

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
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Report

TO: Members of the Judicial Council

FROM: Administrative Office of the Courts
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DATE: November 25, 2009

SUBJECT: Interim Report on Court Executive Officer Compensation Study
(Information Only)

Issue Statement

On April 23, 2009, in response to a special audit of the Superior Court of Placer County, the council directed the Administrative Office of the Courts (AOC) to “conduct an analysis of executive management compensation in the California trial courts and present recommendations on fiscal procedures or rules of court that will ensure appropriate fiscal accountability.” This report summarizes the AOC’s progress to date in responding to that directive, provides some recommendations on court executive officer (CEO) compensation in the trial courts, and provides information about the timeline for presenting final recommendations to the council to ensure appropriate fiscal accountability in this area. A final report is expected to be presented to the council in April 2010.

Background

To address the council’s directive, the AOC gathered and reviewed information from the trial courts regarding CEO compensation, drafted a sample personnel policy on CEO compensation, and drafted proposed amendments to the California Rules of Court, which are currently out for public comment. This effort has focused more on the process of how courts set and modify CEO compensation than on the specific compensation levels of the CEOs. Trial courts, by statute, are independent employers responsible for establishing appropriate salary levels for each of their employee classifications, including the CEO. (Gov. Code, §§ 71620, 71623(a).)

To review the information gathered and provide an opportunity for feedback from the perspective of presiding judges and court executive officers, a working group consisting of members from the Trial Court Presiding Judges and Court Executives Advisory Committees was formed and chaired by Jody Patel, Regional Administrative Director of the Northern/Central Regional Office. A roster of working group members is attached at pages 6–8.

The information was gathered as part of an effort to further three goals to be achieved in connection with the courts’ process of setting, reviewing, and modifying CEO compensation, namely, to ensure that:

1. Accountability and transparency (in setting, reviewing, and modifying CEO compensation) exist;
2. No conflict of interest exists when setting or modifying court executive officer compensation; and
3. Adequate policies and procedures are in place with respect to setting and modifying CEO compensation.

Methodology for Compensation Surveys

An initial survey to gather information regarding the total salary and benefits of CEOs was sent to presiding judges (PJs) and CEOs in July 2009 (results are included in Attachment A). To better understand the process by which changes are made to CEO compensation packages, a follow-up survey focusing on internal controls and processes was sent to PJs and CEOs in August 2009 (see Attachment B, referred to as “process” information or survey in this report). All 58 trial courts participated in both surveys.

To ensure that each court’s interpretation of the information requested in both surveys and the AOC’s interpretation of the data provided by the courts were consistent and accurate, the AOC followed up directly with the courts to validate the information received. The data spreadsheets were provided to PJs and CEOs in November for final verification.

To provide comparative data and to specifically respond to requests from the trial courts, two additional categories of information were gathered. Attachment C provides data regarding the compensation of county administrative officers (CAOs)¹ and Attachment D includes compensation data for the AOC Administrative Director of the Courts. The

¹ Before the Trial Court Funding Act and Senate Bill 2140, many counties considered CEOs to have duties comparable to those of county department heads. We have provided CAO data, however, in recognition of the changes to the duties of the CEOs after the act was passed and because the information is more readily available than county department head information. We have not analyzed whether the CEO position is comparable to the CAO position. That analysis may vary from county to county; however, we note that many of the administrative responsibilities are generally similar to those of the CAO.

CAO data, effective January 1, 2009, was obtained from the Public Pay Institute and includes information for 15 small, medium, and large counties across the state.

Survey Findings

Based on the review of the process information, the AOC's and the working group's conclusion is that most trial courts have appropriate, formal internal controls in place for approving and documenting changes to CEO compensation.

The process survey had two components. The first focused on whether a court had a formalized process in place for reviewing CEO compensation. The second focused on whether CEO compensation changes were automatic. Below are some overall findings.

Process for reviewing CEO compensation

Forty-five trial courts reported that they have a process in place for reviewing and authorizing the total compensation of their CEOs, including a periodic review and authorization of total compensation changes by the PJ, at a minimum. Examples of the types of review processes include:

- An annual review of CEO compensation, with any changes approved by the PJ and formally documented in writing (19 courts); and
- Periodic review with an unspecified timeline, with any changes formally documented in writing (26 courts).

The remaining 13 trial courts reported that they have no formal review process for CEO compensation. However, for most of those courts, CEO compensation is directly tied to some form of salary increase (e.g., judges' increase or labor contract).

Process for automatic increase to CEO compensation

The courts were also surveyed regarding automatically linking CEO compensation to other salary changes. Thirty courts reported that CEO compensation is not automatically linked to other salary changes (e.g., judges' increase or labor contracts). The remaining 28 courts reported that a salary increase is automatically linked to other salary changes. All courts indicated that these compensation changes are formally documented in writing.

In addition to the process information noted above, the following observations provide more background for understanding the information gathered from this study and the unique nature of the CEO position:

- The annual total compensation (salary plus benefits) for a full-time equivalent CEO ranges from \$100,326² to \$296,368. This range represents the annual compensation for the incumbent in the position rather than for the classification or position of court

² The lowest salary reported was based on a 0.7 full-time equivalent (FTE) CEO. In that court, the CEO is classified as a part-time (0.3) subordinate judicial officer. This CEO's salary was not included because of the part-time nature of the position.

executive officer. Thus, factors such as length of service, benefit plan options, and age at entry into the retirement systems cause significant variations in total compensation (e.g., CEOs in neighboring courts of relatively similar size may have different compensation packages based on how long the CEOs have served in their positions and which retirement plans were available to them when originally hired).

- Since the state assumed responsibility for funding the trial courts, executive positions in the judicial branch, such as CEOs, have become responsible for many areas that were formerly the responsibility of county departments, including:
 - Court budgets;
 - Personnel and labor relations;
 - Court security; and
 - Consulting on facility management, operations, and maintenance.
- The scope of responsibilities and required skills of CEOs have become more complex because of the implications of major legislative initiatives and constitutional reform in the judicial branch, beginning in 1997, such as:
 - Lockyer-Isenberg Trial Court Funding Act of 1997 (Assem. Bill 233; Stats. 1997, ch. 850);
 - Trial court unification (as provided for by Proposition 220 in 1998);
 - Trial Court Employment Protection and Governance Act (Sen. Bill 2140, Stats. 2000, ch. 1010), effective January 1, 2001;
 - Trial Court Facilities Act of 2002 (Sen. Bill 1732; Stats. 2002, ch. 1082), effective January 1, 2003, and;
 - Superior Court Law Enforcement Act of 2002 (Sen. Bill 1396; Stats. 2002, ch. 1010), effective January 1, 2003.
- The ability of trial courts to recruit qualified candidates for this unique position is a significant factor that cannot be overlooked when reviewing the data.

The survey results show that there are no reported comparable findings similar to those noted in the Superior Court of Placer County audit. Although most courts have a formal process for reviewing and authorizing the total compensation for their CEOs, which includes authorization of changes by the PJ, the AOC, in consultation with the working group, concluded that it would be appropriate to set forth in a rule of court a requirement that all trial courts have a written, formal process for setting and changing CEO compensation and that the initial compensation and any changes to this compensation be approved in writing by the PJ. This type of requirement is particularly important with the change in presiding judges that occurs every two years in most courts.

