



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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EXECUTIVE AND PLANNING COMMITTEE

OPEN MEETING AGENDA

Open to the Public (Cal. Rules of Court, rule 10.75(c)(1))
THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS
THIS MEETING IS BEING RECORDED

Date: February 8, 2018
Time: 12:10–1:10 p.m.
Public Call-In Number 877-820-7831; passcode 846-8947 (listen only)

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.

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

Call to Order and Roll Call

Approval of Minutes

Approve minutes of the December 14, 2017, Executive and Planning Committee open meeting with closed session and January 4, 2018, Executive and Planning Committee closed meeting.

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

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 or mailed or delivered to Judicial Council of California, 2860 Gateway Oaks Drive, Suite 400, Sacramento, California, 95833, Attention: Donna Ignacio Only written comments received by 12:10 p.m. on Wednesday, February 7, 2018, will be provided to committee members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Subordinate Judicial Officer Exception – Request from the Superior Court of Orange County (Action Required)

Review request from the Superior Court of Orange County for a one-year extension to the temporary exception to the conversion of three subordinate judicial officer positions to judgeships.

Presenters: Ms. Leah Rose-Goodwin and Mr. David Smith

Item 2

Subordinate Judicial Officer Exception – Request from the Superior Court of San Mateo County (Action Required)

Review request from the Superior Court of San Mateo County for a one-year extension to the temporary exception to the conversion of two subordinate judicial officer positions to judgeships.

Presenters: Ms. Leah Rose-Goodwin and Mr. David Smith

Item 3

Agenda Setting for the March 2, 2018 Judicial Council Meeting (Action Required)

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

Presenters: Various

IV. ADJOURNMENT

Adjourn



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING WITH CLOSED SESSION

Thursday, December 14, 2017

12:10 to 1:10 p.m.

Teleconference

Committee Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Presiding Judge Patricia M. Lucas; Judges Stacy Boulware Eurie, Samuel K. Feng, and David M. Rubin; Ms. Kimberly Flener and Ms. Gretchen Nelson

Committee Members Absent: Justice Harry E. Hull, Jr. and Judge Gary Nadler

Other Attendees: Hon. Jonathan B. Conklin

Committee Staff Present: Ms. Millicent Tidwell

Staff Present: Mr. Cliff Alumno, Ms. Karene Alvarado, Mr. Chris Belloli, Ms. Suzanne Blihovde, Ms. Roma Cheadle, Ms. Kimberly DaSilva, Ms. Nicole Davis, Ms. Lucy Fogarty, Ms. Angela Guzman, Ms. Donna Ignacio, Ms. Anna Maves, Mr. Patrick O'Donnell, Ms. Claudia Ortega, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Mr. David Smith, Ms. Laura Speed, Ms. Lynette Stephens, Mr. Michael Sun, Mr. Zlatko Theodorovic, Ms. Kyanna Williams, Mr. Catrayel Wood, Mr. John Wordlaw, and Ms. Josely Yangco-Fronza

OPENING MEETING

Call to Order and Roll Call

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

Approval of Minutes

The committee voted to approve the following minutes:

- October 26, 2017, Executive and Planning Committee open meeting with closed session

DISCUSSION AND ACTION ITEMS

Item 1

Subordinate Judicial Officer Conversion – Request from the Superior Court of Los Angeles County (Action Required)

Review request from the Superior Court of Los Angeles County to convert two subordinate judicial officer positions to judgeships.

Action: The committee voted to approve the request from the Superior Court of Los Angeles to convert two subordinate judicial officer positions to judgeships.

Item 2

Agenda Setting for the January 12 Judicial Council Meeting (Action Required)

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

Action: The committee reviewed draft reports and materials, and set the agenda for the Judicial Council meeting in January, which will be a one-day meeting held on January 12.

Item 3

2018 Annual Agenda: Trial Court Presiding Judges Advisory Committee (Action Required)

Review draft 2018 annual agenda of the Trial Court Presiding Judges Advisory Committee.

Action: The committee approved the draft annual agenda of the Trial Court Presiding Judges Advisory Committee.

