



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

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JCCAccessCoordinator@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1) and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

THIS MEETING IS BEING RECORDED

Date: Thursday, June 25, 2020
Time: 12:10 to 1:00 p.m.
Public Call-in Number: 877-820-7831; passcode 625-8414 (Listen Only)

Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Members of the public seeking to make an audio recording of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to executiveandplanning@jud.ca.gov.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

Call to Order and Roll Call

Approval of Minutes

Approve the draft minutes of the following:

- April 20, 2020, action by e-mail; and
- April 22, 2020, action by e-mail.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to executiveandplanning@jud.ca.gov or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Cliff Alumno. Only written comments received by 12:10 p.m. on Wednesday, June 24, 2020, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Agenda Setting for July 24, 2020, Judicial Council Meeting (Action Required)

Review draft reports and set the agenda for the Judicial Council meeting in July.

Presenters: Various

Item 2

Subordinate Judicial Officer (SJO) Position Change: Superior Court of San Benito County (Action Required)

Review a request from the Superior Court of San Benito County for a fractional increase in the workload allocation for an SJO position to address an increase in judicial workload that is appropriate for an SJO to hear.

Presenters: Ms. Leah Rose-Goodwin and Mr. David Smith, Business Management Services

IV. ADJOURNMENT

Adjourn



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY E-MAIL

Monday, April 20, 2020
7:00 p.m.

Advisory Body Members Who Participated: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Hon. Joyce D. Hinrichs, Hon. Harry E. Hull, Jr., Mr. Patrick M. Kelly, Hon. Dalila C. Lyons, and Hon. David M. Rubin

Advisory Body Members Who Did Not Participate: None

Committee Staff: Ms. Amber Barnett and Mr. Cliff Alumno

ACTION BY E-MAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted at 5:00 p.m. on Friday, April 17, 2020, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN DISCUSSION AND ACTION ITEM

Agenda Setting for the May 15, 2020, Judicial Council Business Meeting (Action Required)

The committee reviewed available draft reports for the Judicial Council business meeting in May.
Action: *The committee set the agenda for the May 15, 2020, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

CLOSURE OF ACTION

The action by e-mail concluded on Tuesday, April 21, 2020, at 3:45 p.m.

Approved by the committee on [insert date].



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY E-MAIL

Wednesday, April 22, 2020
9:20 a.m.

Advisory Body Members Who Participated: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Hon. Joyce D. Hinrichs, Hon. Harry E. Hull, Jr., Mr. Patrick M. Kelly, Hon. Dalila C. Lyons, and Hon. David M. Rubin

Advisory Body Members Who Did Not Participate: None

Committee Staff: Ms. Amber Barnett, Mr. Cliff Alumno, and Ms. Josely Yangco-Frona

ACTION BY E-MAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted at 4:00 p.m. on Monday, April 20, 2020, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN DISCUSSION AND ACTION ITEM

2020 Advisory Body Annual Agendas (Action Required)

The committee reviewed the draft 2020 advisory body annual agendas for the following advisory bodies overseen by the Executive and Planning Committee:

- Advisory Committee on Audits and Financial Accountability for the Judicial Branch;
- Advisory Committee on Providing Access and Fairness;
- Center for Center for Judicial Education and Research Advisory Committee;
- Collaborative Justice Courts Advisory Committee;
- Court Facilities Advisory Committee;
- Court Interpreters Advisory Panel;
- Court Security Advisory Committee;
- Sargent Shriver Civil Counsel Act Implementation Committee;
- Trial Court Facility Modification Advisory Committee;
- Tribal Court-State Court Forum; and
- Workload Assessment Advisory Committee.

Action: *The committee unanimously approved the 2020 annual agendas of the advisory bodies overseen by the Executive and Planning Committee listed above.*

CLOSURE OF ACTION

The action by e-mail concluded on Friday, April 24, 2020, at 4:20 p.m.

Approved by the committee on [insert date].

DRAFT



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Friday, July 24, 2020

Via Teleconference

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE

Session: XXX a.m. – XXX p.m.

