



JUDICIAL COUNCIL OF CALIFORNIA

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REPORT TO THE JUDICIAL COUNCIL

For business meeting on August 21, 2015

Title

Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data

Agenda Item Type

Action Required

Effective Date

August 24, 2015

Rules, Forms, Standards, or Statutes Affected

N/A

Date of Report

August 11, 2015

Recommended by

Executive and Planning Committee
Justice Douglas P. Miller, Chair
Judicial Council staff
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Executive Summary

At the direction of the Executive and Planning Committee (E&P), which has the authority to confirm subordinate judicial officer (SJO) conversions, the Workload Assessment Advisory Committee has provided an analysis on how the remaining 45 SJO conversions under Government Code section 69615 would be allocated if current workload data were used to identify the courts with SJOs eligible for conversion. E&P recommends that the Judicial Council adopt the recommendation to allocate the remaining conversions using more recent workload data and to direct staff to seek legislation that would update references in the current statute to the list of positions eligible for conversion. Council action is needed so that courts have more certainty about the need to convert positions in light of changes in judicial workload since the original workload analysis was completed in 2007.

Recommendation

The Executive and Planning Committee recommends that the Judicial Council, effective August 24, 2015:

1. Allocate the remaining 45 subordinate judicial officer conversions authorized under Government Code section 69615 using updated workload data;
2. Seek legislation that would update references in the current statute to the list of positions eligible for conversion;
3. Assess whether to periodically update the list of positions eligible for conversion until all conversions are completed; and

Previous Council Action

At its February 23, 2007, meeting, the Judicial Council approved the methodology for identifying courts in which SJO positions should be converted to judgeships.¹ At its December 7, 2007, meeting, the council then approved a methodology for allocating conversions among the courts eligible for conversions and delegated to E&P the authority and responsibility to confirm the conversion of SJO positions to judgeships.

Rationale for Recommendation

Government Code section 69615 provides for the conversion of subordinate judicial officer positions to judgeships to ensure sufficient numbers of judges are handling judge-appropriate work in the trial courts. The methodology in use to identify the number of conversions needed and the courts in need of converting SJO positions was approved by the Judicial Council in 2007; at present, 117 out of an identified 162 positions have been converted under this authority. Even though the council delegated authority to E&P to confirm conversions, the council retains authority over the policies that govern conversions. Changes in filings since the 2007 study and an updated judicial workload study completed in 2011 make it timely for the council to ensure that the remaining conversions match the workload needs in the courts. Doing so would be consistent with the recent council decision to update the allocation list for the second set of 50 judgeships that were authorized by the Legislature based on updated filings data. The updated judge allocation list, and the principle of using the most recent workload data to inform judicial allocations, was approved by the Judicial Council in December 2013.

The impetus for this update was a series of requests by courts with and without SJO positions on the conversion list—courts that believed that more current workload data might change their status and either not require that they convert a position previously identified as in need of conversion or authorize a previously unauthorized conversion. E&P directed the Workload

¹The council report is available at www.courts.ca.gov/documents/022307item9.pdf and the minutes of the meeting at www.courts.ca.gov/documents/min0207.pdf.

Assessment Advisory Committee (WAAC), whose judicial workload study formed the basis of the 2007 methodology used to identify the number of SJO positions needed to handle SJO-appropriate workload, to provide E&P with information on how the remaining conversions might be allocated if more current workload data were used.

SJO conversion legislation and 2007 methodology

Government Code section 69615 (see Attachment A) provides the statutory framework for the conversion of subordinate judicial officers. The goal of the conversions was to address the disproportionate growth in the number of SJO positions versus new judgeships. Absent new judge resources, some courts found it necessary to hire SJOs to meet growing judicial workload need. The conversion legislation aimed to ensure that there were enough judicial officers of each classification (judges and subordinate judicial officers) by measuring the SJO-appropriate work and the full-time equivalents (FTEs) needed to carry it out.

The methodology used in the 2007 study to measure the appropriate workload for SJOs and the courts in need of conversion was based on a 2002 report by the Subordinate Judicial Officer Working Group called *Subordinate Judicial Officers: Duties and Titles*.² That report identified the type of judicial work that SJOs had the authority to perform or that otherwise was appropriately categorized as subordinate judicial officer duties, as follows:

- All workload in small claims and infractions cases
- Portions of the workload in the following casetypes:
 - **Criminal cases:**
 - Arraignments—Authority to conduct arraignments and accept *not guilty* pleas
 - Penal Code Section 1269c Bail Determinations—Authority subject to review by a judge
 - Bench Warrants—Same authority as a judge
 - Discovery Motions—Authority subject to review by a judge
 - Contempt Power—Same contempt powers as a judge on all matters within the scope of the SJO’s authority (not including matters an SJO hears as a temporary judge)
 - **Family law:** Adjudicated by judges, except for child support cases heard by child support commissioners per Family Code section 4251
 - **Juvenile cases:** Heard by judges, except for truancy matters and some minor delinquency matters that do not result in imprisonment
 - **Civil cases:**
 - Uncontested Civil Matters

² The 2007 study methodology is described in this report to the Judicial Council: www.courts.ca.gov/documents/022307item9.pdf. The 2002 report of the Subordinate Judicial Officer Working Group is available at www.courts.ca.gov/documents/sjowgfinal.pdf.

