



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2013

Title	Agenda Item Type
Subordinate Judicial Officers: Notification to Legislature on Conversions	Action Required
Rule, Forms, Standards, or Statutes Affected	Effective Date
None	October 25, 2013
Recommended by	Date of Report
Administrative Office of the Courts Cory T. Jasperson, Director Office of Governmental Affairs	September 12, 2013
	Contact
	Alan Herzfeld, Associate Attorney 916-323-3121 alan.herzfeld@jud.ca.gov

Executive Summary

Assembly Bill 159 (Stats. 2007, ch. 722), which authorized the conversion of 162 subordinate judicial officer positions to judgeships, requires periodic notification from the Judicial Council to the Legislature on what positions the council seeks to convert. The Administrative Office of the Courts recommends approving two versions of a letter that will serve as the council's notification to the Legislature for fiscal year 2013–2014. The version that will be submitted depends on the action the council takes at its October 2013 meeting regarding the allocation of conversions to the Superior Court of Orange County.

Recommendation

The Administrative Office of the Courts recommends that the Judicial Council direct staff to submit to the Legislature the appropriate version of the attached notification on subordinate judicial officer (SJO) position conversions. The reason for having alternative versions is that action is pending by the Judicial Council on the allocation methodology to grant the Superior

Court of Orange County an additional conversion for fiscal year 2013–2014. In other respects, the two versions are identical.

The notification informs the Legislature of the council’s planned allocations of conversions of SJO positions to judgeships for fiscal year 2013–2014, as well as the overall status of the conversions authorized in AB 159. It also provides a chart of the SJO positions already converted, broken down by superior court and year, and those that remain to be converted.

Previous Council Action

The Judicial Council was a sponsor of AB 159, as well as Senate Bill 405 (Stats. 2011, ch. 705), which authorized an additional 10 conversions in fiscal year 2011–2012 if the additional conversions would result in family or juvenile law cases being heard by judges instead of SJOs, and Assembly Bill 1403 (Stats. 2013, ch. 510), which authorizes an additional 10 conversions in fiscal year 2013–2014 under the same circumstances.

Rationale for Recommendation

AB 159 requires periodic notification from the Judicial Council to the Legislature on planned conversions of SJO positions to judgeships. This notification complies with this requirement for fiscal year 2013–2014. A further report with the notification to the Legislature regarding the planned conversions for fiscal year 2014–2015 will be submitted to the council for approval at either the April 2014 or June 2014 council meeting.

Comments, Alternatives Considered, and Policy Implications

Notification is mandated by statute. No alternatives were considered.

Implementation Requirements, Costs, and Operational Impacts

Minor administrative transmittal costs only—no operational impacts—will result from implementation of this recommendation.

Attachments

1. Version 1 of the notification to the Legislature, to be submitted if no change in the allocation plan is approved by the council, at pages 3–7
2. Version 2 of the notification to the Legislature, to be submitted if action is taken by the Judicial Council to change the allocation plan consistent with the recommendation contained in the report considered by the council at this meeting, at pages 8–12



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Chief Justice of California
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STEVEN JAHR
Administrative Director of the Courts

October 25, 2013

Hon. Darrell S. Steinberg
President pro Tempore of the Senate
State Capitol, Room 205
Sacramento, California 95814

Hon. John A. Pérez
Speaker of the Assembly
State Capitol, Room 219
Sacramento, California 95814

Hon. Noreen Evans
Chair, Senate Judiciary Committee
State Capitol, Room 4085
Sacramento, California 95814

Hon. Bob Wieckowski
Chair, Assembly Judiciary Committee
State Capitol, Room 4016
Sacramento, California 95814

Re: Notification of Vacancies and Allocation of Conversion of Subordinate Judicial Officer Positions as Required Under Government Code Section 69615

Dear Senator Steinberg, Senator Evans, Speaker Pérez, and Assembly Member Wieckowski:

Assembly Bill 159 (Stats. 2007, ch. 722) authorized the Judicial Council to convert 162 subordinate judicial officer (SJO) positions, upon vacancy, to judgeships. Government Code section 69615 requires the Judicial Council to file notice of the vacant SJO positions that the council would be seeking to convert in the coming fiscal year (FY) and of the allocation of conversions among the courts eligible for conversion of SJO positions.

