



# 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

### OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))

THIS MEETING IS BEING RECORDED

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**Date:** July 14, 2016  
**Time:** 12:10 to 1:10 p.m.  
**Public Call-In Number** 877-820-7831; passcode 846-8947 (listen only)

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Meeting materials will be posted on the advisory body web page on the California Courts website at least three business days before the meeting.

Agenda items are numbered for identification purposes only and will not necessarily be considered in the indicated order.

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#### I. OPEN MEETING (CAL. RULES OF COURT, RULE 10.75(C)(1))

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

##### **Approval of Minutes**

Approve minutes of the June 9, 23, and 24, 2016, Executive and Planning Committee meetings.

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#### II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(2))

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##### **Written Comment**

In accordance with California Rules of Court, rule 10.75(k)(1), written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov) or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California, 94102-3688, Attention: Roma Cheadle. Only written comments received by 12:10 p.m. on Wednesday, July 13, 2016, will be provided to committee members prior to the start of the meeting.

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**III. DISCUSSION AND POSSIBLE ACTION ITEMS**

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**Item 1**

**Agenda Setting for the July 29 Judicial Council Meeting (Action Required)**

Review draft reports and set the agenda for the Judicial Council meeting in July.

Presenters: Various

**Item 2**

**Update on Subordinate Judicial Officer Conversion Policy (Action Required)**

Presenters: Hon. Marla O. Anderson and Leah Rose-Goodwin.

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**IV. ADJOURNMENT**

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**Adjourn**



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**DRAFT**

EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Thursday, June 9, 2016

12:10 to 12:40 p.m.

Teleconference

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**Committee Members Present:** Justice Douglas P. Miller (Chair) and Judge Marla O. Anderson (Vice Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, Gary Nadler, and Charles D. Wachob; Mr. Richard D. Feldstein, Mr. Frank McGuire, and Ms. Donna D. Melby

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**Committee Members Absent:** Judge David M. Rubin

**Other Attendees:** Justices Mariano-Florentino Cuéllar and Terence L. Bruiniers, Ms. Tania Ugrin-Capobianco,

**Committee Staff Present:** Ms. Pam Reynolds

**Staff Present:** Mr. Robert Cabral, Ms. Roma Cheadle, Mr. Steven Chang, Mr. Oliver Cheng, Ms. Linda Cox, Ms. Diane Cowdrey, Mr. Douglas Denton, Ms. Audrey Fancy, Ms. Lucy Fogarty, Ms. Cristina Foti, Ms. Angela Guzman, Ms. Hilda Iorga, Ms. Jamel Jones, Mr. John Judnick, Mr. Greg Keil, Mr. Gavin Lane, Ms. Maria Lira, Mr. Patrick O'Donnell, Ms. Jenny Phu, Mr. John Prestianni, Ms. Leah Rose-Goodwin, Ms. Sonia Sierra Wolf, Mr. Brian Simeroth, Mr. Colin Simpson, Mr. David Smith, Ms. Millicent Tidwell, Mr. Don Will

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OPENING MEETING

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**Call to Order and Roll Call**

The vice chair called the meeting to order at 12:10 p.m. and committee staff took roll call.

**Approval of Minutes**

The committee approved the minutes of the following:

- February 11, 2016, Executive and Planning Committee meeting
  - April 14, 2016, Executive and Planning Committee meeting
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DISCUSSION AND ACTION ITEMS

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**Item 1**

**Agenda Setting for the June 23-24 Judicial Council Meeting (Action Required)**

Review draft reports and set the agenda for the Judicial Council meeting in June.

***Action: The committee reviewed draft reports and set the agenda for the Judicial Council meeting in June.***

**Item 2**

**Subordinate Judicial Officer Conversions (Action Required)**

Review a request from the Superior Court of California, County of Los Angeles to convert seven vacant subordinate judicial officer positions.

***Action: The committee approved the request from the Superior Court of California, County of Los Angeles to convert seven vacant subordinate judicial officer positions.***

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**A D J O U R N M E N T**

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There being no further open meeting business, the meeting was adjourned at 12:40 p.m.