- Discovery Motions
- Pretrial Motions—Only those that cannot terminate the litigation
- Settlement Conferences/Mediation

To measure the workload need for SJOs, the 2007 study used data elements from the 2001 judicial workload study, which was based on a time study of judicial officers from 11 courts. Those data elements included caseweights and the judicial year value.³ *Caseweights* are time estimates, per casetype, that quantify the average amount of judicial time, in minutes, needed per filing. When caseweights are multiplied by a three-year average of filings and then divided by the judicial year value, the result is an estimate of judicial officer need, expressed in full-time equivalents.

The Subordinate Judicial Officer Working Group had previously determined that 100 percent of small claims and infractions work was appropriate for SJOs. Therefore, to estimate SJO need in those casetypes, staff of the Judicial Council Office of Court Research (OCR) multiplied the 2001 Judicial Workload Assessment caseweights for those casetypes by a three-year average of recent filings and divided by the judicial year value.

A different approach was taken to estimate the need for SJOs in the casetypes where the 2002 report deemed that only a portion of the work was appropriate to SJOs. The Judicial Workload Assessment does not provide data at a level of detail to determine the need for SJOs at the event or hearing level. For example, though the SJO Working Group determined that civil discovery motions were appropriate for SJOs to handle, the branch lacks the statewide data needed to estimate the average number of discovery motions per case or the average amount of time per motion.

However, the Judicial Workload Assessment data does provide estimates of time reported by phase of case—pretrial, trial/nontrial disposition, and postdisposition—and by the classification of the judicial officer performing the work—judge or subordinate judicial officer. Most of the hearing work that the SJO Working Group identified as appropriate for SJOs takes place in the pretrial phase, so staff used the SJO-reported time in the time study for the pretrial phase to create an “SJO work caseweight.” They then multiplied these SJO-specific caseweights by the three-year average filings and divided by the judge year value to estimate the number of subordinate judicial officers needed to manage the workload that the 2002 report deemed appropriate for handling by SJOs.

Based on the above methodology, the 2007 study showed a need for 259 FTE subordinate judicial officers, compared to 423 authorized SJO positions. To next identify the number of SJO positions in each court that were appropriate for conversion, staff compared authorized SJO positions in each court to the assessed need for SJOs. The difference between the two

³ The amount of time that judicial officers have to hear cases, subtracting weekends, holidays, and time needed for training and other administrative duties.

represented the number of conversions needed to ensure that enough judges were assigned to handle the judge-appropriate workload. With some adjustments made for rounding to whole numbers, the total number of SJO positions that were deemed appropriate for conversion was 162 FTEs.

Conversions completed to date

Table 1 summarizes the conversions that have taken place in each fiscal year (FY), the courts and positions still eligible for conversion, and the courts that have completed their conversions. At present, 117 conversions have taken place, with 45 conversions remaining.

