



Judicial Council of California

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M E M O R A N D U M

Date

May 5, 2023

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

May 23, 2023

From

Judicial Council staff
Leah Rose-Goodwin, Manager
Kristin Greenaway, Supervising Research
Analyst
Office of Court Research

Contact

David Smith
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Subject

Fractional Increase in Full-Time Equivalency
for Subordinate Judicial Officer Position in
Superior Court of Madera County

Executive Summary

Office of Court Research staff recommend that the Executive and Planning Committee approve a fractional increase in the workload of a subordinate judicial officer (SJO) position in the Superior Court of Madera County. The court has informed council staff of a need to increase a permanent, fractional SJO position by .2 full-time equivalency (FTE). The increase in FTE will allow the commissioner serving in this position to cover an increase in existing workload appropriate for an SJO to hear. Confirming this request is consistent with established council policy of improving access to justice by providing judicial resources that are commensurate with the workload of the courts.

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request of the Superior Court of Madera County for a fractional increase in the workload of a commissioner serving in the court by .2 FTE.

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 delegate approval authority to its Executive and Planning Committee (Executive Committee). Government Code section 71622(a) grants authority to the council to determine the number and type of subordinate judicial officer positions in each trial court.¹

More specifically, the Judicial Council adopted a policy pertaining to changes in the number and status of SJO positions that, for the purposes of the current request, contained the following elements:

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 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 Committee with an estimation of the requesting court's ability to fund one-time and ongoing costs resulting from the establishment or augmentation of a new 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 Committee will authorize new or augmented SJO positions only if (a) the court can continuously fund the associated increased costs, 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 Executive 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.

¹ Judicial Council of Cal., mins. (Feb. 23, 2007), item 9, *Update of Judicial Workload Assessment and New Methodology for Selecting Courts in Which Subordinate Judicial Officers Should be Converted to Judgeships*; and item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, www.courts.ca.gov/documents/min0207.pdf.

² The position of regional administrative director was eliminated in 2012 as a result of the restructuring of the Administrative Office of the Courts (former name of the Judicial Council staff organization).

4. The Executive Committee will eliminate or decrease the time base of an SJO position upon the request of a trial court.

Analysis/Rationale

The request by the Superior Court of Madera County for the augmentation of an SJO position by .2 FTE is based on both the court's analysis of its current and projected workload need, as well as data from Office of Court Research judicial workload research. More specifically, the workload need identified by the court is substantiated by the most recent Judicial Needs Assessment.³ This includes unmet need for commissioner FTE of .3 FTE in the Madera court. While a small augmentation is requested, the court currently has limited SJO resources. On that basis, even a fractional increase in an impacted area may be seen to be a measurable change in judicial resources that the court can bring to bear in its efforts to serve the needs of residents of Madera County.

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),⁴ which delegated authority to the Executive Committee for review and approval of courts' requests to permanently adjust the workload or number of SJOs serving in a court.⁵

Policy implications

Confirming the augmentation of FTE of the present SJO position by .2 FTE is consistent with well-established tenets of council policy on SJO positions.

Comments

This proposal, which is consistent with council policy on the status and funding of SJO positions, did not circulate for comment.

Alternatives considered

The proposed increase in SJO FTE is consistent with council policy. On that basis, no alternatives were considered.

Fiscal and Operational Impacts

The court has performed the necessary budget analysis to confirm that it has sufficient funds to pay for the costs associated with this request. Implementing the recommendation would generate no fiscal or operational costs to the branch as a whole.

³ Judicial Council of Cal., *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment* (Nov. 2020), www.courts.ca.gov/documents/2020_Update_of_the_Judicial_Needs_Assessment.pdf.

⁴ "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).)

⁵ 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*, www.courts.ca.gov/documents/min0207.pdf.

Attachments and Links

1. Attachment A: Letter from Presiding Judge Ernest J. LiCalsi, Superior Court of Madera County, to Justice Marsha G. Slough, Chair, Executive and Planning Committee (Apr. 12, 2023)



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MADERA**

COURT ADMINISTRATION

200 SOUTH G STREET
MADERA, CA 93637
(559) 416-5510

HON. ERNEST J. LICALSI
PRESIDING JUDGE

HON. DALE J. BLEA
ASST PRESIDING JUDGE

ADRIENNE Y. CALIP
COURT EXECUTIVE OFFICER

AMY DOWNEY
ASST COURT EXECUTIVE OFFICER

April 12, 2023

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

Subject: Request to Increase Permanent Subordinate Judicial Officer Allocation

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

Pursuant to AB 143 [Government Code §68645 - §68645.7], by June 30, 2024, every court shall offer online ability-to-pay determinations utilizing a tool (myCitations) developed by the Judicial Council.

The Superior Court of California, County of Madera, has been engaged with Judicial Council staff to execute myCitations during the most recent cohort (Cohort 6).

In early March, it became apparent that our approved Subordinate Judicial Officer allocation [totaling 0.66 FTE for both Traffic (0.33 FTE) and Child Support (0.33 FTE)] is insufficient to successfully implement myCitations. For example, the Traffic Subordinate Judicial Officer, who will be assigned to review the myCitations portal, oversees hundreds of cases per week within the 0.33 FTE allocation. Specifically, there are 297 matters on calendar for the week of April 17, 2023. Based on this caseload, which cannot be dispersed, there is no time within the current allocation for the thorough review and consideration of the myCitations online requests.

As a result, our court is respectfully requesting the approval of an additional 0.20 FTE Subordinate Judicial Officer position. It should be noted that absent the workload increase associated with myCitations, our court is globally understaffed.

The approximate annual cost of the additional allocation is \$34,000, which will be 100% absorbed in the court's budget.

Please feel free to contact me at ernie.licalsi@madera.courts.ca.gov if there are any questions.

Sincerely,

Ernest J. Licalsi, Presiding Judge
Madera County Superior Court

Cc: Adrienne Y. Calip, Court Executive Officer