Approved by the advisory body on \_\_\_\_\_.



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***DRAFT***

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF CLOSED MEETING

Thursday, June 23, 2016

12:30 to 3:00 p.m.

Judicial Council Conference Center

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**Advisory Body Members Present:** Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair) (by phone); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, Gary Nadler, and Charles D. Wachob; Mr. Richard D. Feldstein, Mr. Frank McGuire and Ms. Donna D. Melby

**Advisory Body Members Absent:** Judge David M. Rubin

**Committee Staff Present:** Ms. Jody Patel

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#### CLOSED SESSION

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#### Call to Order and Roll Call

The chair called the meeting to order at 12:30 p.m. and took roll call.

#### Item 1

#### Pursuant to California Rules of Court, rule 10.75(d)(1)

#### *Advisory Body Appointments*

The committee reviewed nominations for vacancies on the following advisory bodies:

- Advisory Committee on Civil Jury Instructions
- Advisory Committee on Criminal Jury Instructions
- Advisory Committee on Providing Access and Fairness
- Appellate Advisory Committee
- Civil and Small Claims Advisory Committee
- Collaborative Justice Courts Advisory Committee
- Court Executives Advisory Committee
- Court Facilities Advisory Committee
- Court Interpreters Advisory Panel
- Court Security Advisory Committee
- Criminal Law Advisory Committee
- Family and Juvenile Law Advisory Committee
- Governing Committee of the Center for Judicial Education and Research
- Information Technology Advisory Committee
- Judicial Branch Workers Compensation Program Advisory Committee

- Language Access Plan Implementation Task Force
- Legal Services Trust Fund Commission
- Probate & Mental Health Advisory Committee
- Traffic Advisory Committee
- Trial Court Budget Advisory Committee
- Trial Court Facility Modifications Advisory Committee
- Workload Assessment Advisory Committee

***Action: The committee deferred until June 24 the approval of submission of its recommendations to the Chief Justice regarding vacancies on the advisory committees listed above.***

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 3:00 p.m.

Approved by the advisory body on \_\_\_\_\_.



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**DRAFT**

## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF CLOSED MEETING

Friday, June 24, 2016

7:30 to 8:05 a.m.

Judicial Council Conference Center

**Advisory Body Members Present:** Justice Douglas P. Miller (Chair); Justice James M. Humes; Judges Daniel J. Buckley, Samuel K. Feng, Gary Nadler, and Charles D. Wachob; Mr. Richard D. Feldstein, Mr. Frank McGuire and Ms. Donna D. Melby

**Advisory Body Members Absent:** Judge Marla O. Anderson (Vice Chair); Judge David M. Rubin

**Committee Staff Present:** Ms. Jody Patel

#### CLOSED SESSION

##### Call to Order and Roll Call

The chair called the meeting to order at 7:30 a.m. and took roll call.

##### Item 1

##### Pursuant to California Rules of Court, rule 10.75(d)(1)

##### *Advisory Body Appointments*

The committee resumed their review of nominations for vacancies on the following advisory bodies:

- Advisory Committee on Civil Jury Instructions
- Advisory Committee on Criminal Jury Instructions
- Advisory Committee on Providing Access and Fairness
- Appellate Advisory Committee
- Civil and Small Claims Advisory Committee
- Collaborative Justice Courts Advisory Committee
- Court Executives Advisory Committee
- Court Facilities Advisory Committee
- Court Interpreters Advisory Panel
- Court Security Advisory Committee
- Criminal Law Advisory Committee
- Family and Juvenile Law Advisory Committee
- Governing Committee of the Center for Judicial Education and Research
- Information Technology Advisory Committee
- Judicial Branch Workers Compensation Program Advisory Committee

- Language Access Plan Implementation Task Force
- Legal Services Trust Fund Commission
- Probate & Mental Health Advisory Committee
- Traffic Advisory Committee
- Trial Court Budget Advisory Committee
- Trial Court Facility Modifications Advisory Committee
- Workload Assessment Advisory Committee

**Action: The committee approved submission of its recommendations to the Chief Justice regarding vacancies on the advisory bodies listed above.**

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**A D J O U R N M E N T**

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There being no further business, the meeting was adjourned at 8:05 a.m.