Item 4

2018 Annual Agenda: Court Executives Advisory Committee (Action Required)

Review draft 2018 annual agenda of the Court Executives Advisory Committee.

Action: The committee approved the draft annual agenda of the Court Executives Advisory Committee.

Item 5

2018 Annual Agenda: Trial Court Budget Advisory Committee (Action Required)

Review draft 2018 annual agenda of the Trial Court Budget Advisory Committee.

Action: The committee approved the draft annual agenda of the Trial Court Budget Advisory Committee.

A D J O U R N M E N T

There being no further open meeting business, the meeting was adjourned at 12:45 p.m.

C L O S E D S E S S I O N

Item 1

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

Recommendation for Advisory Committee Appointments

Review materials and develop recommendations to be sent to the Chief Justice regarding advisory committee appointments.

Action: The committee reviewed nominations for two advisory committees and developed recommendations for submission to the Chief Justice.

Adjourned closed session at 12:52 p.m.

Approved by the advisory body on _____.

DRAFT



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Thursday, January 4, 2018

12:10–1:10 p.m.

Teleconference

Committee Members Present: Justice Douglas P. Miller (Chair); Judge Marla O. Anderson, (Vice Chair); Justice Harry E. Hull, Jr., Presiding Judge Patricia M. Lucas; Judges Stacy Boulware Eurie, Samuel K. Feng, Gary Nadler, and David M. Rubin; Ms. Kimberly Flener and Ms. Gretchen Nelson

Staff Present: Ms. Laura Speed and Ms. Roma Cheadle

CLOSED SESSION

Call to Order and Roll Call

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

Item 1

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

Advisory Body Nominations Discussions

Review nominations for advisory bodies and develop recommendations to be submitted to the Chief Justice.

Action: *The committee developed recommendations for submission to the Chief Justice.*

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:42 p.m.

Approved by the advisory body on _____.



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

January 23, 2018

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

February 8, 2018

From

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

Contact

David Smith
415-865-7696 phone
david.smith@jud.ca.gov

Subject

Request for a One-Year Extension: Exception
to the Conversion of Three Subordinate
Judicial Officer Positions in the Superior
Court of Orange County

Executive Summary

Office of Court Research staff recommend that the Superior Court of Orange County's request for a one-year extension to the temporary exception to conversion of three vacant SJO positions to judgeships be confirmed by E&P. To date, the court has converted 14 of the 17 SJO positions for which it is eligible. Confirming the court's current request for the extension of the exception to conversion of these SJO positions will allow it to retain its capacity to respond to an anticipated growth in caseload that is appropriate for SJOs to hear, while allowing the court to continue to minimize the impact that state budget cuts have had on its ability to provide services to the public.

Recommendation

Office of Court Research staff recommend that E&P confirm the Superior Court of Orange County's request for a one-year extension to the temporary exception to conversion of three vacant SJO positions to judgeships.

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.³ 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; and
- 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.

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 August 11, 2015, update of this report and SJO allocation list at www.courts.ca.gov/documents/jc-20150821-itemL.pdf.

³ Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships* (Aug. 15, 2016), <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4>.

In support of these actions, Judicial Council staff refreshed the workload data in 2015 to update and refine the allotment of SJO positions among eligible courts. A list of SJO positions was established as a result of the updated workload assessment, and all courts that were still eligible for SJO conversions were notified of any changes in their status.⁴

In relation to the establishment of guidelines for use by E&P in confirming requests by courts to temporarily except SJO vacancies from conversion, the following criteria were adopted:⁵

- **Assessed judicial need** and the impact the deferral will have on it;
- **Vacancies and anticipated vacancies of judicial officers** and the impact that the deferral will have on the court's ability to manage its workload;
- **Workload growth in the court** and the impact the deferral will have on the court's ability to effectively manage it;
- **Economic hardship that disrupts court operations** and the impact the deferral will have on the court's ability to effectively manage its financial resources and workload; and
- **Operational hardship** and the impact the deferral will have on moderating its effects.