Table 1: Summary of SJO Conversions

| | Positions Eligible for Conversion | Conversions | | | | | | | | Total Conversions to Date | Positions Remaining to Convert | |
|---|-----------------------------------|-------------|-----------|-----------|-----------|-----------|-----------|-----------|----------|---------------------------|--------------------------------|-----------|
| | | 07-08 | 08-09 | 09-10 | 10-11 | 11-12* | 12-13 | 13-14 | 14-15 | | | |
| Courts Still Eligible for SJO Conversions | | | | | | | | | | | | |
| Contra Costa | 6 | 3 | 0 | 1 | 0 | 0 | 0 | | | | 4 | 2 |
| Kern | 2 | 0 | 1 | 0 | 0 | 0 | 0 | | | | 1 | 1 |
| Los Angeles | 78 | 4 | 5 | 7 | 7 | 8 | 6 | 7 | 7 | | 51 | 27 |
| Napa | 1 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 0 | 1 |
| Placer | 1 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 0 | 1 |
| San Diego | 7 | 2 | 0 | 0 | 0 | 0 | 1 | 1 | | | 4 | 3 |
| San Francisco | 9 | 1 | 0 | 1 | 0 | 0 | 0 | | | | 2 | 7 |
| San Luis Obispo | 2 | 1 | 0 | 0 | 0 | 0 | 0 | | | | 1 | 1 |
| San Mateo | 2 | 0 | 0 | 0 | 0 | 0 | 0 | | | | 0 | 2 |
| Courts That Have Completed Their SJO Conversions | | | | | | | | | | | | |
| Alameda | 6 | 0 | 0 | 1 | 2 | 3 | 0 | | | | 6 | 0 |
| El Dorado | 2 | 0 | 1 | 0 | 1 | 0 | 0 | | | | 2 | 0 |
| Fresno | 3 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | | | 3 | 0 |
| Imperial | 1 | 0 | 0 | 0 | 1 | 0 | 0 | | | | 1 | 0 |
| Marin | 2 | 0 | 0 | 0 | 0 | 1 | 1 | | | | 2 | 0 |
| Merced | 2 | 0 | 1 | 0 | 0 | 1 | 0 | | | | 2 | 0 |
| Orange | 14 | 1 | 2 | 2 | 2 | 3 | 2 | 2 | | | 14 | 0 |
| Riverside | 6 | 1 | 1 | 0 | 0 | 1 | 3 | | | | 6 | 0 |
| Sacramento | 5 | 1 | 2 | 0 | 0 | 2 | 0 | | | | 5 | 0 |
| Santa Barbara | 2 | 0 | 0 | 2 | 0 | 0 | 0 | | | | 2 | 0 |
| Santa Cruz | 1 | 0 | 0 | 0 | 0 | 1 | 0 | | | | 1 | 0 |
| Solano | 3 | 1 | 2 | 0 | 0 | 0 | 0 | | | | 3 | 0 |
| Sonoma | 2 | 0 | 0 | 1 | 1 | 0 | 0 | | | | 2 | 0 |
| Stanislaus | 1 | 0 | 0 | 0 | 1 | 0 | 0 | | | | 1 | 0 |
| Tulare | 2 | 0 | 0 | 1 | 0 | 0 | 0 | | | 1 | 2 | 0 |
| Yolo | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | | 2 | 0 |
| Total | 162 | 16 | 16 | 16 | 16 | 20 | 13 | 11 | 9 | | 117 | 45 |

Last Updated: June 23, 2015

* Note that total conversions in FY 2011-2012 exceed 16 because of the enactment of Senate Bill 405, which increased the number of allowable conversions in specific circumstances for this fiscal year.

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

Methodology used for SJO conversion allocation update

At the direction of E&P, staff to the Workload Assessment Advisory Committee prepared an analysis of how conversions might be allocated with more updated workload data, using more current filings data and data from the 2011 judicial workload study. When E&P requested this update, the expectation was that only filings and SJO caseweights would be updated and that the underlying assumptions about the type of work appropriate that SJOs conduct would continue to be based on the 2002 report of the Subordinate Judicial Officer Working Group.

Consistent with that approach, the workload need for SJOs in small claims and infractions cases, where SJOs can perform 100 percent of the judicial duties, was calculated using the 2011 judicial caseweights for those casetypes, multiplied by a three-year average of filings (FY 2010–2011 through FY 2012–2013) and divided by the judicial year value.

However, changes in how the 2011 time study data were reported necessitated some minor adjustments to the methodology used to estimate workload need for SJOs in the casetypes where SJOs perform a portion of the overall workload. In the 2011 judicial workload study update, subordinate judicial officers were asked to record the amount of time they spent on each phase of a case (as with the 2001 study) for each casetype *when acting either as a judge pro tem or as an SJO*. This distinction allowed for a more accurate assessment of SJO-appropriate workload. Given that time reported serving as a judge pro tem was tracked elsewhere, the total amount of time reported by SJOs per casetype, across all phases of a case, could be used to create an SJO-specific caseweight for those casetypes for which SJOs perform a portion of judicial work. This slight change in the study methodology is consistent with the premise of the 2007 study. As with the calculations performed for calculating SJO need in small claims and infractions, the SJO-specific caseweights for the work performed in other casetypes were multiplied by a three-year average of filings and divided by the judicial year value.

Attachment B summarizes the data elements used in the analysis. Based on the updated workload data, about 231 FTE SJOs are needed to handle the SJO-appropriate workload (see column G of Attachment B). Existing judicial resources—the number of authorized judges and subordinate judicial officers—in each court are identified in the far-left columns (columns A through E).⁴ Authorized AB 1058 commissioner FTEs are exempted from consideration for conversion and therefore are reported separately on the authorized resource side (column C) and removed from the judicial need side (column H).