Approved by the advisory body on \_\_\_\_\_.





# Judicial Council of California

## Meeting Agenda

### Judicial Council

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Friday, July 29, 2016

San Francisco

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

Session 9:30 a.m. – 2:10 p.m.

##### Approval of Minutes

*5 minutes*

**16-117** Minutes of the June 23-24, 2016, Judicial Council meetings.

##### Chief Justice's Report

*10 minutes*

##### Administrative Director's Report

*10 minutes*

**16-118** Administrative Director's Report

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

##### Judicial Council Committee Presentations

*20 minutes*

**16-119** Judicial Council Committee Reports

**Summary:** 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

*15 minutes*

##### Public Comment

*30 minutes*

**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., Wednesday, July 27.
- 2) Submit written comments for this meeting by 1:00 p.m. on Thursday, July 28.

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

*E-mail: [judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)*

*Postal mail or delivery in person:*

*Judicial Council of California  
455 Golden Gate Avenue  
San Francisco, California 94102-3688  
Attention: Donna Ignacio*

**Break: 11:00 – 11:15 a.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 Roma Cheadle at 415-865-7640 at least 48 hours before the meeting.*

### [16-107](#)

Judicial Council Report to the Legislature: Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2016) (Action Required)

#### **Summary:**

The Criminal Justice Services office recommends that the Judicial Council receive the Report on the California Community Corrections Performance Incentives Act of 2009: Findings From the SB 678 Program (2016) and direct the Administrative Director to submit this annual report to the California Legislature and Governor, as mandated by Penal Code section 1232. Under the statute, the Judicial Council is required to submit a comprehensive report on the implementation of the act-including information on the effectiveness of the act and specific recommendations regarding resource allocations and additional collaboration-no later than 18 months after the initial receipt of funding under the act and annually thereafter.

### [16-110](#)

Collaborative Justice: Recommended Allocations of Fiscal Year 2016-2017 Substance Abuse Focus Grants (Action Required)

#### **Summary:**

The Collaborative Justice Courts Advisory Committee recommends that funding allocations for Collaborative Justice Courts Substance Abuse Focus Grants, through the California Collaborative and Drug Court Projects in the

Budget Act of 2016 (Stats. 2016, ch. XX; § 45.55.020, item 0250-101-0001), and the Dependency Drug Court Augmentation to the Substance Abuse Focus Grants, through the federal Court Improvement Program funds for fiscal (FY) year 2016-2017 [item 0250-101-0890], be distributed to court programs as proposed in the attached table. This report details the committee's recommendations for funding programs in 49 courts for FY 2016-2017 with these annual grants distributed by the Judicial Council to expand or enhance promising collaborative justice programs around the state.

**[16-115](#)**

Judicial Council Report to the Legislature: Cash-Flow Loans Made to Trial Courts in Fiscal Year 2015-2016 (Action Required)

**Summary:**

Judicial Council staff recommend approving the *Report of Cash-Flow Loans Made to Trial Courts Pursuant to Government Code Section 68502.6 in Fiscal Year 2015-2016*. Government Code section 68502.6(d) requires that Judicial Council staff report to the Legislature and the Department of Finance by August 30 on loans made to trial courts pursuant to Government Code section 68502.6.

**DISCUSSION AGENDA****16-109**

Language Access: Temporary Suspension of Language Access Plan Guidelines for the Video Remote Interpreting Pilot (Action Required)

**Summary:**

In an effort to ensure the successful launch and completion of the VRI pilot in the current fiscal year, the Language Access Implementation Task Force recommends that the guidelines currently in the Language Access Strategic Plan (LAP) that pertain to the use of remote interpreting where it is appropriate (recommendations 12, 13, 14, 15, and 16) be temporarily suspended during the pendency of the pilot and that the guidelines currently employed in the pilot courts be used for the pilot. Once the pilot is completed, the LAP guideline suspension would terminate.