In addition to expanding the criteria under which an exception could be granted, council policy directs courts seeking a temporary exception to conversion to choose among three options for deferral. Courts with vacant SJO positions that are eligible for conversion may:

1. Request a permanent reduction in the number of authorized SJO positions rather than convert the position or fill it with another SJO.
 - Courts choosing this option have the opportunity, at some future date, to seek authority for an increase in the number of SJOs if justified by workload assessment that is based on existing council policies regarding the number and type of SJO positions.
2. Seek a deferral of the conversion and choose to fill the position with a subordinate judicial officer.
 - Courts choosing this option can convert a position at a later date if the court's workload qualifies it for such a conversion, the court has a vacant SJO position, and a conversion under Government Code section 69615 is available at that time.

⁴ Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data* (Aug. 11, 2015), www.courts.ca.gov/documents/jc-20150821-itemL.pdf.

⁵ See note 3.

3. Seek a one-year deferral of the conversion, leaving the SJO position vacant during that time.
 - o Courts choosing this option must report back to E&P at the end of the one-year deferral period to indicate whether they wish to convert the vacant position, seek a permanent reduction in the number of authorized SJO positions, or have good cause to extend the deferral an additional year.⁶ The subsequent conversion of a deferred SJO position will depend on the availability of authorized conversions under Government Code section 69615.

Rationale for Recommendation

The Superior Court of Orange County is eligible for a total of 17 of the 162 conversions authorized by the Legislature and has previously converted 14 positions, with the last conversion occurring in fiscal year (FY) 2013–14. Orange is the sole member of Allocation Group 2, which is allotted one conversion each year.

The Superior Court of Orange County has informed council staff that the court believes the decline in infraction and small claims filings that provide the basis for the current workload reassessment is a temporary one. Consequently, the court expects that when filings within these case types rebound the court may have a less than optimal mix of judicial officers to address workload growth if these vacant SJO positions are converted to judgeships. The court also indicates that it currently has five vacant judgeships and anticipates a number of additional judicial vacancies during the remainder of the current fiscal year, with the appointment of new judges expected to proceed relatively slowly. Adding to these anticipated vacancies in the current fiscal environment is not thought to benefit the litigants of Orange County. Finally, in response to a severe reduction in state funding, the court has prioritized the distribution of its remaining financial resources to operational functions that best serve the public. The court indicates that confirming its request for a one-year extension of the temporary exception to the conversion of these SJO positions will allow it to manage its budget in ways that minimize the impact that state budget cuts have had on its ability to provide services to the public, while allowing it to retain its capacity to respond to caseload growth in areas that are appropriate for SJOs to hear.

Council policies concerning SJO conversions grant E&P the authority to confirm conversions, as well as to 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, Judicial Council staff recommend that the request be granted.

⁶ See Judicial Council of Cal: *Subordinate Judicial Officers: Refinement of the Policy for Deferrals of Conversions to Judgeships*; <https://jcc.legistar.com/View.ashx?M=F&ID=5536453&GUID=E32D086B-7206-4C5F-9C1F-9099B159F211> (Nov. 17, 2017).

Comments, Alternatives Considered, and Policy Implications

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

Implementation Requirements, Costs, and Operational Impacts

If the one-year extension of the 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 an extension of the 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. The granting of a temporary exception is accompanied by an expectation by E&P that the court will report back at the end of the deferral year to indicate whether it wishes to convert the position or seek a permanent reduction in the number of authorized SJO positions.

Attachment

1. Attachment A: January 2, 2018, letter from Presiding Judge Charles Margines, Superior Court of Orange County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, regarding an exception to the conversion of SJO positions to judgeships.



Superior Court of California County of Orange

CHAMBERS OF
CHARLES MARGINES
PRESIDING JUDGE

CENTRAL JUSTICE CENTER
700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701-4045
(657) 622-7011

January 2, 2018

Hon. Douglas P. Miller, Chair
Executive and Planning Committee
Judicial Council of California
455 Golden Gate Avenue, Fifth Floor
San Francisco, CA 94102-3688

SUBJECT: Conversions of Vacant Subordinate Judicial Officer Positions

Dear Justice Miller:

On October 19, 2016, our Court sent you a letter in your capacity as Chair of the Executive and Planning Committee ("E&P") wherein we requested that your committee grant a temporary exemption to any conversions of three subordinate judicial officers (SJOs) in our Court to which we are entitled. This request was approved by E&P on December 21, 2016, and we greatly appreciated the committee's action. Once again, our Court is asking for a deferral to SJO conversions identified for our Court.