Recommendations and Next Steps

The findings have led the AOC, with the working group's concurrence, to recommend the following:

- A modification to California Rules of Court, rule 10.603 (Authority and duties of presiding judge). The draft rule of court (Attachment E) is currently posted for public comment, and is expected to be presented to the council at its meeting in April 2010.
- Development of a model personnel policy (Attachment F) that courts can use in whole or in part with their current processes when setting, reviewing, and modifying CEO salaries and benefits.
- To avoid the appearance of a conflict of interest, trial courts may want to consider *not* linking CEO salaries to wage increases reached in labor negotiations because CEOs are involved in giving direction to the court bargaining teams and approving the agreements reached. This recommendation has been forwarded to the Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee PJ/CEO Rules and Roles Analysis Working Group to be considered for incorporation with its proposed changes to California Rules of Court, rule 10.610 (Duties of court executive officer). The AOC will also develop a model personnel policy that incorporates this recommendation.

The AOC will present a final report to the Judicial Council in April 2010. The report will include a model personnel policy that courts can use to avoid the appearance of a conflict of interest related to linking CEO salaries to wage increases reached in labor negotiations as well as recommended modifications to California Rules of Court, rule 10.603 (Authority and duties of presiding judge).

Attachments

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**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION
EFFECTIVE AS OF JULY 1, 2009**

11/13/09

| Superior Court | Total Authorized Judgeships | Total Subordinate Judicial Officers | Number of Positions / FTEs | Annual Base Salary | Total Benefits Cost | Total Annual Compensation | Total Number Days of Compensable Time Off |
|--------------------------------|------------------------------------|--------------------------------------------|-----------------------------------|---------------------------|----------------------------|----------------------------------|--------------------------------------------------|
| Alameda | 69 | 16 | 814 | \$197,954 | \$20,482 | \$218,435 | 27 |
| Alpine | 2 | 0.3 | 5 | \$97,706 | \$25,471 | \$123,177 | 20 |
| Amador¹ | 2 | 0.3 | 36 | \$78,260 | \$15,690 | \$93,950 | 38* |
| Butte² | 12 | 2 | 132 | \$162,698 | \$29,992 | \$192,690 | 25 |
| Calaveras | 2 | 0.3 | 30 | \$119,558 | \$18,392 | \$137,950 | 32* |
| Colusa | 2 | 0.3 | 14 | \$108,000 | \$2,909 | \$110,909 | 13 |
| Contra Costa | 38 | 9 | 428 | \$229,338 | \$37,981 | \$267,319 | 46 |
| Del Norte | 3 | 0.8 | 31.25 | \$120,521 | \$27,887 | \$148,408 | 38 |
| El Dorado | 7 | 2 | 97.5 | \$135,241 | \$26,102 | \$161,343 | 36 |
| Fresno | 45 | 8 | 553 | \$179,738 | \$12,361 | \$192,099 | 39* |
| Glenn | 2 | 0.3 | 24 | \$119,633 | \$22,864 | \$142,497 | 27 |
| Humboldt | 7 | 1 | 93 | \$130,000 | \$7,426 | \$137,426 | 20 |
| Imperial | 9 | 2.4 | 138 | \$125,008 | \$46,715 | \$171,723 | 30 |
| Inyo | 2 | 0.3 | 21.48 | \$139,869 | \$15,316 | \$155,185 | 30 |
| Kern | 39 | 7 | 507 | \$159,113 | \$28,122 | \$187,235 | 27 |
| Kings | 8 | 1.5 | 94 | \$151,970 | \$25,526 | \$177,496 | 35* |
| Lake³ | 4 | 0.8 | 43 | \$144,734 | \$26,837 | \$171,571 | 23.5 |
| Lassen | 2 | 0.3 | 38 | \$137,399 | \$24,552 | \$161,951 | 33 |
| Los Angeles⁴ | 441 | 145.3 | 5,540 | \$220,980 | \$75,388 | \$296,368 | 0 |
| Madera | 10 | 0.3 | 110.5 | \$151,971 | \$10,267 | \$162,238 | 30 |
| Marin | 10 | 4.5 | 171 | \$193,981 | \$25,169 | \$219,150 | 27 |
| Mariposa | 2 | 0.3 | 14.6 | \$82,734 | \$20,135 | \$102,869 | 26 |
| Mendocino | 8 | 0.4 | 76 | \$151,971 | \$33,367 | \$185,338 | 23 |
| Merced | 11 | 3 | 158.3 | \$151,970 | \$11,115 | \$163,085 | 28 |
| Modoc | 2 | 0.3 | 13 | \$85,767 | \$14,559 | \$100,326 | 25 |

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION
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11/13/09

| Superior Court | Total Authorized Judgeships | Total Subordinate Judicial Officers | Number of Positions / FTEs | Annual Base Salary | Total Benefits Cost | Total Annual Compensation | Total Number Days of Compensable Time Off |
|-----------------------------------|------------------------------------|--------------------------------------------|-----------------------------------|---------------------------|----------------------------|----------------------------------|--------------------------------------------------|
| Mono⁵ | 2 | 0.3 | 17.33 | \$99,996 | \$14,996 | \$114,992 | 23 |
| Monterey | 20 | 2 | 229 | \$162,240 | \$24,789 | \$187,029 | 38* |
| Napa | 6 | 2 | 87 | \$181,896 | \$37,795 | \$219,691 | 25.6 |
| Nevada | 6 | 1.6 | 72 | \$151,970 | \$22,447 | \$174,417 | 39* |
| Orange | 114 | 31 | 1,690 | \$217,214 | \$42,753 | \$259,967 | 20 |
| Placer | 12 | 4.5 | 186.5 | \$165,000 | \$25,190 | \$190,190 | 30* |
| Plumas | 2 | 0.3 | 16 | \$113,925 | \$9,465 | \$123,390 | 19 |
| Riverside | 65 | 18 | 1,205 | \$200,774 | \$32,408 | \$233,182 | 39* |
| Sacramento | 66 | 12.5 | 864 | \$182,986 | \$10,318 | \$193,304 | 33 |
| San Benito | 2 | 0.5 | 32.5 | \$127,921 | \$16,152 | \$144,073 | 25 |
| San Bernardino⁶ | 78 | 13 | 1,000 | \$204,752 | \$65,114 | \$269,866 | 32 |
| San Diego | 130 | 24 | 1,709 | \$223,953 | \$41,009 | \$264,962 | 17 |
| San Francisco | 51 | 14 | 585 | \$216,864 | \$15,062 | \$231,926 | 35 |
| San Joaquin | 32 | 4.5 | 348 | \$152,112 | \$52,868 | \$204,980 | 33 |
| San Luis Obispo | 12 | 3 | 158.75 | \$158,423 | \$45,926 | \$204,349 | 27 |
| San Mateo | 26 | 7 | 384 | \$198,720 | \$48,728 | \$247,448 | 35.425 |
| Santa Barbara | 19 | 5 | 291 | \$169,783 | \$13,117 | \$182,900 | 38 |
| Santa Clara | 79 | 10 | 889.5 | \$225,528 | \$53,229 | \$278,757 | 39* |
| Santa Cruz | 10 | 3.5 | 151 | \$185,000 | \$36,587 | \$221,587 | 34 |
| Shasta | 11 | 2 | 182.5 | \$128,763 | \$29,175 | \$157,938 | 27 |
| Sierra⁷ | 2 | 0.3 | 5 | \$101,370 | \$22,523 | \$123,893 | 0 |
| Siskiyou | 4 | 1 | 53 | \$144,900 | \$11,706 | \$156,606 | 28 |
| Solano | 21 | 3 | 265 | \$170,000 | \$31,220 | \$201,220 | 28 |
| Sonoma | 19 | 5 | 225 | \$180,262 | \$32,458 | \$212,720 | 29 |
| Stanislaus | 22 | 4 | 271 | \$158,004 | \$7,210 | \$165,214 | 38 |