Columns F through H show the judicial need in each court. Column F shows results from the 2014 Judicial Needs Assessment, which estimates judicial officer (both judges and SJOs) need in each of the courts based on a three-year average of filings and caseweights approved by the Judicial Council in 2011. The 2014 Judicial Needs Assessment, which was approved for transmittal to the Legislature by the Judicial Council at its December 12, 2014, meeting, is based on filings from FY 2010–2011 through FY 2012–2013. Column H shows the SJO need with the AB 1058 authorized commissioner FTEs removed. As mentioned above, since authorized AB 1058 commissioner FTEs are not subject to conversion, they must be removed from the analysis.

The remaining columns (I through L) show how the updated workload data might modify the list of SJO positions that would be appropriate for conversion, as described more fully in the next section, with column L displaying the remaining conversions under the current methodology.

⁴ In preparing the analysis, WAAC determined that some courts had made changes in the number of authorized subordinate judicial officer FTEs, which needed to be confirmed by E&P. E&P confirmed those changes at its October 9, 2014, meeting, and those modifications have been incorporated into this table and report.

Updated SJO conversion allocation results

In 2007, when the conversion analysis was first completed, 259 SJO FTEs were needed to manage the workload that was deemed appropriate for subordinate judicial officers. Based on the updated workload data, the workload need for SJOs is 230.9 FTEs statewide. With authorized AB 1058 commissioner positions taken out of the analysis, the statewide FTE need becomes 179. The decline in statewide need for SJOs may partially reflect changes in the caseweights used to measure judicial workload between the 2001 and 2011 judicial time studies and also the decline in statewide filings since FY 2009–2010 in many casetypes, but particularly in infractions and small claims—where most of the SJO-appropriate workload is concentrated.

Comparing that number to the number of authorized SJO positions (also with AB 1058 commissioner FTEs removed) in column B of Attachment B and rounding down to whole numbers yields an initial number of conversions using the updated workload data: 56 FTEs (see column I). However, the direction from E&P was to use updated workload data to determine how *remaining* conversions should be allocated. Two steps are necessary to finalize an updated list of positions appropriate for conversion.

First, an adjustment should be made to address policy issues that weren't considered when the original SJO conversion study was done. The 2007 study and the policy decisions made about the conversions at that time did not anticipate changes in judicial workload need as a result of filings declines. Since peaking in FY 2009–2010, statewide filings counts have declined about 10 percent per year. Although statewide more judicial officers are needed than currently authorized, a small number of courts that are recommended to convert one or more positions currently have more authorized *judges* than their assessed judicial need. These courts already have an appropriate number of judges performing judge work, and converting SJO positions in those courts would not further the goals of the conversion legislation. Therefore, the analysis has been adjusted to eliminate any courts from converting an SJO position when the court has more judges than its 2014 assessed judicial need, resulting in a list of 52 FTE SJOs appropriate for conversion in ten courts (see table 2).

In addition to changes in workload need, the Workload Assessment Advisory Committee also became aware of changes in the number of authorized subordinate judicial officer FTEs in some courts since the 2007 study. A statewide survey went out in September 2014 so that all courts had the opportunity to confirm their SJO FTEs. Several courts made permanent changes to their authorized subordinate judicial officer FTEs, which were confirmed by E&P in October 2014. Those changes affected the positions deemed appropriate for conversion.

Also, some courts identified as having an SJO position eligible for conversion may have fewer filled SJO positions than authorized. After several years of budget cuts, some courts have laid off commissioners and otherwise used salary and benefits savings from vacant commissioner positions to manage the fiscal crisis—something that had not been anticipated when the SJO policy was first developed. The SJO positions have not been permanently eliminated; they are

simply currently unfilled. Because those positions could be filled at any time, the status of an SJO position—filled or unfilled—should not be used as the basis for identifying conversions.

Prioritization of conversions

Although updated workload data identify 52 positions that are appropriate for conversion, 45 conversions remain under the existing statute. Staff of the Judicial Council Office of Court Research used methodology similar to the one used to prioritize new judgeships to identify positions that are most appropriate for conversion. The underlying policy assumption of the methodology, consistent with the overall goals of the conversion legislation, is that conversions should be prioritized where the biggest gap between assessed SJO need and authorized SJO FTE exists. To identify those positions, the difference between SJO need and authorized SJOs was calculated for each court with eligible conversions; then a formula was applied that assigns a ranking score to each position eligible for conversion. A second adjustment accounts for the relative “value” or contribution of each conversion toward narrowing the gap between SJO need and authorized SJO FTE in courts with multiple positions eligible for conversion. The ranking scores for each SJO position eligible for conversion were classified in descending order and the first 45 positions were prioritized for conversion. Those positions are shown in the far-right column of table 2 (and in column K of attachment B).