AB 159 authorized conversions of SJO positions to judgeships at a rate of up to 16 per fiscal year. For fiscal year 2011–2012, Senate Bill 405 (Stats. 2011, ch. 705) authorized the conversion of up to 10 additional positions, if the additional conversions would result in family or juvenile law cases being heard by judges instead of SJOs. Similar legislation for FY 2013–2014, Assembly Bill 1403 (Committee on Judiciary), (Stats. 2013, ch. 510). For fiscal year 2013–2014,

the Judicial Council approved the following methodology for allocating the 16 conversions among the remaining courts eligible for conversions:

Superior Courts (by County)	Number of Conversions for FY 2013–2014
Group 1: Los Angeles	7
Group 2: Orange	1
Group 3: Contra Costa, San Diego, San Francisco	4
Group 4: Fresno, Kern, Napa, Placer, San Luis Obispo, San Mateo, Tulare, Yolo	4

To date, the Judicial Council has approved conversions to judgeships of nine vacant or soon-to-be-vacant positions for fiscal year 2013–2014. The positions approved for conversion are as follows: one in Fresno, seven in Los Angeles, and one in Orange. The Judicial Council plans to approve the remaining positions authorized for conversion this year as additional commissioner positions become vacant in eligible courts. Under Judicial Council policy, if the courts with conversions set aside for FY 2013–2014 report no subordinate judicial officer position vacancies or anticipated vacancies by January 1, the remaining positions set aside for conversion will be distributed to any other eligible court on a first-come, first-served basis.

The Budget Act of 2013 (AB 110; Stats. 2013, ch. 20) included the authorization for conversion of SJOs in FY 2013–2014. Item 0250-101-0932, Provision 9, states: “Sixteen (16.0) subordinate judicial officer positions are authorized to be converted to judgeships in the 2013–14 fiscal year in the manner and pursuant to the authority described in subparagraph (B) of paragraph (1) of subdivision (c) of Section 69615 of the Government Code, as described in the notice filed by the Judicial Council under subparagraph (B) of paragraph (3) of subdivision (c) of Section 69615.”

Additionally, AB 1403 authorizes the Judicial Council to convert up to 10 additional vacant SJO positions in fiscal year 2013–2014, if the conversions will result in family or juvenile law cases being heard by judges instead of SJOs. The Judicial Council will convert these additional positions as well, as they become available.

The allocation of the 162 conversions was approved by the Judicial Council based on the Judicial Needs Assessment undertaken by the Administrative Office of the Courts (AOC), at the direction of the council. Conversions were allocated to the courts by weighted caseload, which was calculated according to the number of filings by case type in each county.

The methodology for allocating the annual 16 conversions, as well as the additional conversions under AB 1403, among the eligible courts balances the long-term goal of achieving more

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appropriate balance between judgeships and SJO positions in the superior courts with the short-term, immediate needs of the courts to handle their workload. The Judicial Council determined that compiling a full list of all the positions that come vacant in a given year and waiting until the end of that year to allocate those positions among the eligible courts would create unnecessary uncertainty and place an added burden on courts with vacant positions by requiring that they hold open positions that may not be converted in the near term. The adopted allocation methodology allows the Judicial Council to immediately determine if a court with a vacant SJO position qualifies to have the position converted.

As a result of the 16 conversions each year in FYs 2007–2011, along with the 20 conversions in FY 2011–2012, the 13 conversions in FY 2012–2013, and the 9 conversions approved so far in FY 2013–2014, 13 of the 25 courts designated for conversions have converted all of their eligible positions to judgeships, leaving 12 eligible courts and 56 SJO positions remaining to be converted to judgeships. For your information, attached is a chart showing all of the conversions to date, by court, and the conversions remaining.

If you have any questions about this matter, please contact Mr. Alan Herzfeld, Associate Attorney, AOC Office of Governmental Affairs, at 916-323-3121 or alan.herzfeld@jud.ca.gov.

