



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

www.courts.ca.gov/epmeetings.htm
executiveandplanning@jud.ca.gov

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Thursday, February 25, 2016
1:15 to 1:45 p.m.

Advisory Body Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, and Gary Nadler; Mr. Frank McGuire

Advisory Body Members Absent: Judges David M. Rubin and Charles D. Wachob; Mr. Richard D. Feldstein and Ms. Donna D. Melby

Other Judicial Council Members Present: Justices Harry E. Hull, Jr., and Marsha G. Slough

Committee Staff Present: Ms. Jody Patel

Staff Present: Ms. Nancy Carlisle and Ms. Roma Cheadle

CLOSED SESSION

Item 1

Requests for Exceptions to Subordinate Judicial Officer Conversions

The committee received information on existing policy concerning court requests to postpone or defer SJO conversions.

Action: Information only. No committee action.

Item 2

Advisory Body Nominations

The committee reviewed nomination guidelines and alternative methods of outreach to publicize nomination opportunities.

Action: Information only. No committee action.

Item 3

Liaison Assignments

The committee reviewed the assignments of E&P members as nominations and annual agenda liaisons.

Action: Information only. No committee action.

ADJOURNMENT

There being no further business, the meeting was adjourned at 1:45 p.m.

Approved by the advisory body on [insert date].

DRAFT



Judicial Council of California

Meeting Agenda

Judicial Council

Friday, April 15, 2016

San Francisco

CLOSED SESSION (RULE 10.6(B))—PLANNING, PERSONNEL, AND DISCUSSION PROTECTED BY ATTORNEY-CLIENT PRIVILEGE

Session: 8:00 – 8:45 a.m.

Break: 8:45 – 9:00 a.m.

OPEN SESSION (RULE 10.6(A)) — MEETING AGENDA

Session: 9:00 a.m. – 3:00 p.m.

Swearing in of New Judicial Council Members

Approval of Minutes

16-059 Minutes of the February 25-26, 2016, Judicial Council Meeting

Summary: Approve minutes of the last Judicial Council meeting.

Chief Justice's Report

Administrative Director's Report

16-060 Administrative Director's Report

Summary: Mr. Martin Hoshino, Administrative Director, provides his report.

Judicial Council Committee Reports

16-061 Judicial Council Committee Reports

Summary: The following internal committee chairs provide their reports:

- Executive and Planning Committee
Hon. Douglas P. Miller, Chair
- Policy Coordination and Liaison Committee
Hon. Kenneth K. So, Chair
- Rules and Projects Committee
Hon. Harry E. Hull, Jr., Chair
- Judicial Council Technology Committee

Hon. Marsha G. Slough, Chair

Judicial Council Members' Liaison Reports

Presentations

16-064 Judicial Branch Outreach: Power of Democracy Steering Committee Interim Report (No materials)

Summary: The Power of Democracy Steering Committee promotes civic learning, inclusive of the courts, for all of California's K-12 students. This interim report will provide information on the current scope and impact of both the Civic Learning Award for California Public Schools, co-sponsored by the Chief Justice and State Superintendent of Public Instruction, and the California Task Force on K-12 Civic Learning's final report, released in August 2014.

Speakers: Hon. Judith D. McConnell, Chair, Power of Democracy Steering Committee
Mr. Jose Flores, Brawley Union High School, Civic Learning Award of Excellence Recipient
Mr. Simon Canalez, Superintendent, Brawley Union High School District
Mr. Christian Nunez, 12th Grade Student, Brawley Union High School
Ms. Deborah Genzer, Public Affairs

16-071 Pre-Trial Assessment Program at the Superior Court of California, County of Ventura (Information Only)

Summary: This program uses a risk assessment approach to assess adults charged with 1170(h) crimes at the first appearance to determine if they can be recommended for release without bail pending the next court date. After two years of implementing the program, the court will present the benefits and the results of this innovation.

Speakers: Hon. Brian J. Back, Superior Court of California, County of Ventura
Ms. Shelley Curran, Criminal Justice Services

Public Comment (approximately 11:40 a.m.)