Transitional Break: XXX a.m. – XXX p.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: XXX a.m. – XXX p.m.

Call to Order

Public Comment

This meeting will be conducted telephonically and public comments will be accepted in writing only.

Submit written comments for this meeting by 1:00 p.m. on Wednesday, July 22, to:

judicialcouncil@jud.ca.gov

Please visit the link below and follow the instructions provided under the “Written Comments” section.

<http://www.courts.ca.gov/28045.htm>

Comments received after the deadline will not be delivered to Judicial Council members.

Approval of Minutes

20-047 **Minutes of May 15, 2020 Judicial Council meeting.**

Chief Justice's Report

10 minutes

Administrative Director's Report

20-153 **Administrative Director's Report**

10 minutes

Judicial Council Internal Committee Written Reports

20-154 **Judicial Council Internal Committee Written Reports**

Break: XXX a.m. – XXX p.m.

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.

[20-148](#) **Judicial Branch Administration | Judicial Branch Statistical Information System Felony Case Aging Update (Action Required)**

Summary: The Court Executives Advisory Committee recommends that the Judicial Council approve the definition updates to the case aging sections of the Felony report in the Judicial Branch Statistical Information System (JBSIS). The case aging data in JBSIS is used in the Court Statistics Report (CSR), an annual publication released by the Judicial Council. The current definition in JBSIS does not include a category that would make it possible to report to JBSIS on cases that dispose in 12 months or fewer. This update would allow for clearer reporting to JBSIS regarding timeliness of felony case processing data can be included in the CSR.

[20-150](#) **Report to the Legislature | Pretrial Reform: Report to the Legislature on the Pretrial Pilot Program, July 2020 (Action Required)**

Summary: Judicial Council staff in Criminal Justice Services recommend that the Judicial Council receive the *Pretrial Pilot Program: Report to the Legislature, July 2020* and direct the Administrative Director to submit this annual report to the Joint Legislative Budget Committee and the Department of Finance as mandated by the Budget Act of 2019. This is the second legislative report on the Judicial Council's Pretrial Pilot Program and documents the activities of pilot courts and Judicial Council administration of the program carried out between January 2020 and July 2020.

[20-127](#)**Trial Court Budget | Workload Formula Adjustment Request Process, Cluster Assignment Evaluation for the Superior Court of San Francisco County (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a revision of the Superior Court of San Francisco County's cluster assignment from cluster 4 to cluster 3 based on the court's current number of authorized judicial positions. The current four-cluster model was developed in the early 2000s for use in the Resource Assessment Study model and is based on each court's authorized judicial positions. While the number of authorized judicial positions at most courts has not changed significantly over the years, the Superior Court of San Francisco County has experienced the most significant change, having eliminated 10 subordinate judicial officer positions in 2014, 15% of its total authorized judicial positions.

[20-089](#)**Trial Court Budget | Fiscal Year 2020-21 Allocation of Court-Appointed Juvenile Dependency Counsel Funding (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends allocations for fiscal year 2020-21 from the ongoing Trial Court Trust Fund to the trial courts for court-appointed juvenile dependency counsel.

The current annual budget for court-appointed juvenile dependency counsel is \$156.7 million. Due to the COVID-19 pandemic and the subsequent recession, the Governor's May revision includes a reduction for Court Appointed Juvenile Dependency Counsel. Application of the Judicial Council approved methodology will be applied to the final approved Governor's budget.

[20-045](#)**Trial Court Budget | Minimum Operating and Emergency Fund Balance Policy (Action Required)****Summary:**

The Judicial Council's suspension of the minimum operating and emergency fund balance policy expires as of June 30, 2020. The minimum operating and emergency fund balance policy, established by the Judicial Council in October 2006, requires trial courts to set aside a percentage of funds for use in emergency situations or when revenue shortages or budgetary imbalances may exist. This policy has been suspended by the Judicial Council since August 31, 2012, due to changes in statute and to provide for the opportunity to seek further statutory amendments. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve an extension to the suspension of the minimum operating and emergency fund balance policy.