I am aware that on Friday, November 17, 2017, the Judicial Council heard and approved a proposal that sets forth revised requirements related to SJO vacancy conversions. With this revision, the Judicial Council retained the language that permits courts to "[s]eek a one-year deferral of the conversion, leaving the SJO position vacant during that time" and enables courts that have been previously granted a deferral to seek an additional year of deferral upon a showing of good cause. We are asking to exercise this option to extend the deferral an additional year due to the continuing uncertainty related to our traffic and small claims filings. To support this request, additional information is provided below.

In its review of criteria, E&P stated the objective of the conversion opportunity and criteria was to "strike a balance between the immediate needs of courts to fill vacant SJO positions and the long-term policy objective of achieving a more appropriate balance between the number of judges and SJOs in the trial courts." The analysis indicating that Orange is eligible for three additional conversions reveals that the shift is due entirely to a drop in infraction and small claims filings. There is no reason to believe this drop is permanent, nor are the reasons for the drop fully understood. For example, small claims filings have dropped 52% since 2000, during which period the population of the county has grown by approximately 10%. If the vacant positions were converted, and filings return to historical levels, a new analysis might indicate the court has too few commissioner positions. Thus, the request for deferral gives the Court more time to ascertain the proper future balance between judges and commissioners, given changes in caseloads.

Superior Court of California
County of Orange

The Court currently has five vacant judicial positions and eight vacant commissioner positions (Two newly-appointed judges have yet to be sworn in, but we're losing two judges soon: Judge Thierry Colaw, whose retirement date is February 28, and Judge Thomas Goethals, who is awaiting confirmation to the Court of Appeal. This will again leave us with five vacancies). Based on representations made to me by judges in our Court, I expect a number of additional vacancies in 2018. Adding three more vacancies through the SJO conversion process is not likely to result in vacancies being filled any faster and therefore would not benefit the litigants in Orange County.

As noted, the analysis indicating Orange is eligible for three additional conversions reveals that the shift is attributable to a drop in infraction and small claims filings. The bulk of the reduction is in infractions. An analysis of infraction filings over the last 20 years indicates that through FY 2009-10, the infraction caseload varied year-to-year by less than the equivalent of one commissioner's workload. Although the citation filings have trended downward locally and statewide for several years, there is an indication that growth may be in the horizon. As an example, our largest citing agency, the California Highway Patrol (CHP), is projected to exceed filings over the prior year by approximately 2.4%. Another citing agency, the Garden Grove Police Department, which is among the top 5 in our jurisdiction, is projected to exceed filings over the prior year by approximately 6.7%. Our data has not shown unilateral increases among citing agencies to signal an overall trend upward, but we believe it is prudent to maintain the status quo before long-lasting changes in our commissioner positions are made.

As is the case for the judicial branch, the Court has suffered severe budget cuts since the beginning of the 2008 recession, and adequate funding has not yet been restored. Continuing to deliver access and maintain a balanced budget has required our court to make difficult cost saving decisions that included keeping positions unfilled. With the cost of salaries and benefits representing over 80% of expenditures, we have relied on the savings achieved by leaving clerical and management positions vacant as well as commissioner vacancies to help us balance our budget. The conversion of the three positions would result in an additional loss of base allocation funding, further hobbling the court's ability to meet service demands with the already inadequate funding provided by the State.

For the reasons stated above, the Orange County Superior Court is requesting a one-year deferral of the conversion of three subordinate judicial officer positions. Thank you for your consideration of our request. If you need any additional information, please don't hesitate to contact me.