The Judicial Council welcomes public comment on general matters of judicial administration and on specific agenda items, as it can enhance the council's understanding of the issues coming before it.

Please see our public comment procedures.

- 1) Submit advance requests to speak by 4:00 p.m., Tuesday, April 12, 2016.
- 2) Submit written comments for this meeting by 1:00 p.m. on Wednesday, April 13, 2016.

Contact information for advance requests to speak, written comments, and questions:

E-mail: judicialcouncil@jud.ca.gov

Postal mail or delivery in person:

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Nancy Carlisle

Break: 12:10 – 12:40 p.m.

CONSENT AGENDA

A council member who wishes to request that any item be moved from the Consent Agenda to the Discussion Agenda is asked to please notify Nancy Carlisle at 415-865-7614 at least 48 hours before the meeting.

[16-037](#)

2015 Juvenile Judicial Officer Training Survey Report (Action Required)

Summary:

The Judicial Council's Center for Judicial Education and Research recommends that the council review and approve the attached report, to be submitted to the Legislature, on compliance by judges, commissioners, and referees with the education requirements of Welfare and Institutions Code section 304.7. Section 304.7(c) requires the council to submit the report annually.

[16-038](#)

Trial Courts: Superior Court of Los Angeles County Establishment of an Irrevocable Other Post-Employment Benefits (OPEB) Trust (Action Required)

Summary:

The Judicial Council Finance staff recommends approving the Superior Court of Los Angeles County's request to establish a qualified irrevocable trust with the Los Angeles County Employees Retirement Association to prefund its Other Post-Employment Benefits (OPEB), effective immediately. Prior Judicial Council action requires the Judicial Council to approve a trial court's establishment of an OPEB qualified irrevocable trust with a provider of such trust and investment services other than the California Public Employees' Retirement System or Public Agency Retirement Services.

[16-039](#)

Probate Conservatorships: Voting Capacity of Conservatees (Action Required)

Summary:

The Probate and Mental Health Advisory Committee recommends that the Judicial Council revise the *Citation For Conservatorship* (form GC-320), the *Order Appointing Court Investigator* (form GC-330), and the *Order Appointing Court Investigator (Review and Successor Conservator Investigations)* (form GC-331), three of four conservatorship forms the council revised on December 11, 2015, effective January 1, 2016, to reflect changes in the law concerning a conservatee's capacity to vote. All of these forms, plus an additional conservatorship form revised by circulating order effective January 15, 2016,

were circulated for public comment in the winter 2016 comment cycle before and after those effective dates. Forms GC-320, GC-330, and GC-331 are proposed for additional revisions in response to comments received. These revisions would be effective on July 1, 2016. The other conservatorship forms revised in December 2015 or in January 2016 are not recommended for further revisions. They would retain their current effective dates.

[16-040](#)**Civil Practice and Procedure: Revision of Wage Garnishment Forms (Action Required)****Summary:**

Senate Bill 501 amends the method of computing the amount of a judgment debtor's earnings that may be garnished under an earnings withholding order. The Civil and Small Claims Advisory Committee recommends revising two wage garnishment forms to reflect the new method of calculating the amounts of wages to be withheld.

[16-043](#)**Juvenile Law: Notice of Juvenile Hearings by Electronic Mail (Implementation of AB 879) (Action Required)****Summary:**

Effective January 1, 2016, Assembly Bill 879 authorizes e-mailing notices of hearings in juvenile court under Welfare & Institutions Code sections 290.1-295. To implement AB 879, the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee jointly propose (1) amending rules 5.524, 5.534, and 5.708 of the California Rules of Court; (2) adopting mandatory form EFS-005-JV/JV-141, *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address Change (Juvenile Dependency)*; and (3) renumbering form EFS-005 to EFS-005-CV. This proposal aligns notice provisions in the rules with this change in law and provides a form for obtaining consent to electronic notice of hearings from those persons entitled to notice of juvenile court hearings. This proposal would also make technical changes to rules 5.550 and 5.815 to update references to and eliminate inconsistencies with the statutes.