**Speakers:**

Hon. Mariano-Florentino Cuellar, Associate Justice, California Supreme Court,  
Chair, Language Access Implementation Task Force  
Mr. Douglas Denton, Court Operations

*30 minutes*

**[16-111](#)**

Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology Options (Action Required)

**Summary:**

As directed by the Judicial Council at its June 24, 2016, meeting, the Trial Court Budget Advisory Committee submits supplemental information to the *Juvenile Dependency: Court-Appointed Dependency Counsel Workload and Funding Methodology Small Courts Recommendations* report from the Court-Appointed-Counsel Funding Allocation Methodology Joint Subcommittee. Provided in this report are details regarding the criteria used in defining "small" courts as well as the financial impact on each court if the funding reallocation process temporarily excluded those "small" courts for 2016-2017.

**Speakers:**

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

Mr. Don Will, Center for Families, Children, and the Courts  
Mr. Colin Simpson, Finance

*20 minutes*

**Break: 12:10 – 12:40 p.m.**

[16-112](#)

Trial Court Allocations: Funding for General Court Operations and Specific Costs in Fiscal Year 2016-2017 (Action Required)

**Summary:**

For fiscal year 2016-2017, the Trial Court Budget Advisory Committee recommends the Judicial Council allocate \$1.832 billion to the trial courts from the Trial Court Trust Fund (TCTF) and state General Fund for general court operations and specific costs. The recommended allocations include an allocation of \$1.773 billion in 2016-2017 beginning base funding for general court operations, each court's share of \$28.8 million in new and FY 2015-2016 funding for non-interpreter employee benefits, a statewide net allocation of \$19.6 million for general court operations using the Workload-Based Allocation and Funding Methodology (WAFM), a net zero allocation for the WAFM funding floor adjustment, \$755,000 in new non-sheriff-provided security funding, a preliminary one-time allocation reduction related to the 1 percent cap on trial court fund balances, and a one-time allocation of \$9.2 million for criminal justice realignment costs. Assuming approval of the allocations and given current revenue projections and estimated savings from appropriations, the TCTF will end 2016-2017 with a fund balance of \$20.6 million, of which approximately \$4.5 million will be unrestricted.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Mr. Colin Simpson, Finance

*40 minutes*

[16-113](#)

Trial Court Allocations: Allocation Methodology for Staffing Complement Funding in Support of New Judgeships (Action Required)

**Summary:**

The Trial Court Budget Advisory Committee recommends the Judicial Council, for new funding appropriated to the judicial branch related to the staffing complement for new judgeships, adopt a methodology which would allocate the funding to the trial courts pursuant to the Workload-based Allocation and Funding Methodology (WAFM), and reallocate the courts' FY 2013-2014 historical WAFM base allocation pursuant to the WAFM on a dollar-for-dollar basis for the money appropriated, if the historical base allocation has not already been fully reallocated.

**Speakers:**

Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Mr. Colin Simpson, Finance

*20 minutes*

[16-114](#)

Trial Court Allocation: Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)

**Summary:**

The Trial Court Budget Advisory Committee's Fiscal Planning Subcommittee recommends the Judicial Council approve two requests for Trial Court Trust

Fund funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may 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. Circumstances include projects that extend beyond the original planned three-year term process. The total estimated amount requested by the trial courts that would be reduced from their 2016-2017 allocations for exceeding the cap is \$1.3 million. The council will be informed of any final adjustments to the estimated amounts after 2015-2016 year-end.

**Speakers:** Hon. Jonathan B. Conklin, Chair, TCBAC Fiscal Planning Subcommittee  
Mr. Colin Simpson, Finance

*10 minutes*

**16-116** Trial Court Allocations: Continued Implementation of the Workload-based Allocation and Funding Methodology (WAFM) Beginning in FY 2018-2019 (Action Required)

**Summary:** The Trial Court Budget Advisory Committee recommends the Judicial Council adopt the continued implementation schedule beginning in FY 2018-2019 for the Workload-based Allocation and Funding Methodology (WAFM). Beginning in FY 2018-2019, until fully reallocated, the Judicial Council each fiscal year would reallocate an additional 10 percent, or the remaining amount if less than 10 percent, of the courts' FY 2013-2014 historical WAFM base allocation pursuant to the WAFM. The Judicial Council would continue to allocate any new money appropriated for general trial court operations entirely pursuant to the WAFM; and reallocate applicable base funding pursuant to the WAFM on a dollar-for-dollar basis for any new money appropriated for general trial court operations. Assuming no new money is appropriated for general trial court operations after FY 2016-2017, under this recommendation the courts' FY 2013-2014 historical WAFM base allocation would be fully reallocated pursuant to WAFM in FY 2021-2022.