Sincerely,



Charles Margines
Presiding Judge

cc: Honorable Kirk Nakamura, Assistant Presiding Judge
David Yamasaki, Court Executive Officer
Leah Rose-Goodwin, Manager of the Office of Court Research
David Smith, Senior Research Analyst



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

January 30, 2018

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

February 8, 2018

From

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

Contact

David Smith
415-865-7696 phone
david.smith@jud.ca.gov

Subject

Request for an Extension to an Exception to
the Conversion of Two Subordinate Judicial
Officer Positions in the Superior Court of San
Mateo County

Executive Summary

Office of Court Research (OCR) staff recommend that the Superior Court of San Mateo County's request for a one-year extension to the temporary exception to conversion of two vacant SJO positions to judgeships be confirmed by the Executive and Planning Committee (E&P). The Superior Court of San Mateo County has informed council staff that the reduction in state trial court funding limits its ability to provide the necessary support to the new judgeships that would result from the conversion of these SJO positions and may further constrain the court's ability to provide essential services to the public.

Recommendation

Office of Court Research staff recommend that E&P confirm the request from the Superior Court of San Mateo County for a one-year extension to the exception to conversion of two vacant SJO positions to judgeships.

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

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 at www.courts.ca.gov/documents/jc-20150821-itemL.pdf (Aug. 11, 2015).

- The establishment of criteria for E&P to use in evaluating and granting requests by courts to exempt SJO vacancies from conversion.³

In support of these actions, Judicial Council staff refreshed the workload data in 2015 in order to update and refine the allotment of SJO positions among eligible courts. A list of SJO positions was established as a result of the updated workload assessment, with all courts that were still eligible for SJO conversions notified of any changes in their status.⁴

In relation to the establishment of guidelines for use by E&P in confirming requests by courts to temporarily except SJO vacancies from conversion, the following criteria were adopted:⁵

- **Assessed judicial need** and the impact the deferral will have on it;
- **Vacancies and anticipated vacancies of judicial officers** and the impact that the deferral will have on the court's ability to manage its workload;
- **Workload growth in the court** and the impact the deferral will have on the court's ability to effectively manage it;
- **Economic hardship that is disruptive of court operations** and the impact the deferral will have on the court's ability to effectively manage its financial resources and workload; and
- **Operational hardship** and the impact the deferral will have on moderating its effects.

In addition to expanding the criteria under which an exception could be granted, council policy directs courts seeking a temporary exception to conversion to choose among three options for deferral. Courts with vacant SJO positions that are eligible for conversion may:

1. Request a permanent reduction in the number of authorized SJO positions rather than convert the position or fill it with another SJO.
 - Courts choosing this option have the opportunity, at some future date, to seek authority for an increase in the number of SJOs if justified by workload assessment

³ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships*, available at <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (Aug. 15, 2016).

⁴ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of Conversions Using More Current Workload Data*, available at <http://www.courts.ca.gov/documents/jc-20150821-itemL.pdf> (Aug. 11, 2015).

⁵ See Judicial Council of Cal., *Subordinate Judicial Officers: Update of the Policy for Deferrals of Conversions to Judgeships*, available at <https://jcc.legistar.com/View.ashx?M=F&ID=4625050&GUID=80FC1733-CB19-4468-9822-E63668EBC1C4> (Aug. 15, 2016).

that is based on existing council policies regarding the number and type of SJO positions.

2. Seek a deferral of the conversion and choose to fill the position with a subordinate judicial officer.
 - Courts choosing this option can convert a position at a later date if the court's workload qualifies it for such a conversion, the court has a vacant SJO position, and a conversion under Government Code section 69615 is available at that time.
3. Seek a one-year deferral of the conversion, leaving the SJO position vacant during that time.
 - Courts choosing this option must report back to E&P at the end of the one-year deferral period to indicate whether they wish to convert the vacant position, seek a permanent reduction in the number of authorized SJO positions, or have good cause to extend the deferral an additional year.⁶ The subsequent conversion of a deferred SJO position will depend on the availability of authorized conversions under Government Code section 69615.