Table 2: Conversions Based on Updated Workload Data

| Court | Positions Remaining to Convert (as of June 2014) Using 2007 Workload Data | Number of SJO Positions Appropriate for Conversion Based on Updated Workload Data | Recommended SJO Conversions Based on Updated Workload Data |
|-----------------|--|--|---|
| Contra Costa | 2 | 3 | 3 |
| Kern | 1 | 0 | 0 |
| Los Angeles | 27 | 34 | 28 |
| Napa | 1 | 1 | 1 |
| Orange | 0 | 3 | 3 |
| Placer | 1 | 2 | 2 |
| Sacramento | 0 | 1 | 1 |
| San Diego | 3 | 4 | 3 |
| San Francisco | 7 | 0 | 0 |
| San Luis Obispo | 1 | 1 | 1 |
| San Mateo | 2 | 2 | 2 |
| Santa Cruz | 0 | 1 | 1 |
| Total | 45 | 52 | 45 |

All of the positions prioritized for conversion using updated workload data are from courts that were previously identified in the 2007 analysis as having positions eligible for conversion. Using

updated workload data, three courts (in Contra Costa, Los Angeles, and Placer Counties) would be required to convert 1 position in addition to remaining conversions under the 2007 workload analysis. Three courts that had completed their conversions under the 2007 analysis are now slated to convert additional positions: 3 FTEs in Orange County and 1 FTE each in Sacramento and Santa Cruz Counties. Two courts that were previously slated to convert positions—in Kern and San Francisco Counties—no longer have positions eligible for conversion. The status of four courts (in Napa, San Diego, San Luis Obispo, and San Mateo Counties) remains unchanged.

Comments, Alternatives Considered, and Policy Implications

The council's policies concerning SJO conversions directly affect the trial courts. Recently, several courts have contacted Judicial Council staff to find out whether updated workload data would change their need to convert positions. Council action is needed so that courts have more certainty about the need to convert positions in light of changes in judicial workload since 2007.

Comments received

Judge Lorna Alksne, chair of the Workload Assessment Advisory Committee, presented this item to the Executive and Planning Committee at its July 8, 2014, public meeting. Although no public comments were made about the item, a (now former) member of E&P raised two questions.⁵ One was about whether the types of matters that should be heard by subordinate judicial officers should be updated in light of changes in the law and case processing practices since the 2002 report of the Subordinate Judicial Officer Working Group. The scope of work for the present analysis was limited to retaining the assumptions made in the 2002 report; however, the Judicial Council may wish to direct staff to update this analysis at some future time. The second issue raised by the E&P member concerned updating the number of authorized judicial positions (both judge and SJO) in each court. That suggestion was undertaken and incorporated into the present analysis.

After the number of authorized SJOs was updated in fall 2014, the updated analysis was presented to WAAC at its January 21, 2015, meeting (an open meeting held via teleconference). No public comments were received.

OCR staff presented this item to the Trial Court Presiding Judges Advisory Committee Executive Committee at its June 3, 2015, meeting. Attendees requested that staff defer taking this recommendation to the Judicial Council at the August Judicial Council meeting.

This item has not circulated for public comment.

Alternatives

E&P is asking the council to approve a recommendation to update the remaining conversions using new workload data. Updating the list would be consistent with previous council direction

⁵ The member was unable to attend the July meeting and submitted her questions to the chair of E&P via e-mail before the meeting.

to use the most recent workload data when making decisions concerning allocation of judicial positions. The council would also need to amend the statute to avoid tying the list of courts eligible for conversions to those identified by the council in February 2007, as the current statute does.

Alternately, the council could opt to maintain the status quo and complete the remaining 45 SJO conversions using the conversion list that was established in 2007. However, there are known changes in filings volumes, case mixes, and time required for judicial officers to handle certain matters. Taking this approach would mean that some courts would have to convert SJO positions to judgeships in excess of the court's judge need (measured by the 2014 Judicial Needs Assessment) or in excess of currently authorized SJO positions. In terms of the latter, how this might be carried out is unclear.

Other considerations

The council should consider whether the conversion list should be updated regularly to account for changes in workload. Any future changes in the number of authorized commissioner FTEs and changes in judicial workload could modify the number of positions to be converted in the future and suggest the need for periodic updates to the analysis. Making periodic updates ensures that the workload-based models used by the Judicial Council to implement policy are based on the most current data available, which is consistent with previous council action on related matters, such as the priority ranking for new judgeships based on judicial workload need.

Implementation Requirements, Costs, and Operational Impacts

The Judicial Council will incur no direct costs to implement this proposal, other than staff time required to secure legislation needed to revise the list of courts eligible to convert a position, to carry out the policy, and to maintain the records. As for the trial courts that convert positions under this authority, no new funding is provided for the conversions; the cost of the SJOs is deducted from their allocations to address the cost of the judgeships.