[16-044](#)**Family Law: Signatures by Local Child Support Agencies on Electronically Filed Pleadings (Action Required)****Summary:**

To implement Assembly Bill 1519, the Family and Juvenile Law Advisory Committee and the Information Technology Advisory Committee recommend amending California Rules of Court, rule 2.257, which governs the use of signatures on electronically filed documents. Effective January 1, 2016, AB 1519 amends Family Code section 17400(b)(3) to provide that local child support agencies (1) are required to maintain original signed pleadings only for the time period stated in Government Code section 68152(a), and (2) may maintain original signed pleadings by way of an electronic copy in the statewide automated child support system. AB 1519 requires the Judicial Council to develop implementing rules by July 1, 2016.

[16-045](#)**Rules and Forms: Miscellaneous Technical Changes (Action Required)****Summary:**

Various Judicial Council advisory committee members, court personnel,

members of the public, and Judicial Council staff have identified errors in forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. Judicial Council staff recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.

[16-048](#)**Juvenile Law: Delinquency Defense Attorney Qualifications (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting rule 5.664 of the California Rules of Court and approving optional form JV-700, *Declaration of Eligibility for Appointment to Represent Youth in Delinquency Court*, to conform to recent statutory changes that establish training requirements for attorneys who represent delinquent youth under Welfare and Institutions Code sections 601 and 602.

[16-049](#)**Request to Continue Hearing Date and Extend Temporary Restraining Order in Civil Harassment, Domestic Violence, Elder and Dependent Adult Abuse, Family Law, Juvenile Law, Private Postsecondary School Violence, and Workplace Violence Cases (Action Required)****Summary:**

To implement the recent changes made by AB 1081 to Civil Code sections 527.6, 527.8, and 527.85 and Welfare and Institutions Code section 15657.03, the Civil and Small Claims Advisory Committee recommends revisions to Judicial Council forms relating to a party's request to continue a hearing on a request for a restraining order in a civil harassment, elder and dependent adult abuse, private postsecondary school violence, and workplace violence case.

To implement the recent changes made by Assembly Bill 1081 to Family Code section 245 and Welfare and Institutions Code section 213.5, the Family and Juvenile Law Advisory Committee recommends amendments and revisions to Judicial Council rules and forms relating to a party's request to continue a hearing on a request for a restraining order in a Family or Juvenile Law case.

[16-050](#)**Family Law: Changes to Petition and Response (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends revising *Petition- Marriage/Domestic Partnership* (form FL-100) and *Response-Marriage/Domestic Partnership* (form FL-120) to reflect a 2015 U.S. Supreme Court decision that requires all states in the United States to license marriage between two people of the same sex and also to recognize a lawful same-sex marriage that was performed out-of-state. The committee also recommends substantive changes in response to suggestions from court professionals and attorneys about other areas of these forms. In addition, the committee recommends technical changes to *Property Declaration* (form FL-160) that are needed to reflect the numbered subject headings in the *Petition* and *Response*.

[16-051](#)**Juvenile Dependency Petition § 300(b) Allegations for**

Commercially Sexually Exploited Children (CSEC) (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends revising two forms, form JV-121, *Failure to Protect*, and form JV-101(A), *Additional Children Attachment* to implement Senate Bill 855 [Stats. 2014, ch 29]. Senate Bill 855 added section 300(b)(2) to the Welfare and Institutions Code, to facilitate bringing Commercially Sexually Exploited Children (CSEC) into the juvenile dependency system.

[16-054](#)

Probate Guardianships: Wards 18-20 Years of Age (Action Required)

Summary: The Probate and Mental Health Advisory Committee recommends adopting one rule of court and one probate guardianship form, amending four rules of court, and revising four probate guardianship forms to implement Assembly Bill 900, which authorized the superior court to establish or extend a guardianship of the person for a youth 18 years of age or older but not yet 21 who needs protection related to an application for Special Immigrant Juvenile status. The bill required the Judicial Council to adopt, by July 1, 2016, any rules and forms needed to implement its central provision.