Rationale for Recommendation

The Superior Court of San Mateo County is eligible for a total of two of the 162 conversions authorized by the Legislature under Government Code 69615(b)(1)(A). San Mateo belongs to Allocation Group 4, which is allotted four conversions each year. To date, the court has not requested that E&P confirm a request for the conversion of vacant SJO positions.

The Superior Court of San Mateo County indicates that due to state budget cuts their workforce has been reduced by over 30%, resulting in the reduction of many court services to the public, the shuttering of courtrooms, and the closing of two court branches. Operationally, the court indicates that it has had to consolidate the clerks' offices and court calendars, reduce public counter and telephone hours, and eliminate four of its seven budgeted SJO positions. Currently the court has four filled SJO positions, one of which is a federally funded AB 1058 commissioner.

The court explains that the conversion of the two vacant SJO positions for which it is eligible would result in additional cuts in court services, given the need to redirect limited resources to support the new judgeships resulting from these conversions. The court indicates that granting it an extension to the temporary exception from SJO conversions will assist it in meeting its fiscal challenges, while helping it to minimize negative impacts on court operations and the services it provides to the public.

⁶ See Judicial Council of Cal., *Subordinate Judicial Officers: Deferrals of Conversions to Judgeships*, available at <https://jcc.legistar.com/View.ashx?M=F&ID=5536453&GUID=E32D086B-7206-4C5F-9C1F-9099B159F211> (Nov. 3, 2017).

Council policies concerning SJO conversions 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.

Implementation Requirements, Costs, and Operational Impacts

If the one-year extension to 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 one-year extension to the 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. The granting of a temporary exception is accompanied by an expectation by E&P that the court will report back at the end of the deferral year to indicate whether it wishes to convert the position or seek a permanent reduction in the number of authorized SJO positions.

Attachment

1. Attachment A: January 18, 2018, letter from Presiding Judge Susan I. Etezadi, Superior Court of San Mateo County, to Justice Douglas P. Miller, Chair, Executive and Planning Committee, regarding a request to extend the exception to the conversion of SJO positions to judgeships



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

HALL OF JUSTICE
400 COUNTY CENTER
REDWOOD CITY, CALIFORNIA 94063

SUSAN IRENE ETEZADI
PRESIDING JUDGE

TEL: (650) 261-5118

January 18, 2018

Justice Douglas P. Miller, Chair
Judicial Council's Executive and Planning Committee
455 Golden Gate Avenue, Fifth Floor
San Francisco, CA 94102-3688

Dear Justice Miller,

On behalf of the Superior Court of California, County of San Mateo, Court Executive Officer Rodina Catalano and I respectfully request a second year of temporary exception to the conversion of two vacant SJO positions that was previously granted by the Executive and Planning Committee (E&P) in November 2016. We understand that E&P and the Judicial Council have recently refined the policy to allow courts to request a second year of temporary exception. This would allow us an opportunity to wait until the judicial workload standards are updated and any new workload measures are implemented, in order to determine whether the San Mateo Court is still eligible for conversion. Additionally, our current budget situation could not sustain the impact of another significant reduction in order to support the salary for two new judgeships and the salary and benefit costs for the additional staff that would be required to support those judicial positions.

As indicated in our original December 18, 2015 request for exception, the unprecedented State budget cuts to trial court funding resulted in severe reductions in our court revenue. Our workforce had to be drastically reduced by over 30%. As a result, we were forced to reduce many of our court services. We were required to effectively close two court branches and shutter many of our courtrooms. We had to consolidate our clerks' offices, court calendars and reduce public counter and telephone hours. Additionally, in 2013 we reduced the number of budgeted SJO positions from seven to three, so that we could use the salary and benefits cost savings to maintain our already drastically reduced staffing levels.

We are still operating today with drastically reduced staffing levels and services as mentioned above. We also still currently have just four filled SJO positions, only three of which are funded with State trial court funding. SJO conversion would mean a further major reduction in our court's budget, which would potentially result in further staff reductions and the elimination or reduction of additional court services. This would have an additional adverse impact on our ability to serve our public. Furthermore, the conversion would not garner the expected benefits,


Justice Douglas P. Miller, Chair
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in that we would not have sufficient funding to hire and provide the related support staff that would be required for the SJO positions that were converted to judgeships.