Very truly yours,

Steven Jahr
Administrative Director of the Courts

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SJ/ANH

Enclosure

cc: Members of the Judicial Council

Margie Estrada, Policy Consultant, Office of Senate President pro Tempore Darrell S. Steinberg

Fredericka McGee, General Counsel, Office of Assembly Speaker John A. Pérez

Benjamin Palmer, Chief Counsel, Senate Judiciary Committee

Mike Peterson, Consultant, Senate Republican Policy Office

Drew Liebert, Chief Counsel, Assembly Judiciary Committee

Paul Dress, Consultant, Assembly Republican Policy Office

Curtis L. Child, AOC Chief Operating Officer

Cory T. Jaspersen, Director, AOC Office of Governmental Affairs

David Smith, Office of Court Research, AOC Court Operations Special Services Office

SJO Conversions Converted and Remaining Through October 7, 2013

Court	Total Positions Authorized for Conversion	Positions Converted in FY 2007-08	Positions Converted in FY 2008-09	Positions Converted in FY 2009-10	Positions Converted in FY 2010-11	Positions Converted in FY 2011-12	Positions Converted in FY 2012-13	Positions Converted in FY 2013-14	Total Positions Converted	Positions Remaining to be Converted
Alameda	6	0	0	1	2	3	0	0	6	0
Contra Costa	6	3	0	1	0	0	0	0	4	2
El Dorado	2	0	1	0	1	0	0	0	2	0
Fresno	3	0	1	0	1	0	0	1	3	0
Imperial	1	0	0	0	1	0	0	0	1	0
Kern	2	0	1	0	0	0	0	0	1	1
Los Angeles	78	4	5	7	7	8	6	7	44	34
Marin	2	0	0	0	0	1	1	0	2	0
Merced	2	0	1	0	0	1	0	0	2	0
Napa	1	0	0	0	0	0	0	0	0	1
Orange	14	1	2	2	2	3	2	1	13	1
Placer	1	0	0	0	0	0	0	0	0	1
Riverside	6	1	1	0	0	1	3	0	6	0
Sacramento	5	1	2	0	0	2	0	0	5	0
San Diego	7	2	0	0	0	0	1	0	3	4
San Francisco	9	1	0	1	0	0	0	0	2	7
San Luis Obispo	2	1	0	0	0	0	0	0	1	1
San Mateo	2	0	0	0	0	0	0	0	0	2
Santa Barbara	2	0	0	2	0	0	0	0	2	0
Santa Cruz	1	0	0	0	0	1	0	0	1	0
Solano	3	1	2	0	0	0	0	0	3	0
Sonoma	2	0	0	1	1	0	0	0	2	0
Stanislaus	1	0	0	0	1	0	0	0	1	0
Tulare	2	0	0	1	0	0	0	0	1	1
Yolo	2	1	0	0	0	0	0	0	1	1
Totals:	162	16	16	16	16	20	13	9	106	56

Note: Shaded rows represent courts that have completed all of the conversions for which they are eligible.



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Through October 7, 2013

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Imperial	1	0	0	0	1	0	0	0	1	0
Kern	2	0	1	0	0	0	0	0	1	1
Los Angeles	78	4	5	7	7	8	6	7	44	34
Marin	2	0	0	0	0	1	1	0	2	0
Merced	2	0	1	0	0	1	0	0	2	0
Napa	1	0	0	0	0	0	0	0	0	1
Orange	14	1	2	2	2	3	2	1	13	1
Placer	1	0	0	0	0	0	0	0	0	1
Riverside	6	1	1	0	0	1	3	0	6	0
Sacramento	5	1	2	0	0	2	0	0	5	0
San Diego	7	2	0	0	0	0	1	0	3	4
San Francisco	9	1	0	1	0	0	0	0	2	7
San Luis Obispo	2	1	0	0	0	0	0	0	1	1
San Mateo	2	0	0	0	0	0	0	0	0	2
Santa Barbara	2	0	0	2	0	0	0	0	2	0
Santa Cruz	1	0	0	0	0	1	0	0	1	0
Solano	3	1	2	0	0	0	0	0	3	0
Sonoma	2	0	0	1	1	0	0	0	2	0
Stanislaus	1	0	0	0	1	0	0	0	1	0
Tulare	2	0	0	1	0	0	0	0	1	1
Yolo	2	1	0	0	0	0	0	0	1	1
Totals:	162	16	16	16	16	20	13	9	106	56

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