



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

June 13, 2017

To

Members of the Executive and Planning
Committee

From

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

Subject

Conversion of Two Vacant Subordinate
Judicial Officer Positions in the Superior
Court of Los Angeles County

Action Requested

Review Request for SJO Conversions

Deadline

June 26, 2017

Contact

David Smith
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Executive Summary

Staff recommend that the Judicial Council's Executive and Planning Committee (E&P) confirm the conversion of two vacant subordinate judicial officer (SJO) positions in the Superior Court of Los Angeles County. The court has notified council staff of these vacancies and requested that the positions be converted to judgeships. Confirming this request for conversion is consistent with established council policy of improving access to justice by providing constitutionally empowered judges who are accountable to the electorate in matters that are appropriately handled by judges.

Recommendation

Judicial Council staff recommend that E&P confirm the conversion of two vacant SJO positions in the Superior Court of Los Angeles County. The two vacancies are the result of the retirement as of March 31, 2017, of the commissioners serving in these positions. The conversion will take effect on the date on which E&P approves the court's request.

Council staff also recommend that E&P acknowledge that the Superior Court of Los Angeles County may treat these converted positions as positions that the court may temporarily fill until judges are named and sworn to fill them.

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 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;
- 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

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), www.courts.ca.gov/documents/022307item9.pdf; and the update of this report and SJO allocation list, Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 21, 2015), www.courts.ca.gov/documents/jc-20150821-itemL.pdf (as of June 7, 2017).

³ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships* (Aug. 26, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (as of June 7, 2017).

In addition to the above policies to expedite conversions, in 2015, the council refreshed the workload data used to determine the courts with eligible conversions. A list of eligible positions was established for the remaining conversions, and courts were notified of any changes in status based on the updated workload assessment.⁴

Rationale for Recommendation

The Superior Court of Los Angeles County is eligible for a total of 79 of the 162 conversions authorized by the Legislature and has previously converted 61 positions, with the last set of conversions occurring earlier in the current fiscal year (i.e., FY 2016–2017). Although the most recent update of judicial workload data suggests that the Los Angeles court has 12 more judicial positions than its current workload justifies, this number represents 2 percent of the court’s bench and may be easily reversed by incremental increases in the court’s workload. Additionally, the court has 18 judicial vacancies, the 6 most recent of which have remained unfilled for an average of more than four months.

The Superior Court of Los Angeles County is the sole member of Allocation Group 1, which is allotted 7 conversions each year. The confirmation of the present request would result in the conversion of 2 of the 4 remaining SJO positions that this allocation group is eligible for in FY 2016–2017, and would allow the court reasonable certainty and clarity concerning staffing and judicial workload over the next few years.

Comments, Alternatives Considered, and Policy Implications

This proposal, which is consistent with the original tenets of council policy on SJO conversions, did not circulate for comment. Confirming these conversions is consistent with well-established council policy on SJO conversions.

Implementation Requirements, Costs, and Operational Impacts

To date, there have been minimal implementation costs for the trial courts. Upon appointment of a new judge to sit in a converted position, funding equal to the judge’s estimated compensation—which includes salary and benefits but does not include retirement—is removed from the trial court’s allocation where it previously funded the SJO position. This funding is then transferred to the statewide fund for judicial salaries and benefits, Program 45.25.

Attachment

1. Attachment A: April 20, 2017, letter from Presiding Judge Daniel J. Buckley, Superior Court of Los Angeles County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, regarding the conversion of vacant SJO positions

⁴ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 21, 2015), www.courts.ca.gov/documents/jc-20150821-itemL.pdf (as of June 7, 2017).



The Superior Court

STANLEY MOSK COURTHOUSE
111 NORTH HILL STREET
LOS ANGELES, CALIFORNIA 90012
CHAMBERS OF
DANIEL J. BUCKLEY
PRESIDING JUDGE

TELEPHONE
(213) 633-0400

April 20, 2017

The Honorable Douglas P. Miller, Chair
Judicial Council's Executive and Planning Committee
455 Golden Gate Avenue
San Francisco, California 94102-3688

Re: Request for Conversion of Two Commissioner Positions

Dear Justice Miller:

I am writing to request that you forward to the Judicial Council's Executive and Planning Committee our request to approve the conversion of two vacant commissioner positions in the Los Angeles Superior Court (LASC) to judgeships in the 2016-2017 fiscal year, pursuant to Government Code Section 69615.

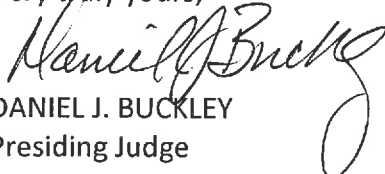
These vacancies were created by the following events:

Commissioner Harold J. Mulville	Retired March 31, 2017
Commissioner Rebecca Omens	Retired March 31, 2017

LASC is scheduled to convert seven such vacancies this fiscal year; it previously converted three vacancies per then Presiding Judge Carolyn Kuhl's letter of September 14, 2016. As the above positions are instantly available, and as we have a pressing need for judges, I hope and trust that the Committee will approve this request and promptly forward notice of the resulting vacancies to the Governor's office.

Thank you for your consideration and assistance.

Very truly yours,


DANIEL J. BUCKLEY
Presiding Judge

CBK:BB:rm

c: Martin Hoshino, Administrative Director, Judicial Council of California
Leah Rose Goodwin, Judicial Council, Office of Court Research