[16-056](#)

Juvenile Law: Sealing of Records (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends adopting new and amended rules and forms to implement the provisions of five recently enacted statutes concerning juvenile record sealing. Assembly Bill 1006 directed the Judicial Council to develop informational materials and a form to enable a person with a juvenile record to seal that record. After the council circulated a proposal for comment to implement these requirements, new legislation (Sen. Bill 1038) was enacted that requires the court to automatically dismiss and seal the records for many juvenile wards. While a proposal was being developed and circulated to incorporate that legislation, three additional sealing bills were introduced and enacted to clarify the changes made by SB 1038, including a requirement that the council adopt rules and forms to implement its provisions and to eliminate fees for sealing for petitioners under 26 years of age. The recommended new and amended rules and forms fulfill the council's statutory obligations.

[16-057](#)

Family Law: Special Immigrant Juvenile Findings (Action Required)

Summary: The Family and Juvenile Law Advisory Committee recommends adopting one new rule of court and one new family law form and revising two existing family law forms to guide litigants and courts in filing and adjudicating requests for Special Immigrant Juvenile findings in family law custody proceedings. The rule and forms are needed for effective implementation of section 155 of the Code of Civil Procedure (Sen. Bill 873; Stats. 2014, ch. 685, § 1). The rule also responds to specific requests from the courts and the public relating to a previous invitation to comment.

[16-063](#)**Domestic Violence Restraining Orders: New and Updated Forms to Reflect Recent Legislative Changes (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption or approval of nine forms to implement legislative changes made to the Domestic Violence Prevention Act (DVPA). Family Code sections 6305(a)(1), 6347(f) and 6343(b)(2) require the Judicial Council to develop or modify rules and forms to implement changes to the law by July 1, 2016.

[16-067](#)**Language Access: Interpreter Request Rule and Form (Civil) (Action Required)****Summary:**

The Court Interpreters Advisory Panel (CIAP) recommends the adoption of a new Rule of Court requiring courts to publish procedures for filing, processing, and responding to requests for interpreters in civil actions. CIAP is also recommending the adoption of a new form to track and help facilitate requests for interpreters in civil actions and recommends the form be adopted as a "model" form through December 31, 2017 and an "optional" form effective January 1, 2018. These actions will benefit Limited English Proficient (LEP) court users, and the courts who serve them, by helping to establish structure for an expanding area of language access.

[16-068](#)**Forms: Disability Access Litigation (Action Required)****Summary:**

The Civil and Small Claims Advisory Committee recommends that certain statutorily mandated Disability Access Litigation forms used in construction-related accessibility claims be revised and that a verified answer form be approved for optional use. The forms are used for parties to apply for, and the court to grant, stays and mandatory evaluation conferences in this type of litigation. The forms must be changed to reflect the amendments to the Civil Code made by Assembly Bill 1521 (Assem. Comm. on Judiciary; Stats. 2015, ch.755), enacted on October 10, 2015, as urgency legislation-and thus operative on enactment-to (1) add a new category of defendants that may request a stay and early evaluation conference, (2) allow defendants to request a joint inspection, (3) provide certain information in the statutory advisory form for building owners and tenants, and (4) provide a verified answer form.

DISCUSSION AGENDA

Session: 12:40 – 3:00 p.m.

[16-058](#)**Trial Court Allocation: Adjustments to the Workload-Based Allocation and Funding Methodology (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends a number of adjustments to the Workload-Based Allocation and Funding Methodology, including clarification of which expenses and funds should be included or excluded from the methodology.

Speakers:

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

Mr. Zlatko Theodorovic, Finance

20 minutes

[16-052](#) **Trial Court Allocation: Children's Waiting Room Distribution Request (Action Required)**

Summary: The Superior Court of California, County of San Bernardino, is requesting a children's waiting room (CWR) distribution of \$5 per applicable paid first paper civil fee for filings within the county, effective July 1, 2016, to defray the operating costs associated with two CWRs, which have not yet opened. The court is requesting that the council consider its request at the council's April 2016 business meeting.