If the council decides to direct staff to make regular updates to the conversion list, implementing the resulting new workload would incur modest staff costs.

Attachments and Links

1. Attachment A: Government Code Section 69615
2. Attachment B: Table showing authorized judicial resources, judicial need, and SJO conversions

Government Code Section 69615

(a) It is the intent of the Legislature in enacting this section to restore an appropriate balance between subordinate judicial officers and judges in the trial courts by providing for the conversion, as needed, of subordinate judicial officer positions to judgeships in courts that assign subordinate judicial officers to act as temporary judges. The Legislature finds that these positions must be converted to judgeships in order to ensure that critical case types, including family, probate, and juvenile law matters, can be heard by judges.

(b) (1) The Legislature finds that because of the unique nature of family and juvenile law matters, including the long-lasting impact of decisions in these cases, particularly on vulnerable children, whenever possible, these cases should be presided over by judges, who are accountable to the public.

(2) The Legislature also finds that a Judicial Council study concluded that public trust and confidence in the courts are strongest when the public believes that the decisionmaking processes used by the court are fair and allow each litigant a reasonable opportunity to be heard by the court. In order to improve the public perception of procedural fairness in family law and juvenile law matters, it is necessary that cases be heard by judges whenever possible.

(3) It is therefore the intent of the Legislature, in allowing the conversion of up to 10 additional subordinate judicial officer positions, as provided in subparagraph (C) of paragraph (1) of subdivision (c), to expedite the timeline for ensuring that family and juvenile law matters are presided over by judges.

(c) (1) (A) Sixteen subordinate judicial officer positions in eligible superior courts, as determined and approved by the Judicial Council on February 23, 2007, pursuant to uniform criteria for determining the need for converting existing subordinate judicial officer positions to superior court judgeships, shall be converted to judgeships as set forth in paragraph (2).

(B) Upon subsequent authorization by the Legislature, 146 subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council pursuant to uniform criteria for determining the need for converting existing subordinate judicial officer positions to superior court judgeships, shall be converted to judgeships as set forth in paragraphs (2) and (3), except that no more than 16 subordinate judicial officer positions may be converted in any fiscal year.

(C) Notwithstanding subparagraph (B), up to 10 additional subordinate judicial officer positions in eligible superior courts may be converted to superior court judgeships in any fiscal year. Each additional position may be converted to a judgeship only if the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial

officer. The additional conversions authorized by this subparagraph are subject to the requirements of paragraph (3).

(2) The positions for conversion shall be allocated each fiscal year pursuant to uniform allocation standards to be developed by the Judicial Council for factually determining the relative judicial need for conversion of a subordinate judicial officer position that becomes vacant to a superior court judgeship position.

(3) Beginning in the 2010–11 fiscal year, a subordinate judicial officer position shall be converted to a judgeship when all of the following conditions are met:

(A) A vacancy occurs in a subordinate judicial officer position in an eligible superior court as determined by the uniform allocation standards described in paragraph (2).

(B) The Judicial Council files notice of the vacancies and allocations with the Chairperson of the Senate Committee on Rules, the Speaker of the Assembly, and the Chairpersons of the Senate and Assembly Committees on Judiciary.

(C) Except for proposed actions authorized pursuant to subparagraph (C) of paragraph (1), the proposed action is ratified by the Legislature, either in the annual Budget Act or by statutory enactment. Because of the unique nature of the need for judges as expressed in subdivision (b), a proposed action under subparagraph (C) of paragraph (1) shall be ratified by the Legislature by statutory enactment other than the annual Budget Act.

(4) Section 12011.5 shall apply to an appointment to a superior court judgeship converted from a subordinate judicial officer position.

(d) For purposes of this section, “subordinate judicial officer” means an officer appointed under the authority of Section 22 of Article VI of the California Constitution. This section shall not apply to a subordinate judicial officer position established by Section 4251 of the Family Code.

(e) It is the intent of the Legislature that no subordinate judicial officer shall involuntarily lose his or her position solely due to operation of this section. This section does not change the employment relationship between subordinate judicial officers and the trial courts established by law.

(f) This section does not limit the authority of the Governor to appoint a person to fill a vacancy pursuant to subdivision (c) of Section 16 of Article VI of the California Constitution.

(g) This section does not entitle a court to an increase in funding.

(h) The operation of this section shall neither increase nor decrease the number of judicial and subordinate judicial officer positions and court support positions for which a county is responsible by law.