**Speakers:** Hon. Jonathan B. Conklin, Chair, Trial Court Budget Advisory Committee  
Mr. Colin Simpson, Finance

*30 minutes*

## **INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**

**16-106** Judicial Education: Report on Compliance with the Education Rules for Justices and Judges

**Summary:** Attached please find a summary of the submitted aggregate education reporting forms from the Supreme Court, Courts of Appeal, and the Trial Court as required under CRC 10.452(d)(6) and (e)(7) for the 2013-2015 education cycle which concluded on December 31, 2015. These forms reflect compliance with the education rules for continuing education hours by justice and judges.

## **Circulating Orders**

**Appointment Orders**

**Adjournment (approx. 2:10 p.m.)**



## JUDICIAL COUNCIL OF CALIFORNIA

455 Golden Gate Avenue • San Francisco, California 94102-3688  
Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

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### MEMORANDUM

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Date	Action Requested
July 6, 2016	For your review and approval
To	Deadline
Executive and Planning Committee	July 14, 2016
From	Contact
Hon. Marla O. Anderson, Vice-chair	Leah Rose-Goodwin (415) 865-7708 phone Leah.Rose-Goodwin@jud.ca.gov
Subject	
Update to Policy Concerning Subordinate Judicial Officer Conversions	

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#### **Background**

The Executive and Planning Committee (E&P) of the Judicial Council has authority to confirm conversions of subordinate judicial officer positions to judgeships under Government Code section 69615, using uniform criteria adopted by the Judicial Council to identify positions eligible for conversion. Under certain circumstances, E&P may grant a temporary exception to conversion at the request of a court that wishes to defer a conversion until a later time. The policy that established the criteria for deferring conversions was adopted by the Judicial Council in 2009 but needs to be updated in order to fit the current needs of courts.

To that end, a subcommittee of E&P members (Hon. Marla Anderson, Hon. Gary Nadler, and Hon. David Rubin) was formed to review the issue and return to E&P with a recommended course of action. The subcommittee met several times over the course of the previous few months to discuss the policy and option for moving forward.

The subcommittee finds that in order to meet the operational needs of courts and to provide clear guidance to both courts and E&P regarding the circumstances under which an exception may be granted, E&P should make a recommendation to the Judicial Council to approve updated criteria under which a court can seek a deferral of a conversion.

### **Current Policy Governing Exceptions**

The current policy governing exceptions lists three factors, in descending order of importance, to guide E&P as to whether to grant an exception:

- Whether the exception would result in fewer conversions than the 16 positions eligible for conversion each year. If granting an exception to the conversion policy would mean that fewer than 16 vacant positions are converted, then the request for the exception should not be granted;
- Whether the court has already converted positions and is on schedule to convert all of its eligible conversions within the timeframe for implementation of the policy. Courts that are not on schedule to convert all of their positions should not be granted exceptions;
- Whether converting an SJO position would constitute a hardship for the court, with an evaluation of such hardship consisting of the following:
  - Assessed judicial need in the court;
  - Vacancies and anticipated vacancies of judicial officers; and
  - Workload growth in the court.

The criteria described no longer fit the current environment. The first factor—whether the branch is on track to convert the full 16 each year—has not been applicable since FY 11-12. Starting in FY 12-13 and continuing through the present, fewer than 16 conversions have taken place each year. Whether because of a lack of vacant positions or for other reasons, conversions have not occurred at the same rate as when the policy first went into effect. With two fiscal years remaining until the conversions were anticipated to be completed and 34 conversions left to complete at this time, the branch is slightly behind in its efforts to complete the conversions in the anticipated timeframe. However, it should be noted that there is no sunset provision for the conversions nor penalty if conversions take longer to complete than expected—the only limiting language related to the timeframe is that no more than sixteen can take place each year.