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION
EFFECTIVE AS OF JULY 1, 2009**

11/13/09

| Superior Court | Total Authorized Judgeships | Total Subordinate Judicial Officers | Number of Positions / FTEs | Annual Base Salary | Total Benefits Cost | Total Annual Compensation | Total Number Days of Compensable Time Off |
|-----------------------|------------------------------------|--------------------------------------------|-----------------------------------|---------------------------|----------------------------|----------------------------------|--------------------------------------------------|
| Sutter | 5 | 0.3 | 74 | \$151,970 | \$29,926 | \$181,896 | 28 |
| Tehama | 4 | 0.3 | 42 | \$129,267 | \$21,441 | \$150,708 | 27.5 |
| Trinity | 2 | 0.3 | 18.05 | \$92,791 | \$12,331 | \$105,122 | 26 |
| Tulare | 20 | 5 | 265 | \$158,050 | \$54,627 | \$212,677 | 30 |
| Tuolumne | 4 | 0.8 | 47 | \$152,000 | \$32,252 | \$184,252 | 55* |
| Ventura | 29 | 4 | 413 | \$179,196 | \$40,463 | \$219,659 | 36* |
| Yolo | 11 | 2.4 | 121 | \$167,185 | \$43,444 | \$210,629 | 35* |
| Yuba | 5 | 0.3 | 56 | \$161,064 | \$10,660 | \$171,724 | 24 |

Please note that the information in the table above is incumbent-based data and not position-based data. The information reflects the actual total annual compensation of incumbents in the position of court executive officer as of July 1, 2009. Factors such as benefit plan options, length of service, and age at entry into retirement system can cause significant variations in total compensation.

Data Source

Data were collected from, and verified by the courts in the survey of court executive officer compensation and benefits conducted by the Administrative Office of the Courts, Human Resources Division, July 2009, unless otherwise indicated below.

Category Descriptions

Total Authorized Judgeships

Data are from *2009 Court Statistics Report* as of 6/30/2009. Fifty new judgeships authorized but not funded by Assembly Bill 159 (Stats. 2007, ch. 722), effective January 2008, are also included.

Total Subordinate Judicial Officers

Data are from *2009 Court Statistics Report* as of 6/30/2009. Subordinate judicial officers include commissioners, referees, and hearing officers.

Number of Positions / FTEs

Category shows the number of employee positions or FTEs (full-time equivalencies) other than subordinate judicial officers and includes vacant positions.

Annual Base Salary

Category shows total annual base salary, including management differentials (additional money provided for serving in leadership or managerial role) and longevity pay (any form of pay provided for length of service), if applicable.

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION
EFFECTIVE AS OF JULY 1, 2009**

11/13/09

| Superior Court | Total Authorized Judgeships | Total Subordinate Judicial Officers | Number of Positions / FTEs | Annual Base Salary | Total Benefits Cost | Total Annual Compensation | Total Number Days of Compensable Time Off |
|----------------|-----------------------------|-------------------------------------|----------------------------|--------------------|---------------------|---------------------------|-------------------------------------------|
|----------------|-----------------------------|-------------------------------------|----------------------------|--------------------|---------------------|---------------------------|-------------------------------------------|

Total Benefits Cost

Category shows total annual dollar amount of all benefits and includes the employer contribution to medical, dental, vision, life insurance, supplemental life insurance, short-term disability, long-term disability, accidental death and dismemberment, long-term care, defined contribution plans, deferred compensation plans, employee's share of retirement cost (when covered by employer), auto allowances, professional allowances, and any other cash allowances.

Category does not include social security, FICA, workers' compensation insurance, or the mandated employer portion of retirement.

Total Annual Compensation

Category shows total annual compensation, comprising annual base salary and total benefits cost.

Total Number Days of Compensable Time Off

Category shows total number of days of compensable time off and typically includes annual leave, vacation days, administrative days, management time off, and educational days. Does not include state holidays and sick leave where sick leave is accumulated separately. Annual leave, which includes both sick and vacation time is included. Please note that incumbents who opt for (or are only offered) annual leave as opposed to sick / vacation leave will have a higher number of days because annual leave encompasses both sick and vacation leave. An asterisk (*) indicates that the incumbent has either annual leave or other leave in which sick time is not accumulated separately.

¹ In Amador, the base salary and benefits reflect 0.7 FTE (full-time equivalency).

² In Butte, the court executive officer's salary is set at 91% of the salary for a superior court judge as is reflected in the base salary of \$162,698. In practice, there is a 7% retirement contribution and a \$6,000 auto allowance rolled into the base salary and the employee is responsible for all tax consequences. In the table above, those amounts are included in the total benefits cost to more clearly describe the total compensation.

³ In Lake, the court executive officer is reimbursed for FICA and social security. This amount is in addition to the mandatory employer contribution and is included in the total benefits cost.

⁴ In Los Angeles, under County Code sections 6.08.080 and 6.18.070, "Department Heads, including the court executive officer, do not earn accrued leave or compensable leave time. These employees are permitted reasonable time, typically 3 to 4 weeks, but cannot accumulate or be compensated for such time." The court executive officer has access to a court-owned vehicle in lieu of reimbursement for transportation. There is no cash car allowance.

⁵ In Mono, the effective date of the information is July 6, 2009, to reflect the information of a new court executive officer.

⁶ In San Bernardino, because the court executive officer has more than 30 years in retirement systems, there is no contribution to retirement. By practice inherited from the county, the contribution that would have been made is paid to the employee in cash. That amount of \$28,729, which reflects both the employee's and the employer's share, is included in the total benefits cost.

⁷ In Sierra, the court executive officer can take time off as needed, but no time is accumulated or paid separately in addition to salary.