However, if any of our State trial court funded SJO positions become vacant, or the State allocates sufficient budget investment to enable our court to fill any of the remaining vacant SJO positions and the associated support staff, we will pursue conversion of the funded SJO positions up to the two positions previously identified for conversion. Given the Governor's proposed budget for FY 2018/2019, we are hopeful for additional discretionary funding, to fund a modest number of staff positions that will restore essential services and possibly add back some self-help and other court services at our Northern Branch in South San Francisco. Such restored funding could allow us to convert any of the currently filled SJO positions, should a vacancy occur.

Thank you for your consideration of our request. If you need any additional information, Ms. Catalano and I are available to discuss this further.

Sincerely,


Susan Irene Etezadi, Presiding Judge

cc: Rodina M. Catalano, Court Executive Officer
Neal Taniguchi, Deputy Court Executive Officer
Leah Rose Goodwin, Manager, Office of Court Research



Judicial Council of California

455 Golden Gate Ave.
San Francisco, CA
94102-3688

Meeting Agenda

Judicial Council

Meeting materials
are available through
the hyperlinks in
this document.

*Open to the Public Unless Indicated as Closed
(Cal. Rules of Court, rule 10.6(a))*

*Requests for ADA accommodation should be directed to
JCCAccessCoordinator@jud.ca.gov*

Friday, March 2, 2018

9:00 AM

San Francisco

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

Session 9:00 – 9:30 a.m.

Transitional Break 9:30 – 9:40 a.m.

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

Session 9:40 a.m. – 12:40 p.m.

Call to Order

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 at:

<http://www.courts.ca.gov/28045.htm>

- 1) Submit advance requests to speak by 4:00 p.m., Wednesday, February 28.
- 2) Submit written comments for this meeting by 1:00 p.m. on Thursday, March 1.

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: Donna Ignacio

Approval of Minutes

18-042 Approval of Minutes

Summary: Minutes of the January 12, 2018, Judicial Council meeting.

Chief Justice's Report

10 minutes

Administrative Director's Report

18-043 Administrative Director's Report

Summary: Administrative Director's Report

10 minutes

Judicial Council Committee Presentations

18-044 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 Branch Budget Committee
Hon. David M. Rubin, Chair

30 minutes

Judicial Council Members' Liaison Reports

18-046 Judicial Council Members' Liaison Reports

Summary: Judicial Council members report on their visits to the superior courts.

20 minutes

Break 11:20 – 11:35 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.

[18-047](#)

Child Support: Midyear Funding Reallocation for Fiscal Year 2017-18 and Base Funding Allocation for Fiscal Year 2018-19 for the Child Support Commissioner and Family Law Facilitator Program (Action Required)

Summary:

The Family and Juvenile Law Advisory Committee recommends approving the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2017-18 and the allocation of funding for this same program for FY 2018-19, as required by Assembly Bill 1058 (Stats. 1996, ch. 957). The funds are provided through a cooperative agreement between the California Department of Child Support Services (DCSS) and the Judicial Council. At midyear, under an established procedure described in the standard agreement with each superior court, the Judicial Council redistributes to courts with a documented need for additional funds any available funds from courts that are projected not to spend their full grants that year, up to the amount of funds available through the contract with DCSS. The courts are also offered an option to use local court funds up to an approved amount to draw down, or qualify for, federal matching funds.

[18-054](#)

Jury Instructions: Additions and Revisions to Criminal Jury Instructions (CALCRIM) (Action Required)

Summary:

The Advisory Committee on Criminal Jury Instructions recommends approval of the proposed revisions and additions to the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*. These changes will keep CALCRIM current with statutory and case authority.

[18-062](#)

Rules and Forms: Miscellaneous Technical Amendments (Action Required)

Summary:

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from typographical errors and changes resulting from legislation and previous rule amendments and form revisions. Judicial Council staff recommend making the necessary corrections to avoid causing confusion for court users, clerks, and judicial officers.