[20-042](#)**Trial Court Budget | Workload-based Allocations and Operating Expenses and Equipment Calculations (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve policy recommendations related to how workload formula-based allocations are calculated. These recommendations will increase the accuracy and transparency of the Workload Formula by updating the calculation for Operating Expenses and Equipment and making updates to the general ledger accounts used in the Workload Formula. If the recommended changes are approved, they would take effect with fiscal year (FY) 2020-21 allocations.

[20-129](#)**Trial Courts | Interim Caseweight for Mental Health Certification Hearings for use in the Resource Assessment Study Model (Action Required)****Summary:**

The Workload Assessment Advisory Committee recommends the adoption of a new, interim caseweight to measure the workload of mental health certification hearings under Welfare and Institutions Code section 5250 that are performed by court staff. As of July 1, 2018, this type of matter is now counted as a filing in the Judicial Branch Statistical Information System but has a very different workload profile than that of other mental health filings. Establishing an interim, separate weight for this workload until a more permanent weight can be developed (during the next Resource Assessment Study update) will help ensure that the workload for this case type is captured as part of the Resource Assessment Study and the Workload Formula for fiscal year 2020-21.

[20-050](#)**Trial Courts | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee recommends approving six amended requests from five trial courts for Trial Court Trust Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of a court's exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.

[20-151](#)**Trial Courts | Update to the Children's Waiting Room Distribution and Fund Balance Policy (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends changes to the Children's Waiting Room Distribution and Fund Balance Policy to streamline the review process, including eliminating the requirement for annual reporting by courts that have Judicial Council approved adjustments to their Children's Waiting Room fund balance caps.

DISCUSSION AGENDA[20-146](#)**Court Facilities | Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2021-22 (Action Required)****Summary:**

The Court Facilities Advisory Committee recommends approval of the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2021-22* and submission of the plan to the state Department of Finance. This five-year plan for trial court capital-outlay projects forms the basis for capital project funding requests for the upcoming and outlying fiscal years.

Speakers:

Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Mr. Mike Courtney, Facilities Services

15 minutes

[20-052](#)**Judicial Branch Budget | 2021-22 Budget Change Proposals for Supreme Court, Courts of Appeal, Superior Courts, Judicial Branch Facilities Program, Habeas Corpus Resource Center, and Judicial Council (Action Required)****Summary:**

To continue responsible reinvestment in the judicial branch allowing for greater access to justice for California's citizens, while acknowledging the impact of the Covid-19 pandemic to the state budget, the Judicial Branch Budget Committee (Budget Committee) unanimously recommends submitting these 2021-22 budget change proposals (BCPs) to the State Department of Finance.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services

10 minutes

[20-053](#)**Trial Court Budget | Allocations from the Trial Court Trust Fund and Trial Court Allocations for Fiscal Year 2020-21 (Action Required)****Summary:**

For the 2020-21 fiscal year, the Trial Court Budget Advisory Committee (TCBAC) recommends the Judicial Council allocate \$2.192 billion to the trial courts from the Trial Court Trust Fund (TCTF), \$68.8 million from the state General Fund for employee benefits, and \$50.0 million in Immediate and Critical Needs Account (ICNA) for support for operation of the trial courts. This allocation incorporates \$50 million in one-time funding for COVID-19 backlog and an ongoing reduction of \$168.937 million as proposed in the 2020-21 May Revision. The TCBAC also recommends the Judicial Council approve the Workload Formula allocation of \$1.950 billion based on methodologies approved by the Judicial Council. Assuming approval of the allocations, current revenue projections, and estimated savings from 2019-20 appropriations, the TCTF will end 2020-21 with a fund balance of \$56.9 million, of which approximately \$28.5 million will be unrestricted.

