charges	3,852	347	36	48,407	15,399	2,965	1,441	620	(589)	653	-	26	-	73,157
24 Printing and reproduction	472	5	5	8,407	136	-	-	164	(162)	57	-	176	-	9,259
25 Other services	32,957	7,879	2,130	523,171	568,708	1,520	675,345	5,007	(3,805)	1,576	251,900	2,523	-	2,068,911
26 Supplies and materials	3,382	123	77	18,850	2,192	1,472	482	1,516	(500)	808	-	183	-	28,586
91 Financial Transfers	-	-	-	661,221	-	-	-	-	-	-	-	-	-	661,221
Total contractual services and supplies	42,838	16,774	11,558	2,527,314	658,315	31,582	688,906	8,861	(5,528)	8,623	251,900	3,243	-	4,244,385
Acquisition of capital assets														
31 Equipment	10,819	762	209	60,024	35,827	-	30,787	1,745	(977)	404	-	1,644	-	141,243
32 Lands and Structures	1,800	-	-	-	-	-	95,431	-	-	-	-	-	-	97,231
Total acquisition of capital assets	12,619	762	209	60,024	35,827	-	126,218	1,745	(977)	404	-	1,644	-	238,474
Grants and fixed charges														
41 Grants, subsidies and contributions	-	-	-	-	217,027	-	-	-	-	-	-	-	-	217,027
42 Insurance claims and indemnities	-	-	-	-	-	-	54	-	-	-	-	-	-	54
43 Interest and dividends	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total grants and fixed charges	-	-	-	-	217,027	-	54	-	-	-	-	-	-	217,081
91 Undefined Disbursements ²	-	-	-	-	-	-	-	-	-	-	-	-	-	-
FY 2024 Total Obligations	151,700	43,214	24,787	7,236,909	1,573,015	60,902	835,965	315,376	(185,539)	35,362	251,900	23,150	-	10,366,742
Unobligated balance, start-of-year	(5,360)	-	-	(150,000)	(40,000)	(1,000)	(15,000)	-	-	-	-	-	-	(211,360)
Unobligated balance, end-of-year	4,484	-	-	-	-	-	15,000	-	-	-	-	-	-	19,484
Fee Availability	-	-	-	(170,393)	-	-	-	-	-	(280)	-	-	-	(170,673)
Other Adjustments to Budgetary Resources	-	-	-	-	-	-	(15,000)	(16,863)	-	-	-	-	-	(31,863)
Vaccine Injury Compensation Trust Fund	-	-	-	(10,869)	-	-	-	-	-	-	-	-	10,869	-
Reimbursable Program ¹	-	-	-	-	-	-	-	(185,539)	185,539	-	-	-	-	-
Emergency Supplemental, start-of-year	-	-	-	-	-	-	(75,000)	-	-	-	-	-	-	(75,000)
Emergency Supplemental, end-of-year	-	-	-	-	-	-	37,500	-	-	-	-	-	-	37,500
FY 2024 Appropriation, Available	150,824	43,214	24,787	6,905,647	1,533,016	59,902	783,465	112,974	-	35,082	251,900	23,150	10,869	9,934,829

¹ More information on AO reimbursable program obligations is included in section 8

² Deposited into the JITF fund

THE JUDICIARY

Outlays - FY 2022 to FY 2024

Appropriation	FY 2022	FY 2023	FY 2024
Supreme Court			
Discretionary	106,609	114,436	126,811
Mandatory	2,789	2,896	3,073
Total, Salaries and Expenses	109,398	117,332	129,884
Buildings and Grounds	25,333	30,499	22,564
Court of Appeals for the Federal Circuit			
Discretionary	26,796	35,024	36,336
Mandatory	3,241	3,356	3,532
Total, Court of Appeals for the Federal Circuit	30,037	38,380	39,868
Court of International Trade			
Discretionary	19,916	17,637	18,565
Mandatory	1,717	2,163	2,383
Total, Court of International Trade	21,633	19,800	20,948
<i>Courts of Appeals, District Courts, and Other Judicial Services:</i>			
Salaries and Expenses - Discretionary	5,719,355	6,157,191	6,565,848
Salaries and Expenses - Mandatory	460,225	501,151	535,256
Total, Salaries and Expenses	6,179,580	6,658,342	7,101,104
Defender Services	1,316,821	1,494,064	1,573,953
Fees of Jurors & Commissioners	50,322	58,195	59,882
Court Security	660,760	723,966	769,939
Total, Courts of Appeals, District Courts, and Other Judicial Services	8,207,483	8,934,567	9,504,877
Administrative Office of the United States Courts	98,552	106,463	116,399
Federal Judicial Center	27,707	34,272	35,026
Judicial Retirement Funds (Mandatory)	272,600	251,800	251,900
Sentencing Commission	21,197	20,810	22,228
Subtotal, Discretionary	8,073,367	8,792,557	9,347,551
Subtotal, Mandatory	740,572	761,366	796,144
Total	8,813,939	9,553,923	10,143,695



