

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



**FROM:** Supervisor Ashley

**SUBMITTAL DATE:** October 19, 2005

**SUBJECT:** Reconfirm Support for Senate Bill 56 (Dunn) as amended – Funding for New Judgeships

**RECOMMENDED MOTION:** That the Board:

- 1) Support SB 56 (Dunn) as amended for funding new judgeships; and
- 2) Request the Governor to allocate funding for new judgeships in the state FY 2006/07 budget; and
- 3) Direct the Executive Office and the Board's Sacramento representatives to further the Board's positions.

**BACKGROUND:** On May 24, 2005 the Board supported SB 56, introduced by Senator Joseph Dunn, which authorizes new judges to be appointed by the Governor. Riverside County, as well as most other counties, has a critical need for more trial court judges. SB 56, which will be reconsidered when the legislature reconvenes in January, is languishing in the Assembly Appropriations suspense file because the state budget does not contain an appropriation to fund these new judgeships.

As of today, Riverside County has 49 judges and 20 judicial commissioners. Since 1989, only three judges have been added to the Superior Court for Riverside County, while the county population has increased 55%. Additionally, felony filings have increased 40% since 1999. It is imperative that funding be provided to support the additional judgeships authorized by SB 56. Only by adding and funding new judges will the court system be able to administer justice in a responsive fashion.

On today's agenda is a report from the Executive Office on costs associated with adding judicial positions. Attached is a letter on this issue to the Governor from Assemblymembers Benoit, Bogh, Emmerson, Garcia and Haynes; and Senators Dutton and Hollingsworth.

Attachment

  
Marion Ashley, Fifth District Supervisor

STATE CAPITOL  
P.O. BOX 942849  
SACRAMENTO, CA 94249-0064  
(916) 819-2064  
FAX (916) 319-2164

DISTRICT OFFICES  
1223 UNIVERSITY AVE., SUITE 230  
RIVERSIDE, CA 92507  
(951) 369-6644  
FAX (951) 369-0386

73-710 FRED WARING DR., SUITE 108  
PALM DESERT, CA 92260-2510  
(760) 674-0184  
FAX (760) 674-0184  
[www.assembly.ca.gov/benoit](http://www.assembly.ca.gov/benoit)

# Assembly California Legislature



**JOHN J. BENOIT**  
ASSEMBLYMAN, SIXTY-FOURTH DISTRICT

#### COMMITTEES

- INSURANCE (VICE CHAIR)
- BUDGET
- RULES

#### SELECT COMMITTEE

- WINE

# COPY

September 19, 2005

Office of Governor Arnold Schwarzenegger  
State Capitol Building  
Sacramento, CA 95814

## **RE: Budget Appropriation for Senate Bill 56 (Dunn)—Funding for Judgeships**

Dear Governor Schwarzenegger:

My undersigned colleagues and I write to strongly encourage you to appropriate funding in your 2006-07 budget to cover the costs of Senate Bill 56 (Dunn), which would authorize 150 additional Superior Court judgeships to be phased in over the next three years. Currently, the bill is being held on the Assembly Appropriations suspense file because the budget does not contain an appropriation to cover the costs of this desperately needed measure.

We understand that a study conducted by the National Center for State Courts concluded that there is a need for approximately 350 judges in California. The same study concluded that, based on 2004 filing information, Riverside should have 127 judicial officers. Currently, the County has 69. While we realize that the state cannot afford to finance 350 new judgeships, the need for additional judges is great and it is imperative that we begin to fill the gap.

As a former CHP Commander and law enforcement professional, I am most concerned with public safety. I speak from experience when I say that arrests without available courtrooms mean a continually growing backlog of criminal cases which leads to bad plea bargains or outright case dismissals. While this problem has statewide implications, the impact has been far worse in high growth areas such as the Inland Empire. Riverside County is a good example of how rapid growth has hindered the court system's ability to keep pace with the criminal caseload. This has been greatly exacerbated by a shortage of judges.

Due to years without an increase in the number of judges, courts in Riverside County struggle daily to avoid freeing recently arrested felons, simply because there are insufficient courtrooms in which to arraign them or judges to hear the cases. Criminal cases have a priority over civil cases because criminal defendants have a constitutional right to a speedy trial. Heavy caseloads force liberal plea bargains that favor the criminal and disadvantage the public because if these cases are not heard within a specified time they are dismissed. As a result, court administrators have chosen to focus more resources on the criminal caseload, thereby creating a backlog of civil cases. Civil justice suffers from being the last priority and justice delayed is justice denied. Currently, civil cases in Riverside County wait several years to be heard in a courtroom. In the past several years, the County has had to suspend its civil caseload to focus solely on criminal cases.

Governor Arnold Schwarzenegger

Page 2

September 19, 2005

Currently, there are 49 judges (and one of these positions is currently vacant) and 20 subordinate judicial officers in Riverside County. Since 1989, only *three judges* have been added to the bench while the *population of the county has increased by 55%* (from 1990 to 2004). Felony filings have increased by approximately 40% over the past six years:

1999	12,425
2000	13,706
2001	14,730
2002	16,113
2003	17,381
2004	17,420
2005	17,996 (projected)


On top of the 17,420 felony filings in 2004, there were an additional 64,584 misdemeanor filings! Given these high numbers, it is apparent that court funding should be given top priority.

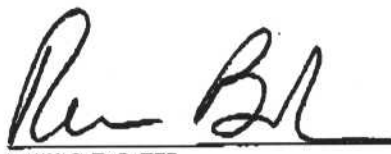
While we fully understand that the continuing state budget crisis has delayed the hiring of new judges, we feel it is absolutely imperative that adequate funding be given to the court system in order to reverse the delay of justice created by understaffed courtrooms. Allocating funds in the 2006-07 budget to cover the provisions of Senate Bill 56 will allow the measure to move forward in an expeditious manner, thereby allowing at least 50 new judges to begin work in June 2006.


My colleagues and I, together with the Judicial Council, hope you will consider these vital issues when you begin work on the 2006-07 budget. It is crucial that funding of new judgeships be added to your impending budget. Only by adding more judges will California's court system be able to administer justice in a more timely and judicious manner.

We sincerely appreciate your consideration of this critical component of California's public safety effort. Please do not hesitate to call upon any of us if we may assist you in addressing this important issue.

Sincerely,

  
JOHN J. BENOIT  
Assemblymember, 64<sup>th</sup> District

  
RUSS BOGH  
Assemblymember, 65<sup>th</sup> District

  
BONNIE GARCIA  
Assemblymember, 80<sup>th</sup> District

Governor Arnold Schwarzenegger  
Page 3  
September 19, 2005



DENNIS HOLLINGSWORTH  
Senator, 36<sup>th</sup> District



BOB DUTTON  
Senator, 31<sup>st</sup> District



RAY HAYNES  
Assemblymember, 66<sup>th</sup> District



BILL EMMERSON  
Assemblymember, 63<sup>rd</sup> District

cc: William C. Vickrey, Administrative Director of the Courts, Judicial Council of California  
Michael Genest, Acting Director, Department of Finance  
Peter Siggins, Chief of Staff, Office of the Governor  
Senator Joseph Dunn, Chair, Senate Judiciary Committee

JJB:tv