Speakers: Ms. Christine Volkens, Court Executive Officer, Superior Court of California, County of San Bernardino
Mr. Zlatko Theodorovic, Finance

15 minutes

[16-055](#) **Trial Court Allocation: Trial Court Reserves Held in the Trial Court Trust Fund (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends a process, criteria, and procedure for trial courts to request funding reduced as a result of a court exceeding the 1% fund balance cap to be retained in the Trial Court Trust Fund for the benefit of that court.

Speakers: Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee
Mr. Zlatko Theodorovic, Finance

25 minutes

[16-053](#) **Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology (Action Required)**

Summary: On April 17, 2015, the Judicial Council approved recommendations of the Trial Court Budget Advisory Committee (TCBAC) to change the methodology used to allocate annual funding for court-appointed dependency counsel among the courts. The purpose was to provide a more equitable allocation of funding among the courts. Rather than using historical funding levels dating back to the adoption of state trial court funding, the new funding methodology is based on the caseload-based calculation of funding for each court provided by the workload model approved by the Judicial Council through the *DRAFT Pilot Program and Court-Appointed Counsel* report of October 26, 2007. One of the recommendations approved by the Judicial Council was that a joint working group of the TCBAC and the Family and Juvenile Law Advisory Committee be formed to review that workload model for possible updates and revisions. After extensive review and public comment, the subcommittee recommends these adjustments to the workload model for consideration by the advisory committees.

In a second submission related to this item, the Trial Court Budget Advisory Committee has summarized its findings on the funding impacts that the

Dependency Funding Allocation Methodology, approved by the Judicial Council in April 2015, has had on current allocations to the courts. This has been provided as additional information for the Judicial Council to consider with the recommendations on revising the workload model.

Speakers:

Hon. Mark A. Cope, Cochair, Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology, Trial Court Budget Advisory Committee

Hon. Jerilyn L. Borack, Cochair, Joint Subcommittee on Court-Appointed Dependency Counsel Workload and Funding Methodology, Family and Juvenile Law Advisory Committee

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee

30 minutes

16-062

Juvenile Law: Psychotropic Medication (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee proposes amending rule 5.640 of the California Rules of Court, approving two optional forms, adopting two mandatory forms, revising four forms, and revising and renumbering one form to conform to recent statutory changes to the requirements for court authorization of psychotropic medication for foster children enacted by Senate Bill 238 (Mitchell; Stats. 2015, ch. 534).

Speakers:

Hon. Jerilyn L. Borack, Cochair, Family and Juvenile Law Advisory Committee
Ms. Kerry Doyle, Center for Families, Children & the Courts

25 minutes

16-041

Civil Practice and Procedure: Expedited Jury Trials (Action Required)

Summary:

The Civil and Small Claims Advisory Committee recommends that the council amend and revise the rules and forms applicable to current voluntary expedited jury trials to reflect statutory amendments to the time frame for those cases, and adopt new rules and forms for the new mandatory expedited jury trials in limited civil cases. These changes are to implement Assembly Bill 555, which lifts the sunset provisions in the Expedited Jury Trial Act, which went into effect on January 1, 2011, to establish an expedited jury trial process—a consensual process designed to promote the speedy and economic resolution of cases and to conserve judicial resources. The bill also amends the time frame applicable to such trials from three hours per side to five hours per side, and significantly expands the statute to require expedited jury trials in most limited civil actions other than unlawful detainers. The statute mandates that the new and amended rules and forms be operative by July 1, 2016.