Due to the ongoing COVID-19 pandemic and subsequent recession, these allocations

may change based on available state revenues and final budget decisions.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services

15 minutes

[20-051](#)

Trial Courts | State Trial Court Improvement and Modernization Fund for 2020-21 (Action Required)

Summary:

The Trial Court Budget Advisory Committee recommends that the Judicial Council approve allocations for 2020-21 from the State Trial Court Improvement and Modernization Fund in the amount of \$54,488,999. This amount represents updated costs for current service levels. Due to the ongoing COVID-19 crisis and subsequent recession, further modifications to the allocations may be necessary based on available state revenues and final budget decisions.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Budget Services

5 minutes

[20-114](#)

Trial Courts | Futures Commission Directive for Remote Video Appearances for Many Noncriminal Proceedings (Action Required)

Summary:

Following the final recommendations in the Report to the Chief Justice: Commission on the Future of California's Court System, Chief Justice Tani G. Cantil-Sakauye directed the Information Technology Advisory Committee (ITAC) to consider for presentation to the Judicial Council the feasibility of a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings and, where implemented, to report back on outcomes and make recommendations for statewide expansion. To that end, ITAC recommends the Judicial Council accept the report from its Remote Video Appearances Workstream. The report includes guidance for early-adopter courts and policy recommendations. The report represents only the beginning of the work to enable remote video appearances in California courts. ITAC and other interested advisory committees have continued development of policies for civil proceedings including circulating a legislative proposal for public comment. ITAC was also directed by the Judicial Council Technology Committee (JCTC) to explore remote appearances in criminal proceedings.

Speakers:

Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee
Hon. Samantha P. Jessner, Superior Court of Los Angeles County
Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County
Ms. Heather Pettit, Information Technology

30 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)[20-152](#)**Allocations and Reimbursements to Trial Courts | Model Self Help Pilot Program Reallocation: Report on Midyear Reallocation and Funding for 2020-2021****Summary:**

The Model Self-Help Pilot Program has been operating in five California courts since 2002. The program testing technological solutions has determined not to continue its participation and the Judicial Council approved making a midyear reallocation to the remaining projects for 2019-20 to expand their Model Self-Help Pilot Projects using technology. This report describes the results of that reallocation.

[20-147](#)**Court Facilities | Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2019-20****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the third quarter (January through March) of fiscal year 2019-20. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's *Trial Court Facility Modifications Policy*.

[20-097](#)**Judicial Branch Budget | Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 3 Report****Summary:**

This report summarizes Judicial Council Court Innovations Grant Program activity for the third quarter of fiscal year (FY) 2019-20.

[20-055](#)**Report to the Legislature | Electronic Recording Equipment****Summary:**

Government Code section 69958 requires the Judicial Council to report to the Legislature semiannually on the purchase and lease of any electronic recording equipment that will be used to record superior court proceedings. Government Code 69957(a) allows the purchase and or lease of electronic recording equipment for limited civil, misdemeanor, infraction, and small claims cases. Additionally, Government Code section 69957(c) requires the courts to obtain advance approval from the Judicial Council before purchasing or leasing any such equipment. Approval is subject to the equipment being used only in the manner and for the purposes authorized under this section. During the July 1 through December 31, 2019 reporting period, five courts spent a combined total of \$160,937 for equipment or related items.

The Superior Court of Kern County spent \$34,800 to purchase electronic recording equipment and software. These purchases, which were approved by Judicial Council staff on March 16, 2019, are for official court records in limited civil, misdemeanor, infraction, and small claims case types. The Superior Court of Los Angeles County spent \$36,116 to purchase electronic recording equipment and For the Record

(FTR) Gold software. These purchases, approved by Judicial Council staff on April 11, 2019, are for official court records in limited civil and infraction case types. The Superior Court of Orange County spent \$44,484 to purchase three FTR Gold hardware and software systems to be used in traffic and misdemeanor case types. These purchases were approved by Judicial Council staff on July 12, 2019. The Superior Court of San Mateo County spent \$41,321 to purchase electronic recording equipment and software. These purchases, approved by Judicial Council staff on June 26, 2019, are for official court records in arraignments and pretrials. The Superior Court of Santa Barbara County spent \$4,216 to purchase an FTR Reporter Suite 6.2 software license, approved by Judicial Council staff on May 13, 2019. This software is used for small claims, infractions, misdemeanors, and limited civil case types.

