

Proposal Would Make Judgeships of Lower Posts

By Amy Yarbrough

Daily Journal Staff Writer

SAN FRANCISCO - California's shortage of trial judges has forced many court commissioners to take assignments that are normally over their heads.

Now, the Administrative Office of the Courts is moving forward with plans to convert dozens of positions for subordinate judicial officers into judgeships.

At its meeting today, the Judicial Council will consider proposals identifying counties where conversions are most needed and set criteria for courts to convert the positions.

Also on the agenda is a plan reprioritizing which courts will receive new judgeships approved by lawmakers in coming years.

The lack of judges and glut of commissioners are intertwined problems, according to the AOC. Faced with a shortage of a judges and a growing workload, many courts created commissioner, referee and hearing officer positions to handle the overflow.

Since fiscal year 1990-91, the number of new judgeships increased 6 percent, while subordinate judicial positions shot up by 47 percent.

Commissioners and referees in some counties now handle work traditionally assigned to judges.

"Not a lot of attention was given to the type of work it was," said **Eraina Ortega**, manager of the AOC's Office of Governmental Affairs. "Counties were being crushed by the workload and wanted to get commissioners to relieve them."

To help remedy the problem, **Assemblyman Dave Jones**, D-Sacramento introduced AB 159 last month. The bill would add 50 judges in 2007-08 and authorize conversion of an unspecified number of subordinate positions into judgeships in courts determined by the Judicial Council.

The conversions would not be immediate, but rather when an officer resigns or retires.

"The intent is not to put people out of work or replace commissioners who are already there," Ortega said, adding that the goal is a better balance between judges and commissioners. "By doing this over time, there won't be a huge fiscal impact to any one court."

The council is slated to vote today on a proposal that identifies 162 subordinate judicial positions around the state that could be converted. Of those, 78 are in Los Angeles County.

The conversions are contingent on the passage of AB 159. The positions were identified by the types of duties considered appropriate for the officers and how much of that work a court has.

According to the AOC, subordinate officers should handle infractions and small claims and some parts of misdemeanor, felony, and limited and unlimited civil cases. Off limits are most family law and juvenile cases as well as unlawful detainers and mental health.

Robert L. Broughton, president of the California Court Commissioners Association, said Thursday that his organization supports the concept of converting the positions, but that he wasn't yet familiar with how it would be done.

"We support the proposal and are interested in seeing how they are going to implement it," said Broughton, a commissioner in Contra Costa County.

Also before the council today is a proposal spelling out criteria that courts would have to meet in order to create, eliminate or change a subordinate judicial position.

They will also consider a new priority ranking for counties for 100 of the 150 new judgeships being sought for the state's trial courts.

Senate Bill 56, approved last year, provides for 50 new judgeships this year. The next 50 would come from AB 159, and the remaining 50 from future legislation.

The new priorities, modified from a 2004 list, adds three counties and increases the number of judge positions for six others. Eight counties, including Los Angeles, would receive fewer judge spots.

Specifically, Los Angeles would receive two judges instead of five, a very troubling change, according to **Alan Parachini**, spokesman for the court.

Parachini points out that growth in Los Angeles County's Antelope Valley is on par with that in Riverside and San Bernardino counties, areas identified as being in urgent need of new judges.

"This concerns us enormously," Parachini said.

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