Speakers:

Hon. Raymond M. Cadei, Chair, Civil and Small Claims Advisory Committee
(by phone)

Hon. Mary Thornton House, Superior Court of Los Angeles County

Ms. Anne Ronan, Legal Services

20 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**16-046 Judicial Council: Implementation of Judicial Council Directives on
Judicial Council Staff Restructuring****Summary:**

The chair of the Executive and Planning Committee (E&P) presents this informational report on the implementation of the Judicial Council Directives on Staff Restructuring, as approved by the Judicial Council on August 31, 2012. The Judicial Council Staff Restructuring Directives specifically direct the Administrative Director to report to E&P before each council meeting on every directive. This informational report provides an update on the progress of implementation efforts.

CIRCULATING ORDERS**APPOINTMENT ORDERS****ADJOURNMENT (approximately 3:00 p.m.)**

DRAFT



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date	Action Requested
March 22, 2016	Approve Staff Recommendation
To	Deadline
Members of the Executive and Planning Committee	March 25, 2016
From	Contact
Judicial Council Staff	David Smith
Leah Rose-Goodwin, Manager	415-865-7696 phone
David Smith, Senior Analyst	david.smith@jud.ca.gov
Office of Court Research, Court Operations Services	
Subject	
Request for an Exception to the Conversion of One Subordinate Judicial Officer Position in the Superior Court of Placer County	

Executive Summary

Court Operations Services staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the request from the Superior Court of Placer County for a temporary exception to the conversion of one vacant subordinate judicial officer (SJO) position to a judgeship. The Superior Court of Placer County has informed council staff that the caseload that this position hears is considerable and the vacancy represents a hardship for the court in terms of its subsequent ability to be responsive to the immediate needs of litigants for timely legal assistance in the adjudication of their cases, as well as service to the public more generally. If the exception were granted, the court intends to fill the position with a commissioner as soon as possible.

Recommendation

Court Operations Services staff recommend that E&P confirm the request from the Superior Court of Placer County for an exception to the conversion of one vacant SJO position to a judgeship. To date, the court has not requested that E&P confirm a request for the conversion of vacant SJO positions. Confirming the court's current request for a temporary exception to the conversion of this SJO position will allow the court to fill the position with a commissioner in order to continue to manage the allocation of its judicial workload in a way that allows it to be more fully responsive to litigants seeking legal assistance at this court location and the needs of the public more generally.

Previous Council Action

The 2002 report of the Subordinate Judicial Officer Working Group led the Judicial Council to sponsor legislation to restore an appropriate balance between judges and SJOs in the trial courts. The 2002 report found that many courts had created SJO positions out of necessity in response to the dearth in the creation of new judgeships during the 1980s and 1990s. As a result, many SJOs were working as temporary judges. This imbalance between judges and SJOs was especially critical in the area of family and juvenile law.¹

In 2007, the Judicial Council approved a methodology for evaluating the amount of workload appropriate to SJOs relative to the number of SJOs working in the courts. In the same year, the Legislature passed Assembly Bill 159, which adopted the Judicial Council's methodology. This resulted in a list of 25 courts in which a total of 162 SJO positions would be converted. Government Code section 69615(c)(1)(A) allows for the annual conversion of up to 16 SJO vacancies upon authorization by the Legislature in courts identified by the Judicial Council as having SJOs in excess of the workload appropriate to SJOs.²

Subsequent council action established and refined guidelines for expediting the conversion of SJO vacancies. These guidelines included:

- The adoption of four trial court allocation groups and a schedule that distributes the 16 annual SJO conversions across these groups in numbers that are proportional to the total number of conversions for which the groups are eligible;
- The delegation of authority to E&P for confirming SJO conversions;

¹ See Judicial Council of Cal., Subordinate Judicial Officer Working Group Rep., *Subordinate Judicial Officers: Duties and Titles* (July 2002), www.courts.ca.gov/7476.htm.

² See Judicial Council of Cal., *Update of the Judicial Workload Assessment and New Methodology for Selecting Courts with Subordinate Judicial Officers for Conversion to Judgeships* (Feb. 14, 2007), available at www.courts.ca.gov/documents/022307item9.pdf, and the update of this report and SJO allocation list (Table 2), at www.courts.ca.gov/documents/jc-20150821-itemL.pdf (Aug. 24, 2015).