[20-054](#)

Trial Courts | Quarterly Investment Report for First Quarter 2020

Summary:

This *Trial Courts: Quarterly Investment Report for First Quarter of 2020* covers the period of January 1, 2020, through March 31, 2020, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Circulating Orders

Appointment Orders

Adjournment (approximately XXX p.m.)



JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

June 19, 2020

Action Requested

Approve Staff Recommendation for Changes
in the Time Base of an SJO Position

To

Members of the Executive and Planning
Committee

Deadline

June 25, 2020

From

Judicial Council staff
Leah Rose-Goodwin, Manager
David Smith, Senior Research Analyst
Office of Court Research
Business Management Services

Contact

David A. Smith
415-865-7696 phone
david.smith@jud.ca.gov

Subject

Status of a Subordinate Judicial Officer (SJO)
Position in the Superior Court of San Benito
County

Executive Summary

Judicial Council staff recommend that the Judicial Council's Executive and Planning Committee approve a fractional increase in the workload of an SJO position in the Superior Court of San Benito County. The court has notified Judicial Council staff of its interest in making this change and forwarded a letter pertaining to this matter to the committee.¹

Recommendation

Judicial Council staff recommend that the Executive and Planning Committee approve a fractional increase in the workload allocation for an SJO position in the Superior Court of San Benito County. The change involves increasing the time base associated with one commissioner's position from 0.3 full-time equivalent (FTE) to 0.5 FTE, and reflects the court's

¹ See Attachment A, Letter of Intent from the Superior Court of San Benito County regarding SJO position.

need to address an increase in judicial workload that is appropriate for an SJO to hear. The court's intention is to make the foregoing change permanent should the court's request be approved by the Executive and Planning Committee.

Relevant Previous Council Action

In 2007, the Judicial Council adopted a policy for the review and approval of requests from trial courts to change the number of subordinate judicial officer positions, and delegated approval authority to its Executive and Planning Committee. Government Code section 71622(a) (Attachment B) grants authority to the council to determine the number and type of subordinate judicial officer positions in each trial court.

More specifically, the Judicial Council adopted the following policy regarding changes in the number and status of SJO positions.

1. To establish a new SJO position, permanently eliminate an SJO position, or change the time base of an existing SJO position, a court must request and obtain approval from the Executive and Planning Committee. The requesting court must fund and bear all costs associated with an additional or augmented SJO position.
2. If an increase in the number of SJO positions is sought, the court must submit a request in writing to the appropriate Judicial Council regional administrative director.² A request must contain a certification by the presiding judge that the court has sufficient funds in its ongoing budget to cover the cost of any additional or augmented position. Judicial Council staff must provide the Executive and Planning Committee with (a) an estimate of the requesting court's ability to fund one-time and ongoing costs resulting from the establishment of a new position or augmentation of an existing position; and (b) a confirmation of need, both SJO workload and overall judicial need, based on the most recent council-approved judicial needs assessment.
3. The Executive and Planning Committee will authorize new or augmented SJO positions only if (a) the court can continuously cover the increased costs associated with those positions, and (b) the most recent council-approved Judicial Needs Assessment demonstrates that the requesting court's SJO workload justifies additional SJO positions and cannot be handled with existing judicial resources. The committee's decision to change the number or type of SJO positions must be in writing and contain an analysis of the factors underlying the decision.
4. The Executive and Planning Committee will eliminate or decrease the time base of an SJO position on the request of a trial court.

² The position of regional administrative director was eliminated in 2012 as a result of the restructuring of the Judicial Council.