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION PROCESS
EFFECTIVE AS OF SEPTEMBER 2009**

11/13/09

| WHAT IS THE PROCESS FOR A SALARY REVIEW? | | | | | | IS THE SALARY OR COMPENSATION CHANGE AUTOMATIC? | | | | | |
|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-------------------------------------------------------------|-----------------------|-------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------|
| Superior Court | How often is the compensation of the CEO reviewed? How is timeline determined? | Reviewers | Documentation/ forms used | Approvals | Additional resources used in the compensation process | Is the compensation change automatic? If no, do not continue. | If yes, what is it linked to: labor contract, judicial officer increase, unrepresented increase, or other? | Explanation | How is the automatic compensation increase documented? | Who signs off on the automatic compensation increase? | What forms are used to document the increase? |
| Alameda | Annual (employment anniversary) | PJ, exec. comm. of judges | Memo, meeting minutes | PJ, exec. comm. | Salary survey | No | — | — | — | — | — |
| Alpine | Never | | | | | No | — | — | — | — | — |
| Amador | No defined timeline | Both judges | Performance evaluation form | PJ | | Yes | Labor contract (MOU) and unrepresented | Automatic increase is linked to benefits only | PAF | PJ | |
| Butte | Linked to judge's salary | | | | | Yes | Judicial officer increase | 91% of judicial salary | PAF, judicial pay memo | PJ | PAF, transmittal memo from HR |
| Calaveras | PJ discretion | Bench (2 judges), PJ | Memo from CEO to PJ, general order | PJ | | No | — | — | — | — | — |
| Colusa | No review | | | | | Yes | Labor contract (MOU) | CEO and mgmt. team gets the same % increase as agreed to in MOU | PJ approves MOU | PJ | Memo or e-mail |
| Contra Costa | Annual | PJ, exec. comm. | Review prepared by CEO, memo | PJ, exec. comm. | | No | — | — | — | — | — |
| Del Norte | Linked to judicial officer's salary | | | | | Yes | Judicial officer increase | Same % as judicial salary increase | PAF | PJ | |
| El Dorado | Every 2 years or less. Determined by PJ, if NSI scheduled for represented staff the NSI is considered for unrepresented staff and the CEO | PJ, bench exec. comm., bench | Letter, memo | PJ, bench exec. comm. | Ratified by bench if there is a salary change | No | — | — | — | — | — |
| Fresno | Annual | PJ, exec. comm. | Performance evaluation form, PAN form for county processing | PJ | | No | — | — | — | — | — |
| Glenn | Annual, timing tied to labor contract negotiations | | Employment pay and action form | PJ | | No | — | — | — | — | — |
| Humboldt | Past process required an annual, full bench review. Process is currently being redesigned | | | | | No | — | — | — | — | — |
| Imperial | Linked to judicial officer's salary | | | | | Yes | Judicial officer increase | 90% of judicial salary | PAF, court order | PJ | |
| Inyo | No set review time. More formal review process will be developed | PJ, judges | County evaluation form, standing order | PJ | Filed in court case management system | Yes | Labor contract (MOU) | Unrepresented court employees are linked to COLA (NSI) increases per MOU | Standing order signed by PJ | PJ | Standing order |
| Kern | No review | | | | | Yes | Labor contract (MOU) | Upon completion of negotiations, a memo for increase for management and unrepresented employees is submitted to the PJ for approval | Memo | PJ | Memo to HR |

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION PROCESS
EFFECTIVE AS OF SEPTEMBER 2009**

11/13/09

| WHAT IS THE PROCESS FOR A SALARY REVIEW? | | | | | | IS THE SALARY OR COMPENSATION CHANGE AUTOMATIC? | | | | | |
|------------------------------------------|-------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------|
| Superior Court | How often is the compensation of the CEO reviewed? How is timeline determined? | Reviewers | Documentation/ forms used | Approvals | Additional resources used in the compensation process | Is the compensation change automatic? If no, do not continue. | If yes, what is it linked to: labor contract, judicial officer increase, unrepresented increase, or other? | Explanation | How is the automatic compensation increase documented? | Who signs off on the automatic compensation increase? | What forms are used to document the increase? |
| Kings | PJ discretion, annual | Judges | Private notes from closed judges' meeting, PAN form, final order | PJ, judges | | No | — | — | — | — | — |
| Lake | No review | | | | | Yes | Judicial officer increase | Same % as judicial salary increase | PAF, judicial pay memo | PJ | PAF |
| Lassen | PJ discretion | PJ | Administrative order from PJ to HR | PJ | CEO salary surveys, Schedule 7A data | Yes | Judicial officer increase | Same % as judicial salary increase | PAR , judicial pay memo, administrative order | CEO, PJ | Admin. order, PAR, judicial pay memo |
| Los Angeles | PJ discretion | PJ, exec. comp. comm., personnel & budget comm., 4 courtwide supervising judges, PJ and APJs | Attorney client memo summarizing applicable law, comp. survey and comp. history, oral presentation notes, exec. comm. and supervising judges approve and vote on minutes | Exec. Comp. comm., supervising judges comm., exec. comm., PJ | Executive compensation survey conducted, compensation history gathered | No | — | — | — | — | — |
| Madera | PJ discretion | PJ | Employee status change form | PJ | | No | — | — | — | — | — |
| Marin | Annually, on or around Oct. 1 of each year | PJ, full bench | Judge's action, PJ order | PJ | Salary comparison | No | — | — | — | — | — |
| Mariposa | Annual | PJ, APJ | Memo from PJ to county auditor | PJ | | Yes | Labor contract (MOU) | COLAs are linked | Memo to auditor | PJ | Memo |
| Mendocino | Annual | Bench exec. comm. | Annual performance review, judicial officer increase memo | PJ, APJ | | Yes | Judicial officer increase | 85% of judicial salary | Chief judicial officer increase memo submitted to court auditor, HR implements | The increase is processed | Judicial officer pay memo |
| Merced | No Review | | | | | Yes | Judicial officer increase | 85% of judicial salary | HR submits a personnel order | PJ signs the order | Personnel order |
| Modoc | Annual | PJ, APJ | Written evaluation, form | PJ | | Yes | Labor contract (MOU) | 5% merit increase is automatic | Change of status form | PJ signs off on evaluation | Change order form |
| Mono | Six months after initial hire increase at PJ discretion, thereafter tied to judicial officer increase | PJ | Letter from PJ | | | Yes | Judicial officer increase | Initial hire increase at PJ discretion, subsequent increases linked to judicial officer increase | Letter from PJ to CEO and fiscal officer | PJ | Letter from PJ |
| Monterey | Exec. comm. discretion | PJ, exec. comm., bench | Performance review form | PJ | | No | — | — | — | — | — |
| Napa | No review | | | | | Yes | Judicial officer increase | Does not explain | PAF | PJ | PAF |
| Nevada | Annual | PJ | Letter, review form from PJ | PJ | | Yes | Judicial officer increase | 85% of judicial salary | PAF | PJ | PAR |
| Orange | PJ discretion | PJ, bench exec. | Meeting minutes, memo to HR | PJ | | No | — | — | — | — | — |
| Placer | Annual | PJ, APJ, bench | Memo | PJ | Executive salary resolution | No | — | — | — | — | — |

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION PROCESS
EFFECTIVE AS OF SEPTEMBER 2009**

