



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING

Tuesday, June 8, 2021

12:10 to 1:00 p.m.

Videoconference

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**Advisory Body Members Present:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Hon. Harry E. Hull, Jr., Mr. Patrick M. Kelly, Hon. Dalila C. Lyons, and Hon. Ann C. Moorman

**Advisory Body Members Absent:** Ms. Nancy CS Eberhardt, Hon. Joyce D. Hinrichs, and Hon. David M. Rubin

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

**Staff Present:** Ms. Michele Allan, Mr. Nicholas Armstrong, Mr. James Barolo, Ms. Deirdre Benedict, Ms. Deborah Brown, Ms. Mary Bustamante, Ms. Roma Cheadle, Ms. Jessica Craven, Ms. Nicole Davis, Ms. Charlene Depner, Mr. Jeremy Ehrlich, Mr. Michael Etchepare, Ms. Audrey Fancy, Ms. Sarah Fleisher-Ihn, Mr. Michael Giden, Ms. Kristin Greenaway, Ms. Bonnie Hough, Mr. Cyrus Ip, Ms. Tracy Kenny, Mr. Chris Magnusson, Ms. Pella McCormick, Ms. Shima Mirzaei, Ms. Donna Newman, Ms. Brandy Olivera, Mr. Rob Oyung, Ms. Elyse Pulley, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Mr. David Smith, Ms. Laura Speed, Mr. Zlatko Theodorovic, Ms. Millicent Tidwell, Ms. Oksana Tuk, Mr. John Wordlaw, Mr. Catrayel Wood, and Ms. Josely Yangco-Frona

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#### OPEN MEETING

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##### **Call to Order and Roll Call**

The chair called the meeting to order at 12:10 p.m., and Mr. Alumno took roll call and made the opening announcements.

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#### DISCUSSION AND ACTION ITEM

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##### **Agenda Setting for the July 9, 2021, Judicial Council Meeting (Action Required)**

The committee reviewed available draft reports for the Judicial Council meeting in July.

**Action:** *The committee set the agenda for the July 9, 2021, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

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**INFORMATION ONLY ITEM**

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**Superior Court of Sacramento County: Reclassification of Subordinate Judicial Officers  
(No Action Required)**

The committee reviewed the reclassification by the Superior Court of Sacramento County of 4.5 referee positions as commissioners—with the total number of authorized subordinate judicial officers remaining unchanged, and the reclassification having no impact on the court’s budget.

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**ADJOURNMENT**

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With the business concluded, the meeting was adjourned at 12:40 p.m.

Approved by the committee on [insert date].

DRAFT



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF ACTION BY E-MAIL

Thursday, July 1, 2021  
5:00 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, Hon. Ann C. Moorman, 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 Wednesday, June 30, 2021, 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 July 9, 2021, Judicial Council Meeting (Action Required)**

The committee reviewed an additional draft report to consider for placement on the consent agenda of the July 9, 2021, Judicial Council business meeting: Item 21-132 (Rules and Forms | Unlawful Detainer: Technical Changes to Implement AB 832).

**Action: The committee unanimously approved Item 21-132 for placement on the consent agenda of the July 9, 2021, Judicial Council business meeting.**

#### CLOSURE OF ACTION

The action by e-mail concluded on Friday, July 2, 2021, at 3:45 p.m.

Approved by the committee on [insert date].



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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**Date**

July 1, 2021

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning  
Committee

**Deadline**

July 8, 2021

**From**

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

**Contact**

David Smith  
415-865-7696 phone  
[david.smith@jud.ca.gov](mailto:david.smith@jud.ca.gov)

**Subject**

Extend the Term of Two Temporary  
Subordinate Judicial Officer Positions  
Serving in Support of the Pretrial Pilot  
Program in the Superior Court of Sonoma  
County

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**Executive Summary**

Office of Court Research staff recommend approving the request by the Superior Court of Sonoma County for authorization to extend the positions of two limited-term subordinate judicial officers working in support of the court's Pretrial Pilot Program to June 30, 2022. The extension of these positions is intended to support the court in its efforts to address an anticipated increase in workload during the period in which the extension would be effective.

**Recommendation**

Office of Court Research staff recommend that the Executive and Planning Committee approve a request by the Superior Court of Sonoma County to extend two limited-term subordinate judicial officer positions serving in support of the court's Pretrial Pilot Program until June 30, 2022.

## 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 SJO positions and delegated approval authority to its Executive and Planning Committee.<sup>1</sup> Government Code section 71622(a) grants authority to the council to determine the number and type of SJO positions in each trial court.

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 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.<sup>2</sup> 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 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 and Planning 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 and Planning Committee 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.

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<sup>1</sup> Judicial Council of Cal., mins. (Feb. 23, 2007), Item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts*, [www.courts.ca.gov/documents/min0207.pdf](http://www.courts.ca.gov/documents/min0207.pdf).

<sup>2</sup> 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 Judicial Council staff).