Alexandra Robert Gordon has been a judge on the San Francisco Superior Court since 2018. Prior to her appointment, she served for nearly a decade as a Deputy Attorney General in the California Department of Justice. As a member of the Government Law Section, she represented California's constitutional officers in state and federal trial and appellate courts. Judge Gordon handled many high-profile cases from the trial court to the United States Supreme Court. She received a California Lawyer of the Year Award in 2014 for her work defending the constitutionality of a law that prohibits mental health professionals from engaging in treatments intended to change the sexual orientation of a minor.

Before joining the Attorney General's Office, Judge Gordon was a supervisor and staff attorney at the Ninth Circuit Court of Appeals and a litigation associate at a commercial law firm. She began her legal career as a law clerk to the Honorable Robert W. Sweet in the Southern District of New York.

Since her appointment to the Superior Court, Judge Gordon has presided over the felony arraignment calendar, preliminary hearings, and criminal domestic violence court. She currently presides over felony trials.

Judge Gordon is a Lecturer at Berkeley Law School, where she teaches Appellate Advocacy. She is a graduate of Brown University, the University of Oxford, and Harvard Law School.



LAUREL D. BEELER

United States Magistrate Judge Laurel Beeler was appointed in 2010 to the Northern District of California. She has presided as a trial and settlement judge over hundreds of civil cases, including intellectual-property, employment, civil-rights, and commercial disputes.

Before joining the court, Judge Beeler was an Assistant U.S. Attorney in the Northern District, prosecuting complex white-collar cases with parallel civil components. She was the Office's Professional Responsibility Officer and Deputy Chief of the Criminal Division. She was a law clerk to the Honorable Cecil F. Poole, United States Court of Appeals for the Ninth Circuit. She trained as a mediator with the Northern District's ADR Program, the Federal Judicial Center, and Harvard Law School.

Judge Beeler is a member of the Ninth Circuit Conference Executive Committee. She is one of four judges on the U.S. Department of Justice/Office of Defender Services Joint Electronic Technology Working Group. She chairs the Northern District's Criminal Practice Committee, implemented the court's reentry and diversion courts, and, with United States District Judge Haywood S. Gilliam, Jr., implemented and facilitates the court's Racial Justice Working Group.

Judge Beeler was President of the Federal Bar Association for the Northern District, co-chair of the Lawyer Representatives to the Ninth Circuit, a board member of the Bar Association of San Francisco (BASF), and a member of the Ninth Circuit's Jury Trial Improvement Committee. She is a member of BASF's Criminal Justice Task Force and the Executive Committee of the Edward J. McFetridge American Inn of Court. Judge Beeler was named one of *The Recorder's* "2012 Women Leaders in Law" and received the Northern District Judicial Conference's Public Service Award, BASF's Barristers Choice Award, the Federal Bar Association's Inaugural Chapter Achievement award, and the San Francisco Trial Lawyers Association's 2018 Federal Judge of the Year award.

Judge Beeler taught Civil Trial Practice at U.C. Berkeley School of Law and Criminal Procedure at U.C. Hastings College of the Law. She has led rule-of-law projects in Indonesia, Vietnam, Cambodia, the Philippines, Jordan, Ukraine, Turkey, Thailand, and the Philippines.

Judge Beeler graduated with honors from the University of Washington School of Law, where she was Order of the Coif and an Articles Editor on the Washington Law Review. She received her A.B. with honors from Bowdoin College.