11/13/09

| WHAT IS THE PROCESS FOR A SALARY REVIEW? | | | | | | IS THE SALARY OR COMPENSATION CHANGE AUTOMATIC? | | | | | |
|------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------|-------------------------------|-------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-----------------------------------------------|
| Superior Court | How often is the compensation of the CEO reviewed? How is timeline determined? | Reviewers | Documentation/ forms used | Approvals | Additional resources used in the compensation process | Is the compensation change automatic? If no, do not continue. | If yes, what is it linked to: labor contract, judicial officer increase, unrepresented increase, or other? | Explanation | How is the automatic compensation increase documented? | Who signs off on the automatic compensation increase? | What forms are used to document the increase? |
| Plumas | PJ discretion | Bench, PJ | PAF, form to HR | PJ | | No | — | — | — | — | — |
| Riverside | Every three years (linked to judicial officer salary) | PJ, judicial exec. team | Salary order | PJ | Compensation review | Yes | Judicial officer increase | Same % as judicial salary increase | Salary order | PJ | Salary order |
| Sacramento | Annual | Exec. comm., PJ, judges of the court | PJ memo to bench, meeting minutes | PJ | | No | — | — | — | — | — |
| San Benito | Not defined | PJ, second judge | PAF | PJ | Verbal review between the PJ and the second judge | Yes | Labor contract (MOU) | Through the "Key Terms of Employment for the CEO" COLAs are linked to the labor contract | PAF | PJ | PAF |
| San Bernardino | Annual, tied to labor contract | PJ, exec. comm. | HR memo, meeting minutes, PJ memo to HR | PJ | Comparable salary data | Yes | Labor contract (MOU) and unrepresented | COLAs are linked | Based on a letter from PJ dated in 2005 | Based on letter from PJ dated in 2005 | Memo from court HR to county payroll |
| San Diego | Annual | PJ, HR | Memo, meeting minutes | PJ | | No | — | — | — | — | — |
| San Francisco | Not defined - timing tied to mgmt. MOU | Bench exec., PJ | Minutes | PJ | | No | — | — | — | — | — |
| San Joaquin | Not defined - timing tied to labor contract | PJ, exec. comm. | PJ memo | PJ | Compensation survey | No | — | — | — | — | — |
| San Luis Obispo | PJ and bench discretion | PJ, bench | Memo | PJ | Performance review, compensation study | No | — | — | — | — | — |
| San Mateo | Not defined | PJ reviews, the exec. Comm., then the full bench for approval | Memo, minutes | PJ | | Yes | Unrepresented salaries increase and labor contract (MOU) | NSI % agreed to with unions is passed onto unrepresented and CEO | Document on salary changes, kept in HR | PJ approves all MOU salary increases, which are passed on, no written documentation | Revised agreement |
| Santa Barbara | PJ discretion | PJ, exec. comm. | Meeting minutes, memo to HR | PJ | | Yes | Unrepresented salary increase | All unrepresented and CEO get the same salary increase at the same time and at same % | Not defined; annually given at same time and same rate. Additionally, exec. comm. may occasionally review equity increases for CEO and unrepresented | Exec. comm. | Exec. comm. agenda and minutes |
| Santa Clara | Annual | PJ, immediate past PJ, exec. comm. | PJ documents results of approval process | Exec comm., bench | Annual evaluation | No | — | — | — | — | — |
| Santa Cruz | Not defined | Judges' exec. comm. | Personnel resolution | Exec Comm. | | No | — | — | — | — | — |
| Shasta | Annual | PJ, bench | Notes in internal file, minutes, memo to HR, memo to CEO | PJ - after meeting with bench | Salary survey | No | — | — | — | — | — |

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION PROCESS
EFFECTIVE AS OF SEPTEMBER 2009**

11/13/09

| WHAT IS THE PROCESS FOR A SALARY REVIEW? | | | | | | IS THE SALARY OR COMPENSATION CHANGE AUTOMATIC? | | | | | |
|------------------------------------------|--------------------------------------------------------------------------------|-------------------------|----------------------------------------------------------------------|--------------------|-------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Superior Court | How often is the compensation of the CEO reviewed? How is timeline determined? | Reviewers | Documentation/ forms used | Approvals | Additional resources used in the compensation process | Is the compensation change automatic? If no, do not continue. | If yes, what is it linked to: labor contract, judicial officer increase, unrepresented increase, or other? | Explanation | How is the automatic compensation increase documented? | Who signs off on the automatic compensation increase? | What forms are used to document the increase? |
| Sierra | Not defined - tied to labor contract | PJ | PAF, CEO MOU | PJ | Salary survey | No | — | — | — | — | — |
| Siskiyou | Tied to labor contract | PJ, bench | Meeting minutes, MOU, contract | PJ, bench | Salary survey | Yes | Labor contract (MOU) | Not defined - CEO is part of exec. bargaining unit | Approval of MOU | PJ | MOU |
| Solano | Not defined | PJ, exec. comm., bench | Exec. comm. meeting minutes, bench meeting minutes, PAF | PJ | | No | — | — | — | — | — |
| Sonoma | After each labor contract is negotiated | PJ, exec. comm. | Change of status form | PJ | Salary compensation analysis | Yes | Labor contract (MOU) | CEO and unrepresented receive same COLA, NSI as represented | MOU, HR updates salary table, submit to auditor | CEO | Exec. comm. minutes, PJ memo, salary table |
| Stanislaus | Not defined - tied to unrepresented increase | PJ, judges' exec. comm. | Meeting minutes, personnel transaction documents | PJ | | Yes | Unrepresented salary increase | CEO receives same increase as unrepresented | Across-the-board increases documented through job history sheet. All other increases approved through PJ memo or exec. comm. meeting minutes | Not indicated for across-the-board increases; PJ approves all others | Job history sheet, personnel transaction form |
| Sutter | | | | | | Yes | Judicial officer increase | | Personnel form | PJ | Personnel form |
| Tehama | PJ discretion | PJ | Minute order, PAF | PJ, APJ | | Yes | Judicial officer increase | States, "at PJ's discretion" | Minute order | PJ | PAF |
| Trinity | Annual, but also PJ discretion | PJ | Review form, PPF | PJ | Evaluation form | No | — | — | — | — | — |
| Tulare | No review | | | | | Yes | Judicial officer increase | 85% of presiding judge's salary | Judicial pay memo, exec. order, employee information sheet | PJ, HR | Exec. order, memo from Judicial Council, internal employee information worksheet |
| Tuolumne | Annual - PJ discretion | PJ, bench, HR | PJ notes, meeting minutes, PJ memo to HR, PAF | PJ, fiscal manager | | No | — | — | — | — | — |
| Ventura | Annual | PJ, judicial comm. | Annual review, PJ memo to HR | PJ | | No | — | — | — | — | — |
| Yolo | Every 2 years | PJ | Exec. unit benefit sheet, salary & benefit change authorization form | PJ | Signed copy to HR for recordkeeping | No | — | — | — | — | — |
| Yuba | PJ discretion | PJ | Memo from PJ to HR | PJ | | Yes | Labor contract (MOU) | Linked to labor contract and longevity step increase (does not specify how linked to MOU) | Memo | PJ | Memo |

* An em dash (—) indicates that the compensation change is not automatic, therefore the question does not apply to that court.

Data Source

All reported data was collected from the courts in the follow-up survey of court executive officer compensation and benefits conducted by the Administrative Office of the Courts, Human Resources Division, in September 2009.