5. Judicial Council staff members are directed to work with all trial courts to establish an official baseline number of authorized SJO positions in each court and to report this information to the Executive and Planning Committee. Once a court's baseline is established, the committee may confirm the court's request to approve currently unauthorized SJO positions that have been added since January 1, 2001, in accordance with the criteria described above.
6. This policy applies to SJO positions authorized under section 22 of article VI of the California Constitution and paid from a trial court's budget. Court commissioner and court referee positions are subject to this policy. The following positions are not covered by this policy: mental health hearing officers serving under Welfare and Institutions Code sections 5256.1 or 5334(c), referees appointed under Code of Civil Procedure sections 638 and 639, and child support commissioners supported by Assembly Bill 1058 funding.³

Analysis/Rationale

Since the significant budget reductions sustained by the judicial branch in 2009, the superior courts have sought to manage their greatly reduced budgets in ways that maximized the efficiency and effectiveness of court operations while continuing to serve California residents equitably. The pressing need to be responsive to budgetary factors has encouraged many courts to temporarily reallocate their greatly reduced resources to core court functions and away from those that they have the budgetary discretion to reduce in times of financial austerity. This reallocation has included temporary adjustments to expenditures for the financial support of SJO positions in the courts, with the adjustments in some instances limiting the caseloads and case types these positions could hear. With the budgetary situation having stabilized somewhat and new judicial and staff workload studies completed, a number of courts have entered into a process that involves readdressing workload issues to achieve higher levels of case-processing effectiveness. In this context, the Superior Court of San Benito County is seeking to expand the caseload of one SJO position by making a workload allocation adjustment. This action reflects an increase in Assessed Judge Need for the court by the Judicial Needs Assessment Study completed in 2018 and updated in 2019.⁴

The adjustment takes the form of an increase in the SJO time base from 0.3 FTE to 0.5 FTE, which will allow the court to better address workload in case types appropriate for an SJO to hear. Although the augmentation requested by the Superior Court of San Benito County is quite small, the court has relatively few judicial officers (2.3 FTE Authorized Judicial Positions; 2.9 FTE Assessed Judicial Need), and even a fractional increase represents a measureable change in judicial resources for this court.

³ The Judicial Council determines the number of AB 1058 child support commissioners under somewhat different criteria in accordance with caseload, case processing, and staffing standards specifically for child support commissioners.

⁴ Judicial Workload Assessment of 2018/2019, https://www.courts.ca.gov/documents/2019_Update_of_the_Judicial_Needs_Assessment.pdf.

Approving a fractional increase in time base for an SJO position is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),⁵ which delegated authority to the Executive and Planning Committee for review and approval of courts' requests to adjust the workload or number of SJOs serving in a court.⁶ Approving this adjustment to SJO FTE will allow the requesting court reasonable certainty and clarity concerning judicial staffing over the next few years, carry out their intent as described above, and once again communicate the committee's role in these matters to the courts.

Policy implications

This proposal complies with the council policy on the status of SJO positions. Supporting the proposed modifications in SJO FTE would be consistent with well-established council policy in this area.

Comments

This proposal, which complies with council policy on the status of SJO positions, did not circulate for comment.

Alternatives considered

This proposal is consistent with established council policy on SJO positions. On that basis, no alternatives were considered.

Fiscal and Operational Impacts

The policy regarding changes in the status of SJO positions requires that courts fund the costs associated with additional or augmented positions of this kind. The Superior Court of San Benito County indicates that funding for the fractional increase in FTE is available and will be drawn from the court's general fund.

Attachments and Links

1. Attachment A: Letter of Intent from the Superior Court of San Benito County
2. Attachment B: Government Code section 71622

⁵ "Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court." (Gov. Code, § 71622(a).)

⁶ Judicial Council of Cal., mins. (Feb. 23, 2007), Item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, pp. 15–16, www.courts.ca.gov/documents/min0207.pdf.