- The establishment of guidelines for courts to notify the council of SJO vacancies and timelines for the redistribution of SJO conversions across the allocation groups; and
- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.³

Rationale for Recommendation

The Superior Court of Placer County is eligible for a total of two of the 162 conversions authorized by the Legislature under Government Code 69615(b)(1)(A). Placer belongs to allocation group four, which is allotted four conversions each year, two of which have already been allocated in fiscal year 2015–2016. To date, the court has not requested that E&P confirm a request for the conversion of vacant SJO positions.

Under existing resource constraints and the workload currently faced by the court, granting a temporary exception to the conversion of the vacant SJO described above will assist the court in allocating its judicial resources effectively and help the court minimize the negative impact this vacancy may have on the court's operations and services provided to the public. The challenges facing the Placer Superior Court are based on a number of factors including a shortfall in judicial resources. The court has an Assessed Judicial Need (AJN) of 19.4 judicial officers, but currently has authorization for the funding of only 14.5 judicial positions. Further, the Superior Court of Placer County has experienced an increase in misdemeanor filings, many of which may reasonably be heard by an SJO. The court has confirmed that this SJO, were the exception granted, would hear a calendar comprised of workload deemed appropriate for SJOs to handle. This would, in turn, allow the court's limited number of judges to continue to hear more complex cases. Finally, the geographical size of the court's jurisdiction—and the subsequent dispersion of the court's legal resources over five court locations in three cities—require that the court achieve a high level of efficiency as it tries to flexibly manage its limited judicial resources. The temporary retention of the SJO position in question may be seen as an important factor in the court's strategy for managing these resources wisely.

Council policies concerning SJO conversion grant E&P the authority to confirm conversions, as well as evaluate and grant requests by courts to exempt vacancies from conversion. Because this request falls within the scope of the current policy on exceptions, yet is consistent with the spirit of the statute governing SJO conversions, it is staff's recommendation that the request be granted.

Comments, Alternatives Considered, and Policy Implications

This proposal, which complies with council policy on SJO conversions, was not circulated for comment.

³ See Judicial Council of Cal., *Subordinate Judicial Officers: Allocation of Conversions* (Dec. 4, 2007); and Judicial Council of Cal., *Proposal to Modify Subordinate Judicial Officer Conversion Policy* (Apr. 14, 2009), available at: <http://www.courts.ca.gov/documents/042409itemh.pdf>.

Implementation Requirements, Costs, and Operational Impacts

If the temporary exception to SJO conversions is granted by E&P, the court would incur no new costs while the requirement for eventual conversion of the aforementioned positions would continue to be in effect. The granting of a temporary exception to SJO conversions in the court is designed to help minimize the adverse operational impact that state funding cuts have had on the court's budget. On that basis the operational impact is projected to be minimal.

Attachment

1. Attachment A: March 2, 2016, Letter from Chief Executive Officer Jake Chatters, Superior Court of Placer County, to Justice Douglas Miller, Chair, Executive and Planning Committee, Regarding an Exception to the Conversion of an SJO Position to a Judgeship
2. Attachment B: March 18, 2016, Second letter providing supplemental information from Chief Executive Officer Jake Chatters, Superior Court of Placer County, to Justice Douglas Miller, Chair, Executive and Planning Committee, Regarding an Exception to the Conversion of an SJO Position to a Judgeship



Superior Court of the State of California
In and for the County of Placer
Roseville, California

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JAKE CHATTERS
COURT EXECUTIVE OFFICER
AND CLERK OF THE SUPERIOR COURT/
JURY COMMISSIONER
(916) 408-6186 FAX (916) 408-6188

March 2, 2016

Hon. Douglas P. Miller, Chair
Executive and Planning Committee
Judicial Council of California
455 Golden Gate Ave.
San Francisco, CA 94102

Transmitted via email to: executiveandplanning@jud.ca.gov

Re: Notification of Commissioner Vacancy and Request for Waiver from Conversion

Justice Miller,

This letter is a follow up on our brief conversation last week regarding a Commissioner vacancy that occurred, due to a sudden and unexpected retirement on February 16, 2016.