## **Analysis/Rationale**

Prior to the current request, the Superior Court of Sonoma County received a grant from the Judicial Council's Pretrial Pilot Program to hire two temporary SJOs to preside over the court's pretrial pilot program, as well as fund the project's work more generally. These positions enabled the court to better serve the residents of Sonoma County and to inform the council's understanding of the judicial workload that is associated with conducting pretrial assessments. Supplementary funding was necessary to support the hiring of the two SJO positions because workload of this kind is not ordinarily factored into models used to assess the workload need for subordinate judicial officers. The increase of 2.0 full-time equivalent positions was intended to be for a limited term, with the salary and benefits fully funded by the grant through June 30, 2021.

The court subsequently decided to extend its participation in the Judicial Council Pretrial Pilot Program for an additional 90 days, or through September 30, 2021, with the Executive and Planning Committee approving the extension on April 15, 2021. At that time, the court indicated that it could undertake the work associated with the extended term with one limited-term SJO without new grant funds during that 90-day period. Since then, the court has decided to extend implementation of the pretrial program; and will be submitting a budget amendment to the Judicial Council's Pretrial Pilot Program, that will allow the court to continue its pretrial operations.

In its present request, the court indicates that in service to the Pretrial Pilot Program, each commissioner has contributed invaluable work to the development and analysis of data pertaining to the court's pretrial program. For example, the court indicates that the commissioners in question helped establish the original protocols for the Pretrial Pilot Program and refined them over time to improve the pretrial release process. Further, the court indicates that these commissioners were instrumental in developing innovative approaches to the use of the court's technology to streamline pretrial review and decision making. Notwithstanding this progress, the court continues to need to gather and analyze program data as pretrial hearings increase, because of the loosening of COVID-19 restrictions by the State of California and as the county's jail population increases to prepandemic levels. In the court's view, both commissioners are central to this effort and objective.

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),<sup>3</sup> which delegated authority to the Executive and Planning Committee for review and approval of courts' requests to adjust the

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<sup>3</sup> "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).)

workload or number of SJOs serving in a court and change the time base of an existing SJO position.<sup>4</sup>

### **Policy implications**

Confirming the creation of temporary, grant funded SJO positions for the purpose described above 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 extension of the temporary SJO service period is consistent with council policy. On that basis, no alternatives were considered.

### **Fiscal and Operational Impacts**

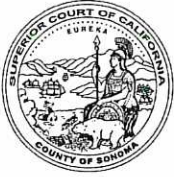
The court indicates that it has submitted a budget change amendment to the Pretrial Pilot Program to allow it to pay for the costs associated with this request. Implementing the recommendation would generate no fiscal or operational costs for the judicial branch beyond the grant awarded to the court.

### **Attachments and Links**

1. Attachment A: Letter from Presiding Judge Bradford J. DeMeo, Superior Court of Sonoma County, to Justice Marsha G. Slough, Chair, Executive and Planning Committee (June 14, 2021)

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<sup>4</sup> Judicial Council of Cal., mins. (Feb. 23, 2007), Item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts*, [www.courts.ca.gov/documents/min0207.pdf](http://www.courts.ca.gov/documents/min0207.pdf).



# Superior Court of California County of Sonoma

Bradford J. DeMeo  
Presiding Judge  
ACCESS, SERVICE, JUSTICE

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June 14, 2021

Honorable Marsha G. Slough  
Associate Justice, Court of Appeal, Fourth District, Division Two  
Judicial Council of California, Executive and Planning Committee, Chair  
3389 12<sup>th</sup> Street  
Riverside, CA 92501

RE: Sonoma County Pretrial Release Pilot Program  
Request: To extend limited term commissioners to June 30, 2022

Dear Justice Slough:

This is to request an extension of term for both of our pretrial release ("PTR") commissioners to June 30, 2022. We previously requested, and were granted, an extension of one of the commissioners to September 30, 2021. Our court is committed to the pretrial release pilot program and its original goals.

Each commissioner has contributed invaluable work analysis and input for our program. They assisted in establishing our original protocols for our pretrial pilot program. Over time, they have modified and tweaked the process to improve pretrial release and have been instrumental in developing innovation of our technology to fully automate the process for review, decision, signature and execution of the orders. We were planning to transition from the pilot program to permanent implementation September 30, 2021. However, we still have need of further analysis as the State of California loosens COVID-19 restrictions and the jail population increases to normal occupation. The international pandemic frustrated our ability to analyze and innovate at full capacity due to emergency measures taken to reduce bookings at our jail and facilitate mass releases. Naturally, when our jail begins to increase its population throughout this calendar year, the number of booked arrestees requiring review for PTR will increase proportionately. It is my understanding from our jail team that it is currently occupied at 55-60% of normal levels. Thus, we have operated a much lower demand than originally anticipated. The commissioners would be analyzing the impact of increased numbers on our capacity to promptly and efficiently process booked arrestees requesting PTR. We anticipate the need to further innovate to maintain the quality of the process. Both commissioners are integral to this plan.

Thank you, for your consideration of our request.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. DeMeo".

Bradford J. DeMeo  
Presiding Judge

BJD:jlw