The second criterion of the current policy is whether the court requesting the exception is on track to complete its conversions in the ten-year timeframe. Again, this criterion is no longer as relevant as it may have been several years ago. Since the conversions are predicated on a vacancy occurring, it may not be possible to complete them within ten years if the subordinate judicial officer holding the position eligible for conversion is still actively employed, since conversions can only take place if a position becomes vacant.



The third criterion is whether the exception would constitute a hardship for the court. The grounds for hardship are further defined as being based on workload need and growth and the number of vacant positions. The definition given for hardship seems to be a product of the time during which the policy was developed. In the years immediately following passage of the conversion legislation, many of the initial requests for temporary exceptions were granted because the court anticipated that the converted positions would take a long time for the governor to fill and the court's workload was significant enough as to need the position filled as soon as possible.

### **Proposed Policy for Exceptions to Conversion**

The policy update proposed would broaden the definition of hardship, the third criteria of the present policy, to include economic factors as one of the reasons for deferring a conversion. In recent years, as the court funding situation has worsened, some courts have had to utilize the salary savings from vacant SJO positions to manage operations until funding for the court improved and stabilized. Expanding the definition to include economic hardship gives courts the leeway to manage resources locally. The revised policy also eliminates the first two criteria of the current policy (whether the branch is on track to convert 16 positions per fiscal year and whether a court is on track to complete all of its conversions) because they are no longer applicable in the current environment.

In the course of their discussions, the subcommittee members also sought to better articulate the meaning of the hardship criteria to provide better guidance to courts seeking such deferrals and to E&P as they evaluate the requests. The proposed language is as follows:

1. **Assessed judicial need:** What is the current assessed judicial need for the requesting court and how will a deferral assist the court in achieving its workload needs? How will the court be impacted with or without a deferral? Will the court maintain a workload-based balance between SJO positions and judicial positions?
2. **Vacancies and anticipated vacancies of judicial officers:** how is the court impacted by current vacancies or anticipated vacancies? How will a deferral assist the court in managing its workload?
3. **Workload growth in the court:** how has workload grown or shifted? How will a deferral assist the court in managing its workload?
4. **Economic hardship that affects the courts' ability to maintain its current level of operations:** How is the court economically impacted by the conversion of a SJO position? How will a deferral assist the court in managing its economic resources and in managing its workload?

In addition to expanding the criteria under which an exception could be granted, the subcommittee proposed that courts that may be seeking a deferral choose between three options for implementing said deferral. The intent was to both ensure that the intent of the statute is met and also to give courts that do not presently wish to convert an SJO position clear guidance regarding the deferral:

**Option 1:** Courts with a vacant SJO position eligible for conversion can opt to request a permanent reduction in the number of authorized SJO positions instead of converting the position or filling it with another SJO. Those courts have the opportunity, in the future, to seek authority for an increase in the number of SJOs if needed and justified by workload measurement through existing council policies regarding the number and type of SJO positions.<sup>1</sup>

**Option 2:** Courts with a vacant SJO position eligible for conversion may seek a deferral of the conversion and choose to fill the position with a subordinate judicial officer. The deferring court can convert a position later on if: 1) the court's workload need identifies them as having an eligible conversion; 2) the court has a vacant SJO position; and 3) there is a conversion under Government Code section 69615 available at that time, anticipating that in a few years, the conversions under that authority will run out.

**Option 3:** Courts with a vacant SJO position eligible for conversion can seek a one-year deferral of the conversion, leaving the SJO position vacant during that time. The conversion would then be available to other courts with eligible positions to convert. The court exercising that option may not have another opportunity to convert a position, should all of the authorized conversions under Government Code section 69615 be used by other courts during that one-year period. At the conclusion of the year period, the court would need to report back to E&P whether it wishes to then convert the position or to seek a permanent reduction in the number of authorized SJO positions.

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<sup>1</sup> Policy is outlined at: <http://www.courts.ca.gov/documents/022307item10.pdf>