(Amended by Stats. 2010, Ch. 690, Sec. 2. Effective January 1, 2011.)

| | A | B | C | D | E | F | G | H | I | J | K | L |
|------------------|---|---|--|--|------------------------------------|-----------------------------|---|---|--|---|--|---|
| COUNTY | Authorized Resources | | | | | Judicial Need | | | Determining SJO Conversions | | | Positions remaining to convert using 2007 workload data |
| | Authorized Judges (as of June 2013, plus SJO conversions through January 1, 2015) | Authorized SJOs (without AB 1058 child support commissioners) | Authorized AB 1058 child support commissioners | Authorized SJOs (as of June 2013, reported in CSR, minus conversions through June 1, 2015) | Total Authorized Judicial Officers | 2014 Assessed Judicial Need | SJO Need (from updated SJO workload analysis) | SJO need minus authorized AB 1058 positions (G-C) | Workload-based SJO need compared to authorized SJOs: number of SJOs appropriate for conversion (B-H) | SJOs appropriate for conversion, removing any SJO conversions in excess of judicial need. If A is greater than F, result is "0", else I | Final list of recommended conversions based on updated workload data | |
| STATEWIDE | 1,715 | 246.2 | 51.9 | 298.1 | 2,013.1 | 2,171.3 | 230.9 | 179.0 | 56 | 52 | 45 | 45 |
| Alameda | 75 | 8.1 | 1.9 | 10.0 | 85.0 | 70.1 | 8.6 | 6.7 | 1 | - | - | - |
| Alpine | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 0.2 | 0.0 | -- | - | - | - | - |
| Amador | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 2.7 | 0.2 | -- | - | - | - | - |
| Butte | 12 | 1.5 | 0.5 | 2.0 | 14.0 | 14.2 | 1.4 | 0.9 | - | - | - | - |
| Calaveras | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 2.8 | 0.2 | -- | - | - | - | - |
| Colusa | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 1.6 | 0.2 | -- | - | - | - | - |
| Contra Costa | 39 | 6.5 | 1.5 | 8.0 | 47.0 | 42.5 | 4.8 | 3.3 | 3 | 3 | 3 | 2 |
| Del Norte | 3 | 0.5 | 0.3 | 0.8 | 3.8 | 3.7 | 0.3 | -- | - | - | - | - |
| El Dorado | 8 | 0.7 | 0.3 | 1.0 | 9.0 | 9.9 | 1.0 | 0.7 | - | - | - | - |
| Fresno | 47 | 3.7 | 2.3 | 6.0 | 53.0 | 60.7 | 5.5 | 3.2 | - | - | - | - |
| Glenn | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 2.0 | 0.3 | -- | - | - | - | - |
| Humboldt | 7 | 0.7 | 0.3 | 1.0 | 8.0 | 10.6 | 0.9 | 0.6 | - | - | - | - |
| Imperial | 10 | 1.0 | 0.3 | 1.3 | 11.3 | 13.8 | 1.8 | 1.5 | - | - | - | - |
| Inyo | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 1.6 | 0.3 | -- | - | - | - | - |
| Kern | 39 | 5.1 | 1.9 | 7.0 | 46.0 | 58.0 | 6.2 | 4.3 | - | - | - | 1 |
| Kings | 8 | 1.3 | 0.3 | 1.6 | 9.6 | 11.4 | 1.0 | 0.7 | - | - | - | - |
| Lake | 4 | 0.3 | 0.4 | 0.7 | 4.7 | 5.2 | 0.4 | -- | - | - | - | - |
| Lassen | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 3.2 | 0.3 | -- | - | - | - | - |
| Los Angeles | 483 | 94.5 | 8.8 | 103.3 | 586.3 | 629.5 | 68.3 | 59.5 | 34 | 34 | 28 | 27 |
| Madera | 10 | 0.0 | 0.3 | 0.3 | 10.3 | 10.9 | 1.0 | 0.7 | - | - | - | - |
| Marin | 12 | 0.4 | 0.3 | 0.7 | 12.7 | 11.8 | 1.4 | 1.1 | - | - | - | - |