**CALIFORNIA SUPERIOR COURT EXECUTIVE OFFICER COMPENSATION PROCESS
EFFECTIVE AS OF SEPTEMBER 2009**

11/13/09

| WHAT IS THE PROCESS FOR A SALARY REVIEW? | | | | | | IS THE SALARY OR COMPENSATION CHANGE AUTOMATIC? | | | | | |
|------------------------------------------|--------------------------------------------------------------------------------|-----------|---------------------------|-----------|-------------------------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-------------|--------------------------------------------------------|-------------------------------------------------------|-----------------------------------------------|
| Superior Court | How often is the compensation of the CEO reviewed? How is timeline determined? | Reviewers | Documentation/ forms used | Approvals | Additional resources used in the compensation process | Is the compensation change automatic? If no, do not continue. | If yes, what is it linked to: labor contract, judicial officer increase, unrepresented increase, or other? | Explanation | How is the automatic compensation increase documented? | Who signs off on the automatic compensation increase? | What forms are used to document the increase? |

Definitions

CEO: Court executive officer

PJ: Presiding judge

APJ: Assistant presiding judge

PAR, PAF, PPF, PAN: All refer to personnel action forms used by the courts

COLA: Cost of living adjustment

MOU: Memorandum of understanding

NSI: Negotiated salary increase

Compensation: Salary and benefits

Judicial pay memo: Per Government Code section 68203, defines how the salary increases for justices and judges named in sections 68200 to 68202 are calculated.

Executive order: Intended to instruct the actions of governmental agencies or officials or to set policies for the judicial branch to follow.

Standing order: A forward-looking order that applies to all cases pending before the court.

**CALIFORNIA COUNTY GOVERNMENT EXECUTIVE COMPENSATION
COUNTY ADMINISTRATIVE / EXECUTIVE OFFICERS
EFFECTIVE AS OF JANUARY 1, 2009**

11/13/09

| Jurisdiction | Title | Annual Base Salary | Total Benefits Cost | Total Annual Compensation | Total Number Days of Compensable Time Off |
|------------------------------------|---------------------------------------|--------------------|---------------------|---------------------------|-------------------------------------------|
| Alameda County | County Administrator | \$348,182 | \$103,885 | \$452,067 | 32 |
| El Dorado County | Chief Administrative Officer | \$152,734 | \$28,316 | \$181,050 | 25 |
| Fresno County | Interim County Administrative Officer | \$157,040 | \$8,009 | \$165,049 | 32 |
| Humboldt County | County Administrative Officer | \$157,752 | \$10,634 | \$168,386 | 25 |
| Los Angeles County ¹ | Chief Executive Officer | \$319,300 | \$85,952 | \$405,252 | As Needed |
| Nevada County | County Executive Officer | \$168,000 | \$29,749 | \$197,749 | 40* |
| Orange County | County Executive Officer | \$253,562 | \$35,802 | \$289,364 | 47* |
| Riverside County | County Executive Officer | \$275,546 | \$41,172 | \$316,718 | 39* |
| Sacramento County | County Executive | \$249,850 | \$41,047 | \$290,897 | 20 |
| San Bernardino County ² | County Administrative Officer | \$252,410 | \$42,091 | \$294,501 | 30 |
| San Diego County | Chief Administrative Officer | \$263,931 | \$64,872 | \$328,803 | 30 |
| San Joaquin County | County Administrator | \$241,883 | \$44,343 | \$286,226 | 37 |
| Santa Barbara County | County Executive Officer | \$227,292 | \$28,288 | \$255,580 | 25 |
| Santa Clara County | County Executive | \$297,381 | \$64,990 | \$362,371 | 59* |
| Sonoma County | County Administrator | \$241,396 | \$53,059 | \$294,455 | 22.5 |

Data Source

This information is provided for general comparison purposes and was obtained from a report from the Public Pay Institute (www.publicpayinstitute.com) as of January 1, 2009 and reconfirmed as of October 2009. The data included above is similar to the data collected for court executive officers.

Information included under total benefits cost includes medical benefits, 457 deferred employer contribution, 401(a) deferred employer compensation, pension employee contribution (when paid for by the county), auto allowances, professional allowances, and other compensation. An asterisk (*) indicates that the incumbent has either annual leave or other leave in which sick time is not accumulated separately.

¹ In Los Angeles, the chief executive officer has no vacation / sick account. According to the county, "The CEO is paid as a county officer under common law rule that salary is an incident of office." Therefore, no vacation / sick leave is accrued.

² In San Bernardino, the employer buys one additional year of retirement each year.

**ADMINISTRATIVE OFFICE OF THE COURTS EXECUTIVE OFFICER COMPENSATION
EFFECTIVE AS OF JULY 1, 2009**

11/13/09

| Jurisdiction | Title | Annual Base Salary | Total Benefits Cost | Total Annual Compensation | Total Number Days of Compensable Time Off |
|---------------------|---------------------------------------|---------------------------|----------------------------|----------------------------------|--------------------------------------------------|
| AOC | Administrative Director of the Courts | \$227,196 | \$17,023 | \$244,219 | 31 |

Please note that state employee salaries, including salaries of all Administrative Office of the Courts employees, are accessible online.

All Administrative Office of the Courts positions, including the Administrative Director of the Courts, have set salary ranges. The Administrative Director of the Courts is provided a vehicle, however, the employee is taxed on any personal use.

Data Source

Reported data were collected from the Administrative Office of the Courts Pay and Benefits Unit and the State Controller's Office as of 7/1/2009.

Category Descriptions

Annual Base Salary

Category shows total annual base salary.

Total Benefits Cost

Category shows total annual dollar amount of all benefits and includes the employer contribution to medical, dental, vision, life insurance, short-term disability, accidental death and dismemberment, and the employee's share of retirement cost (when covered by the employer). Category does not include social security, FICA, workers' compensation insurance, or mandated employer portion of retirement. The Administrative Office of the Courts does not make an employer contribution to supplemental life insurance, long-term disability, long-term care, defined contribution plans, deferred compensation plans, auto allowances, professional allowances, or other cash allowances.

Total Annual Compensation

Category shows total annual compensation, comprising annual base salary and total benefits cost.

Total Number Days of Compensable Time Off

Category shows total number of days of compensable time off and includes annual leave, vacation days, and personal holidays. Does not include state holidays and sick leave where sick leave is accumulated separately. Annual leave, which includes both sick and vacation time is included. Please note that incumbents who opt for annual leave as opposed to sick / vacation leave will have a higher number of days because annual leave encompasses both sick and vacation leave. An asterisk (*) indicates that the incumbent has annual leave.

1 Rule 10.603. Authority and duties of presiding judge

2
3 (a) General responsibilities

4
5 The presiding judge is responsible, with the assistance of the court executive
6 officer, for leading the court, establishing policies, and allocating resources
7 in a manner that promotes access to justice for all members of the public,
8 provides a forum for the fair and expeditious resolution of disputes,
9 maximizes the use of judicial and other resources, increases efficiency in
10 court operations, and enhances service to the public. The presiding judge is
11 responsible for:

- 12
13 (1) Ensuring the effective management and administration of the court,
14 consistent with any rules, policies, strategic plan, or budget adopted by
15 the Judicial Council or the court;
16
17 (2) Ensuring that the duties of all judges specified under rule 10.608 are
18 timely and orderly performed; and
19
20 (3) Ensuring that the court has adopted written policies and procedures
21 allowing the presiding judge to perform efficiently the administrative
22 duties of that office.

23
24 (b) Authority

- 25
26 (1) The presiding judge is authorized to:
27
28 (A) Assign judges to departments and designate supervising judges
29 for divisions, districts, or branch courts;
30
31 (B) Apportion the business of the court, including assigning and
32 reassigning cases to departments;
33
34 (C) Call meetings of the judges;
35
36 (D) Appoint standing and special committees of judges;
37
38 (E) Act as the spokesperson for the court;
39
40 (F) Authorize and direct expenditures from the court's Trial Court
41 Operations Fund; and
42

1 (G) Perform all acts necessary to accomplish the duties specified by
2 the rules of court.