Superior Court of the State of California County of San Benito

Steven R. Sanders
Presiding Judge

450 Fourth Street, Hollister, CA 95023

May 26, 2020

Hon. Marsha G. Slough, Chair
Executive and Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Request Approval to Restore Time Base of Existing Court Commissioner

Dear Justice Slough and Members of the Executive and Planning Committee:

The Superior Court of California for San Benito County (Court) respectfully requests approval to restore the time base of our existing Court Commissioner to 0.5FTE, from the temporarily reduced level of 0.3FTE. If approved, this change would restore the Court's total judicial positions from 2.3FTE to 2.5FTE. For your consideration, please note:

- On July 6, 2010, the Court requested authorization to temporarily reduce the time base of our Court Commissioner from .5FTE to .3FTE. (See First Attachment)
- On July 9, 2010, the Executive and Planning Committee approved the Court's request to temporarily reduce the time base for a commissioner position from 0.5FTE to 0.3FTE, a reduction of 0.2FTE. (See Second Attachment)
- On September 24, 2019, the Judicial Council unanimously approved the 2018 Judicial Workload Assessment. Within this report, the Court's "Assessed Judgeship Need" is calculated at 2.9FTE which exceeds the requested restoration to 2.5FTE.
- Due to workload, the Court has determined a restoration of the Court Commissioner's 0.5FTE status is the most efficient method of maintaining court operations that are responsive to the community's needs.
- The increase in expenditures related to restoration of the Court Commissioner's time base will be offset by funds available from the Court's General Fund.

If there are questions regarding this request, please contact Gil Solorio, Court Executive Officer, at 831-636-4057, ext. 211.

Sincerely,


Steven R. Sanders, Presiding Judge
Superior Court of California, San Benito County

Superior Court of California County of San Benito



Gil Solorio, Executive Officer

July 6, 2010

Christine Patton
Regional Administrative Director
Bay Area/Northern Coastal Regional Office
Judicial Council of California – Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Request for Authorization to Temporarily Reduce Commissioner Hours

Dear Ms. Patton:

The Superior Court of California for San Benito County (Court) currently employs a Court Commissioner at .5FTEs. Please note that the Court receives a grant from the AB1058 Program to support .3FTEs of this position while the balance of .2FTEs is supported by the Court's General Fund.

Due to the Commissioner's recent resignation and difficult financial conditions, the Court is requesting authorization to temporarily reduce this position from .5FTEs to .3FTEs. If approved, the savings generated from the reduction in salaries and benefits will help the Court in its effort to sustain our local budget as well as the current level of public services. Also, the Court understands that although the reduction requested is temporary, restoration of .2FTEs would require separate authorization.

If you have any questions, please do not hesitate to contact me at your convenience.

Cordially,

gil Solorio

Gil Solorio
Executive Officer
Superior Court of California, San Benito County
gil.solorio@sanbenito.courts.ca.gov
831-636-4057 ext 11

Government Code Section 71622

- (a) Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court.
- (b) The appointment or termination of a subordinate judicial officer shall be made by order of the presiding judge or another judge or a committee to whom appointment or termination authority is delegated by the court, and shall be entered in the minutes of the court.
- (c) The Judicial Council shall promulgate rules establishing the minimum qualifications and training requirements for subordinate judicial officers.
- (d) The presiding judge of a superior court may cross-assign one type of subordinate judicial officer to exercise all the powers and perform all the duties authorized by law to be performed by another type of subordinate judicial officer, but only if the person cross-assigned satisfies the minimum qualifications and training requirements for the new assignment established by the Judicial Council pursuant to subdivision (c).
- (e) The superior courts of two or more counties may appoint the same person as court commissioner.
- (f) As of the implementation date of this chapter, all persons who were authorized to serve as subordinate judicial officers pursuant to other provisions of law shall be authorized by this section to serve as subordinate judicial officers at their existing salary rate, which may be a percentage of the salary of a judicial officer.
- (g) A subordinate judicial officer who has been duly appointed and has thereafter retired from service may be assigned by a presiding judge to perform subordinate judicial duties consistent with subdivision (a). The retired subordinate judicial officer shall be subject to the limits, if any, on postretirement service prescribed by the Public Employees' Retirement System, the county defined-benefit retirement system, as defined in subdivision (f) of Section 71624, or any other defined-benefit retirement plan from which the retired officer is receiving benefits. The retired subordinate judicial officer shall be compensated by the assigning court at a rate not to exceed 85 percent of the compensation of a retired judge assigned to a superior court.