| Mariposa | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 1.3 | 0.1 | -- | - | - | - | - |
| Mendocino | 8 | 0.1 | 0.3 | 0.4 | 8.4 | 7.3 | 0.6 | 0.3 | - | - | - | - |
| Merced | 12 | 1.5 | 0.5 | 2.0 | 14.0 | 16.7 | 1.8 | 1.3 | - | - | - | - |
| Modoc | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 0.8 | 0.1 | -- | - | - | - | - |
| Mono | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 1.1 | 0.2 | -- | - | - | - | - |
| Monterey | 20 | 1.7 | 0.5 | 2.2 | 22.2 | 21.8 | 2.1 | 1.6 | - | - | - | - |
| Napa | 6 | 1.7 | 0.3 | 2.0 | 8.0 | 8.2 | 0.7 | 0.4 | 1 | 1 | 1 | 1 |
| Nevada | 6 | 1.3 | 0.3 | 1.6 | 7.6 | 5.4 | 0.6 | 0.3 | 1 | - | - | - |
| Orange | 125 | 17.2 | 2.8 | 20.0 | 145.0 | 155.6 | 16.8 | 14.0 | 3 | 3 | 3 | - |
| Placer | 12 | 4.1 | 0.4 | 4.5 | 16.5 | 19.4 | 1.8 | 1.4 | 2 | 2 | 2 | 1 |
| Plumas | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 1.4 | 0.1 | -- | - | - | - | - |
| Riverside | 69 | 10.9 | 3.1 | 14.0 | 83.0 | 127.4 | 13.7 | 10.6 | - | - | - | - |
| Sacramento | 68 | 9.2 | 1.3 | 10.5 | 78.5 | 81.8 | 9.1 | 7.8 | 1 | 1 | 1 | - |
| San Benito | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 2.8 | 0.2 | -- | - | - | - | - |
| San Bernardino | 78 | 12.4 | 2.6 | 15.0 | 93.0 | 143.0 | 14.7 | 12.1 | - | - | - | - |
| San Diego | 132 | 18.9 | 3.1 | 22.0 | 154.0 | 153.3 | 17.8 | 14.7 | 4 | 4 | 3 | 3 |
| San Francisco | 52 | 2.8 | 1.1 | 3.9 | 55.9 | 53.8 | 5.4 | 4.3 | - | - | - | 7 |
| San Joaquin | 32 | 3.3 | 1.2 | 4.5 | 36.5 | 42.3 | 3.8 | 2.6 | - | - | - | - |
| San Luis Obispo | 12 | 2.7 | 0.3 | 3.0 | 15.0 | 17.9 | 1.6 | 1.3 | 1 | 1 | 1 | 1 |
| San Mateo | 26 | 6.5 | 0.5 | 7.0 | 33.0 | 31.1 | 4.2 | 3.7 | 2 | 2 | 2 | 2 |
| Santa Barbara | 21 | 2.2 | 0.8 | 3.0 | 24.0 | 23.4 | 2.5 | 1.7 | - | - | - | - |
| Santa Clara | 79 | 8.1 | 1.9 | 10.0 | 89.0 | 69.6 | 7.4 | 5.5 | 2 | - | - | - |
| Santa Cruz | 11 | 2.2 | 0.3 | 2.5 | 13.5 | 14.2 | 1.4 | 1.1 | 1 | 1 | 1 | - |
| Shasta | 11 | 1.4 | 0.6 | 2.0 | 13.0 | 16.4 | 1.3 | 0.7 | - | - | - | - |
| Sierra | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 0.2 | 0.0 | -- | - | - | - | - |
| Siskiyou | 4 | 0.7 | 0.3 | 1.0 | 5.0 | 3.4 | 0.4 | 0.1 | - | - | - | - |
| Solano | 21 | 2.4 | 0.6 | 3.0 | 24.0 | 25.0 | 2.4 | 1.8 | - | - | - | - |
| Sonoma | 21 | 2.3 | 0.75 | 3.0 | 24.0 | 26.1 | 2.7 | 1.9 | - | - | - | - |
| Stanislaus | 23 | 2.1 | 0.95 | 3.0 | 26.0 | 32.6 | 2.9 | 1.9 | - | - | - | - |
| Sutter | 5 | 0.0 | 0.3 | 0.3 | 5.3 | 6.7 | 0.6 | 0.3 | - | - | - | - |
| Tehama | 4 | 0.0 | 0.3 | 0.3 | 4.3 | 5.8 | 0.6 | 0.3 | - | - | - | - |
| Trinity | 2 | 0.0 | 0.3 | 0.3 | 2.3 | 1.6 | 0.1 | -- | - | - | - | - |
| Tulare | 22 | 2.0 | 1.0 | 3.0 | 25.0 | 25.9 | 2.5 | 1.5 | - | - | - | - |
| Tuolumne | 4 | 0.5 | 0.3 | 0.8 | 4.8 | 4.3 | 0.4 | 0.1 | - | - | - | - |
| Ventura | 29 | 2.7 | 1.3 | 4.0 | 33.0 | 40.4 | 4.7 | 3.4 | - | - | - | - |
| Yolo | 12 | 1.1 | 0.3 | 1.4 | 13.4 | 11.2 | 1.0 | 0.7 | - | - | - | - |
| Yuba | 5 | 0.0 | 0.3 | 0.3 | 5.3 | 5.6 | 0.5 | 0.2 | - | - | - | - |