3
4 (2) No local rule or policy may limit the authority of the presiding judge as
5 granted in the rules of court.

6
7 (c) Duties

8
9 (1) *Assignments*

10
11 The presiding judge has ultimate authority to make judicial
12 assignments. The presiding judge must:

13
14 (A) Designate a judge to preside in each department, including a
15 master calendar judge when appropriate, and designate a
16 presiding judge of the juvenile division and a supervising judge
17 for each division, district, or branch court. In making judicial
18 assignments, the presiding judge must take into account the
19 following:

20
21 (i) The needs of the public and the court, as they relate to the
22 efficient and effective management of the court's calendar;

23
24 (ii) The knowledge and abilities demanded by the assignment;

25
26 (iii) The judge's judicial and nonjudicial experience, including
27 specialized training or education;

28
29 (iv) The judge's interests;

30
31 (v) The need for continuity in the assignment;

32
33 (vi) The desirability of exposing the judge to a particular type of
34 assignment; and

35
36 (vii) Other appropriate factors. Judicial assignments must not be
37 based solely or primarily on seniority;

38
39 (B) Assign to a master calendar judge any of the duties that may more
40 appropriately be performed by that department;

41
42 (C) Supervise the court's calendar, apportion the business of the court
43 among the several departments of the court as equally as possible,

1 and publish for general distribution copies of a current calendar
2 specifying the judicial assignments of the judges and the times
3 and places assigned for hearings;
4

5 (D) Reassign cases between departments as convenience or necessity
6 requires; and
7

8 (E) Designate a judge to act if by law or the rules of court a matter is
9 required to be presented to or heard by a particular judge and that
10 judge is absent, deceased, or unable to act.
11

12 (2) *Judicial schedules*
13

14 (A) The presiding judge must adopt a process for scheduling judges'
15 vacations and absences from court for attendance at schools,
16 conferences, workshops, and community outreach activities, and
17 must prepare a plan for these vacations and absences from court.
18

19 (B) The plan should take into account the principles contained in
20 standards 10.11 10.13 (on judicial education) and standard 10.5
21 (on community activities) of the Standards of Judicial
22 Administration.
23

24 (C) The presiding judge must review requests from judges for time
25 absent from court and may approve any request that is consistent
26 with the plan and with the orderly operation of the court.
27

28 (D) The presiding judge must allow each judge to take two days of
29 personal leave per year. Personal leave may be taken at any time
30 that is approved by the presiding judge.
31

32 (E) The presiding judge must allow the following number of days of
33 vacation for each judge annually:
34

35 (i) 24 days for judges with less than 7 years of service as a
36 California judge;
37

38 (ii) 27 days for judges with at least 7 but less than 14 years of
39 service as a California judge; and
40

41 (iii) 30 days for judges with 14 or more years of service as a
42 California judge.
43

- 1 (F) The presiding judge may authorize a judge to take more time off
2 than is specified in (c)(2)(E) as justified by extraordinary
3 circumstances, if the circumstances are documented and the
4 authorization is in writing.
5
- 6 (G) The presiding judge, in his or her discretion, may allow a judge to
7 take additional vacation days equal to the number of vacation
8 days that the judge did not use in the previous year, up to a
9 maximum of 30 such days. A court may, by local rule, establish a
10 lower maximum number of such days. This paragraph applies
11 only to vacation days accrued after January 1, 2001. It does not
12 affect any unused vacation days that a judge may have accrued
13 before January 1, 2001, which are governed by local court policy,
14 nor does it create any right to compensation for unused vacation
15 days.
16
- 17 (H) The court must, by local rule, define a day of vacation. Absence
18 from court to attend an authorized education program, conference,
19 or workshop for judges, or to participate in Judicial Council or
20 other authorized committees or community outreach activities, is
21 not vacation time if attendance is in accordance with the plan and
22 has the prior approval of the presiding judge. Absence from court
23 due to illness is not vacation time. This rule does not limit the
24 time a judge may be absent from court when unable to work
25 because of illness.
26
- 27 (I) To ensure compliance with the plan, the presiding judge must
28 establish a system to monitor judges' absences from court and
29 maintain records of those absences.
30

31 (3) *Submitted cases*
32

33 The presiding judge must supervise and monitor the number of causes
34 under submission before the judges of the court and ensure that no
35 cause under submission remains undecided and pending for longer than
36 90 days. As an aid in accomplishing this goal, the presiding judge must:
37

- 38 (A) Require each judge to report to the presiding judge all causes
39 under submission for more than 30 days and, with respect to each
40 cause, designate whether it has been under submission for 30
41 through 60 days, 61 through 90 days, or over 90 days;
42

- 1 (B) Compile a list of all causes under submission before judges of the
2 court, designated as the submitted list, which must include the
3 name of each judge, a list of causes under submission before that
4 judge, and the length of time each cause has been under
5 submission;
- 6
- 7 (C) Circulate monthly a complete copy of the submitted list to each
8 judge of the court;
- 9
- 10 (D) Contact and alert each judge who has a cause under submission
11 for over 30 days and discuss ways to ensure that the cause is
12 timely decided;
- 13
- 14 (E) Consider providing assistance to a judge who has a cause under
15 submission for over 60 days; and
- 16
- 17 (F) Consider requesting the services of the Administrative Office of
18 the Courts to review the court's calendar management procedures
19 and make recommendations whenever either of the following
20 conditions exists in the court for the most recent three months:
21
 - 22 (i) More than 90 civil active cases are pending for each judicial
23 position; or
 - 24
 - 25 (ii) More than 10 percent of the cases on the civil active list
26 have been pending for one year or more.

27
28 (4) *Oversight of judicial officers*

29
30 The presiding judge must:

31
32 (A) *Judges*

33
34 Notify the Commission on Judicial Performance of:

- 35
- 36 (i) A judge's substantial failure to perform judicial duties,
37 including any habitual neglect of duty, persistent refusal to
38 carry out assignments as assigned by the presiding judge, or
39 persistent refusal to carry out the directives of the presiding
40 judge as authorized by the rules of court; or

1 (ii) Any absences caused by disability totaling more than 90
2 court days in a 12-month period, excluding absences
3 authorized under (c)(2);
4

5 (B) *Notice*
6

7 Give the judge a copy of the notice to the commission under (A)
8 if appropriate. If a copy is not given to the judge, the presiding
9 judge must inform the commission of the reasons why so
10 notifying the judge was deemed inappropriate;
11

12 (C) *Commissioners*
13

14 Prepare and submit to the judges for consideration and adoption
15 procedures for receiving, inquiring into, and resolving complaints
16 lodged against court commissioners and referees, consistent with
17 rule 10.703;
18

19 (D) *Temporary judges*
20

21 Be responsible for the recruitment, training, supervision,
22 approval, and performance of temporary judges as provided in
23 rules 2.810–2.819 and rules 10.740–10.746; and
24

25 (E) *Assigned judges*
26

27 For each assigned retired judge:
28

- 29 (i) Complete a confidential evaluation form;
30
31 (ii) Submit the form annually to the Administrative Director of
32 the Courts;
33
34 (iii) Direct complaints against the assigned judge to the Chief
35 Justice, by forwarding them to the attention of the
36 Administrative Director of the Courts, and provide
37 requested information in writing to the Administrative
38 Director of the Courts in a timely manner; and
39
40 (iv) Assist the Administrative Director in the process of
41 investigating, evaluating, and making recommendations to
42 the Chief Justice regarding complaints against retired judges
43 who serve on assignment.

