



JUDICIAL COUNCIL OF CALIFORNIA

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

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on: August 22, 2014

Title	Agenda Item Type
Subordinate Judicial Officers: Notification to Legislature on Conversions	Action Required
Rules, Forms, Standards, or Statutes Affected	Effective Date
None	August 22, 2014
Recommended by	Date of Report
Cory T. Jasperson, Director Governmental Affairs	August 8, 2014
	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. Staff recommends approving a letter that will serve as the council's notification to the Legislature for fiscal year 2014–2015.

Recommendation

Staff recommends that the Judicial Council submit to the Legislature the attached notification on subordinate judicial officer (SJO) position conversions. The notification informs the Legislature of the council's planned allocations of conversions of SJO positions to judgeships for fiscal year (FY) 2014–2015, 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 FY 2011–2012 if the additional conversions would result in family or juvenile law cases being heard by judges instead of SJOs. Assembly Bill 1403 (Stats. 2013, ch. 510) and AB 2745 (Committee on Judiciary), which authorize or—if passed by the Legislature and signed by the Governor—will authorize an additional 10 conversions in fiscal years 2013–2014 and 2014–2015, fall respectively 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 FY 2014–2015.

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—without operational impacts—will result from implementation of this recommendation.

Attachments

Notification to the Legislature at pages 3–6.



Judicial Council of California

455 Golden Gate Avenue
San Francisco, CA 94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

HON. TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

HON. DOUGLAS P. MILLER
Chair, Executive and Planning Committee

HON. MARY ANN O'MALLEY
Chair, Litigation Management Committee

HON. KENNETH K. SO
*Chair, Policy Coordination and
Liaison Committee*

HON. HARRY E. HULL, JR.
Chair, Rules and Projects Committee

HON. JAMES E. HERMAN
Chair, Technology Committee

Hon. Judith Ashmann-Gerst
Hon. Stephen H. Baker
Hon. Marvin R. Baxter
Hon. Richard Bloom
Mr. Mark G. Bonino
Hon. James R. Brandlin
Ms. Angela J. Davis
Hon. David De Alba
Hon. Emilie H. Elias
Hon. Noreen Evans
Mr. James P. Fox
Hon. Teri L. Jackson
Hon. Gary Nadler
Mr. Mark P. Robinson, Jr.
Hon. David Rosenberg
Hon. David M. Rubin
Hon. Dean T. Stout

ADVISORY MEMBERS

Hon. Sue Alexander
Hon. Robert A. Glusman
Hon. Morris D. Jacobson
Hon. Brian L. McCabe
Mr. Frank A. McGuire
Ms. Mary Beth Todd
Hon. Charles D. Wachob
Hon. Brian Walsh
Mr. David H. Yamasaki

HON. STEVEN JAHR
Administrative Director of the Courts

August 22, 2014

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

Hon. Hannah-Beth Jackson
Chair, Senate Judiciary Committee
State Capitol, Room 2032
Sacramento, California 95814

Hon. Toni Atkins
Speaker of the Assembly
State Capitol, Room 219
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 Jackson, Speaker Atkins, 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 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 (FY) 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 was passed in 2013 for FY 2013–2014 as AB 1403 (Stats. 2013, ch. 510), and is currently being considered by the Legislature as AB 2745 (Committee on Judiciary) for FY 2014–2015. For FY 2014–2015, the Judicial Council has approved the following methodology for allocating 15 of 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 3: Contra Costa, San Diego, San Francisco	4
Group 4: Fresno, Kern, Napa, Placer, San Luis Obispo, San Mateo, Tulare, Yolo	4

Group 2 consisted solely of Orange County, which converted the last of its eligible SJO positions to judgeships in FY 2013–2014. The conversion that had previously been designated for Orange County has not yet been reassigned by the Judicial Council to one of the groups with remaining eligible positions.

To date, the Judicial Council has approved conversions to judgeships of seven vacant or soon-to-be-vacant positions for FY 2014–2015, all in the Superior Court of Los Angeles County. 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 2014–2015 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 2014 (SB 852; Stats. 2014, ch. 25) 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 2014–15 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 of the Government Code.”

Additionally, AB 2745, if enacted, would authorize the Judicial Council to convert up to 10 additional vacant SJO positions in FY 2014–2015, if the conversions will result in family or juvenile law cases being heard by judges instead of SJOs. The Judicial Council intends to 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 Judicial 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.

August 22, 2014

Page 3

The methodology for allocating the annual 16 conversions as well as the additional conversions under AB 2745, if enacted among the eligible courts, balance the long-term goal of achieving more 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 fiscal years 2007–2011, along with the 20 conversions in FY 2011–2012, the 13 conversions in FY 2012–2013, the 11 conversions in FY 2013–2014, and the 7 conversions approved so far in FY 2014–2015, 14 of the 25 courts designated for conversions have converted all of their eligible positions to judgeships, leaving 11 eligible courts and 47 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, Governmental Affairs, Judicial Council of California, at 916-323-3121 or alan.herzfeld@jud.ca.gov.

Very truly yours,

Steven Jahr
Administrative Director
Judicial Council of California

August 22, 2014

Page 4

SJ/ANH

Enclosure

cc: Members of the Judicial Council of California

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

Fredericka McGee, General Counsel, Office of Assembly Speaker Toni Atkins

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, Chief Operating Officer, Judicial Council

Cory T. Jasperson, Director, Governmental Affairs, Judicial Council

David Smith, Office of Court Research, Judicial Council