As I mentioned, the Placer Superior Court is eligible to convert up to two subordinate judicial officer positions to judgeships, per the Judicial Council's action at its August 21, 2015 meeting on the Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data report¹.

The court is requesting, however, that the newly vacant Commissioner position **not convert** at this time.

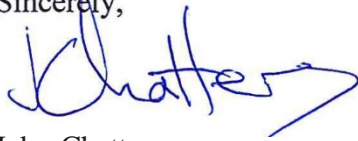
The now-vacant Commissioner position is typically assigned to hear a wide variety of cases, including family law, probate, occasional small claims and civil law and motion matters, and preliminary examinations in criminal cases. There is currently consideration to expanding the assignment to include misdemeanors and unlawful detainer matters. The court intends to fill this vacancy as soon as possible and believes the court and the court's users will continue to be better served by retaining the position as a Commissioner at this time.

¹ Conversions as authorized by Government Code section 69615.

Because this vacancy already exists and is having an immediate impact on the court's calendars and users, the court is requesting expedited review of this request. It is the court's hope that a decision can be made prior to the end of March, such that the court may fill the position as quickly as possible.

Thank you, and the members of E&P, for considering the court's request. Should E&P require further information or clarifications, please do not hesitate to contact me using the information above.

Sincerely,

A handwritten signature in blue ink that reads "Chatters". The signature is stylized and includes a long horizontal stroke at the end.

Jake Chatters
Court Executive Officer

cc: Hon. Alan V. Pineschi, Presiding Judge, Superior Court of Placer County
Ms. Leah Rose-Goodwin, Manager, Office of Court Research, Judicial Council of California

more consistent calendaring and expectations for litigants on the assigned calendars.

Finally, the court does anticipate another commissioner vacancy at its Tahoe City location before July 2016. The court will be seeking an exemption for that position as well, due only to the remote location of the facility.

- **Workload increase in misdemeanor cases.** Fiscal year-to-date, the court is experiencing a 29% increase in new misdemeanor filings.² Due to the significant shortage of judicial resources in the court, it is imperative that the court have the flexibility to assign these cases to SJOs so that judges may focus on the more significant cases.
- **Geographic size.** The Placer Superior Court has five locations in three cities in the County. One commissioner is currently assigned to the court's branch location in Tahoe City, on the north shore of Lake Tahoe, located more than 100 miles from the main courthouse in Roseville. The Tahoe commissioner spends three weeks per month in Tahoe, with one week assigned in Auburn to handle over-flow cases. Due to the geographic distance and the need to maintain a connection to the local community, the court feels a commissioner is ideal at this location.

The remaining three commissioners serve at the Auburn and Roseville courts, splitting time as needed between the two cities. These commissioners hear child support, traffic, misdemeanor, limited civil, family law, and some smaller calendars related to conservatorships and guardianships.

The court highlights these areas to support our request that the current vacant SJO position not convert, at this time. The confluence of a severe judicial shortage, the increase in misdemeanor cases, the need for coverage across a large geographic area, and the suddenness of this vacancy, increase the necessity for expedited action and, we believe, provide sufficient justification for an exemption.

As previously mentioned, the court would not anticipate requesting future exemptions from SJO conversion, with the exception of the position assigned to Tahoe City, if the additional judgeships are filled.

Thank you, and the members of E&P, for considering the court's request. Should E&P require further information or clarifications, please do not hesitate to contact me using the information above.

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Jake Chatters

Court Executive Officer

Cc:
Hon. Alan V. Pineschi, Presiding Judge, Superior Court of Placer County
Ms. Leah Rose-Goodwin, Manager, Office of Court Research, Judicial Council of California

² The court received 4,005 new misdemeanor filings from July 2015 through January 2016. This compares to 3,108 misdemeanor filings for the same period the prior year.