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(5) *Personnel*

- (A) The presiding judge must provide general direction to and supervision of the court executive officer, or, if the court has no executive officer, perform the duties of the court executive regarding personnel as specified in rule 10.610(c)(1).
- (B) The presiding judge must approve, in writing, the total compensation package (salary and all benefits) offered to the court executive officer at the time of the executive officer's appointment and any subsequent changes to the executive officer's total compensation package.

(6) *Budget and fiscal management*

The presiding judge must:

- (A) Establish a process for consulting with the judges of the court on budget requests, expenditure plans, and other budget or fiscal matters that the presiding judge deems appropriate;
- (B) Establish responsible budget priorities and submit budget requests that will best enable the court to achieve its goals; ~~and~~
- (C) Establish a documented process for setting and approving any changes to the court executive officer's total compensation package in a fiscally responsible manner consistent with the court's established budget; and
- (D) Approve procurements, contracts, expenditures, and the allocation of funds in a manner that promotes the implementation of state and local budget priorities and that ensures equal access to justice and the ability of the court to carry out its functions effectively. In a court with an executive officer, the presiding judge may delegate these duties to the court executive officer, but the presiding judge must ensure that the court executive officer performs such delegated duties consistent with the court's established budget.

(7) *Meetings and committees*

The presiding judge must establish a process for consulting with the

1 judges of the court and may call meetings of the judges as needed. The
2 presiding judge may appoint standing and special committees of judges
3 as needed to assist in the proper performance of the duties and
4 functions of the court.

5
6 (8) *Liaison*

7
8 The presiding judge must:

- 9
10 (A) Provide for liaison between the court and the Judicial Council, the
11 Administrative Office of the Courts, and other governmental and
12 civic agencies;
13
14 (B) Meet with or designate a judge or judges to meet with any
15 committee of the bench, bar, news media, or community to review
16 problems and to promote understanding of the administration of
17 justice, when appropriate; and
18
19 (C) Support and encourage the judges to actively engage in
20 community outreach to increase public understanding of and
21 involvement with the justice system and to obtain appropriate
22 community input regarding the administration of justice,
23 consistent with the California Code of Judicial Ethics and
24 standard 10.5 of the Standards of Judicial Administration.

25
26 (9) *Planning*

27
28 The presiding judge must:

- 29
30 (A) Prepare, with the assistance of appropriate court committees and
31 appropriate input from the community, a long-range strategic plan
32 that is consistent with the plan and policies of the Judicial
33 Council, for adoption in accordance with procedures established
34 by local rules or policies; and
35
36 (B) Ensure that the court regularly and actively examines access
37 issues, including any physical, language, or economic barriers that
38 impede the fair administration of justice.

39
40 (10) *Appellate records*

41
42 The presiding judge is responsible for ensuring the timely preparation
43 of records on appeal.

- 1
2 (A) The presiding judge ordinarily should delegate the following
3 duties to the executive officer:
4
5 (i) Maintaining records of outstanding transcripts to be
6 completed by each court reporter;
7
8 (ii) Reassigning court reporters as necessary to facilitate prompt
9 completion of transcripts; and
10
11 (iii) Reviewing court reporters' requests for extensions of time to
12 complete transcripts in appeals of criminal cases.
13
14 (B) After reasonable notice and hearing, the presiding judge must
15 declare any reporter of the court who is delinquent in completing
16 a transcript on appeal not competent to act as a reporter in court,
17 under Government Code section 69944.
18

19 (11) *Local rules*
20

21 The presiding judge must prepare, with the assistance of appropriate
22 court committees, proposed local rules to expedite and facilitate court
23 business in accordance with Government Code section 68071 and rules
24 2.100, 3.20, and 10.613.
25

26 (d) Delegation
27

28 The presiding judge may delegate any of the specific duties listed in this rule
29 to another judge. ~~or, Except for the duties listed in (c)(5)(B) and (c)(6)(C),~~
30 the presiding judge may delegate to the court executive officer any of ~~if the~~
31 duties listed in this rule that does not require the exercise of judicial
32 authority; to the court executive officer. The presiding judge remains
33 responsible for all duties listed in this rule even if he or she has delegated
34 particular tasks to someone else.

Policy: Court Executive Officer Compensation

Contact: [Insert appropriate court contact]

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- 2.0 Setting Compensation of Newly Appointed Court Executive Officer**
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- 5.0 Exceptions and Revisions to Policy**

1.0 Overview

This policy sets forth a comprehensive approach to setting, reviewing, adjusting, and documenting the total compensation package (salary and all benefits) for the court executive officer (CEO).

2.0 Setting Compensation of Newly Appointed Court Executive Officer

The presiding judge is responsible for setting the total compensation package for the court executive officer and for approving any changes to the compensation package.

In setting the court executive officer's initial total compensation package, the criteria to be considered by the presiding judge should include the following:

- Availability of funding
- Scope of the key functions and responsibilities
- Size of the court (number of judicial officers and employees)
- Prior relevant job experience
- Recent market evaluation of comparable positions (compensation surveys, as described in section 3.0, below)
- [court to add any additional factors]

The total compensation package for a newly appointed court executive officer is outlined in the offer letter. It is also documented in a court-established personnel action form that includes information pertaining to the criteria considered in establishing the initial compensation package. [Note: For courts that have a written employment contract with their CEO, the total compensation package is identified in that contract.]

3.0 Reviewing and Adjusting Compensation

The presiding judge will review the court executive officer's total compensation [on an annual basis] [on a periodic basis, as established by court policy]. The presiding judge may delegate the compensation review process to a committee that will report its conclusions and recommendations to the presiding judge.

In reviewing the total compensation package, the presiding judge [or designee] should consider any applicable criteria listed in section 2.0, in addition to performance appraisals received by the court executive officer. The presiding judge may also conduct a compensation survey, including a market comparison of the following factors, among others:

- Base salary
- Retirement benefits
- Medical benefits
- Other compensable benefits
- Cash allowances
- Paid time off
- [court to insert any additional factors]

Appropriate comparators may include other superior courts that are similar in size, operating budget, and geographic area [court to insert any additional factors].

Any adjustments to compensation must be approved in writing by the presiding judge.

4.0 Documentation of Compensation Process

The process of setting, reviewing, and adjusting court executive officer compensation must be documented and the documentation must be included in the court executive officer's personnel file. The documentation must include:

- Written authorization by the presiding judge of the initial total compensation package and of any compensation adjustment
- Written conclusions and recommendations of any committee appointed by the presiding judge to review compensation
- Performance appraisals, if any
- Compensation surveys, if any
- [court to insert any additional items]

5.0 Exceptions and Revisions to Policy

All requests for exceptions or revisions to this policy must be in writing, directed to the presiding judge, and any exceptions or revisions to this policy must be approved, in writing, by the presiding judge.