[18-063](#)

Judicial Council Forms: Technical Changes to Reflect Federal Poverty Guidelines (Action Required)

Summary: Four Judicial Council forms containing figures based on the federal poverty guidelines need to be revised to reflect the changes in those guidelines recently published by the federal government.

DISCUSSION AGENDA

[18-052](#) **Judicial Branch Operations: Disaster Recovery Framework Guide (Action Required)**

Summary: The Information Technology Advisory Committee (ITAC) Disaster Recovery (DR) Framework Workstream, with approval from the Judicial Council Technology Committee, recommends that the Judicial Council approve the proposed Disaster Recovery Framework Guide, model template, and “how to” guide, to serve as a disaster recovery plan for any judicial branch entity (JBE) that chooses to use it.

Speakers: Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee
Mr. Brian Cotta, Member, Information Technology Advisory Committee and
Co-Executive Sponsor of the Disaster Recovery Workstream
Ms. Heather Pettit, Member, Information Technology Advisory Committee and
Project Manager of the Next Generation Hosting Workstream

25 minutes

[18-053](#) **Judicial Branch Operations: Next-Generation Hosting Framework Guide (Action Required)**

Summary: The Information Technology Advisory Committee (ITAC) Next-Generation Hosting Strategy Workstream recommends the approval of its proposed *Next-Generation Hosting Framework Guide* and associated documents. The framework was developed following an assessment of the courts’ current practices regarding their hosting solutions, considerations and requirements in selecting new solutions, and envisioned strategies for next-generation hosting. It is intended to provide guidance to court leadership with their technology planning as they move toward their strategic goals and objectives.

Speakers: Hon. Sheila F. Hanson, Chair, Information Technology Advisory Committee
Mr. Brian Cotta, Member, Information Technology Advisory Committee and
Co-Executive Sponsor of the Disaster Recovery Workstream
Ms. Heather Pettit, Member, Information Technology Advisory Committee and
Project Manager of the Next Generation Hosting Workstream

25 minutes

[18-061](#) **Trial Court Allocations: Judicial-Council Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Trial Courts (Action Required)**

Summary: The Trial Court Budget Advisory Committee recommends that the Judicial Council approve revisions to the Judicial-Council Approved Process, Criteria, and Required Information for Trial Court Trust Fund Fund Balance Held on Behalf of the Trial

Courts. The process provides trial courts the ability to request that TCTF reduced allocations, related to the 1 % fund balance cap, be retained in the TCTF as restricted fund balance for the benefit of those courts.

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

15 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[18-048](#) **Trial Courts: Quarterly Investment Report for Fourth Quarter of 2017**

Summary: This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2017* covers the period of October 1, 2017, through December 31, 2017, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under agenda item 10, Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

[18-049](#) **Judicial Council Report to the Legislature: California's Access to Visitation Grant Program (Federal Fiscal Years 2016-17 and 2017-18)**

Summary: The Family and Juvenile Law Advisory Committee presents the *California's Access to Visitation Grant Program (Federal Fiscal Years 2016-17 and 2017-18): 2018 Report to the Legislature*. The report provides information on the programs funded for federal fiscal years 2016-17 and 2017-18 under California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents. This report to the Legislature must be submitted on even-numbered years, as required by Family Code section 3204(d). The report contains no formal recommendations.

[18-050](#) **Judicial Council Report to the Legislature: 2016-17 Fee Revenues and Expenditures for Court Reporter Services in Superior Court Civil Proceedings**

Summary: Government Code section 68086(f) requires that the Judicial Council annually report to the Joint Legislative Budget Committee information concerning court reporter fees collected under Government Code sections 68086(a)(1), 68086(a)(2), and 68086.1, and expenditures on court reporter services in superior court civil proceedings statewide. To comply with the statute, the Judicial Council staff submitted to the Joint Legislative Budget Committee on February 1, 2018, the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2016-17*.

[18-056](#) **Judicial Council Report to the Legislature: Judicial Branch Courthouse Construction Program Update for 2016-17**

Summary: Government Code section 70371.8 requires the Judicial Council to report annually to the Joint Legislative Budget Committee and the chairs of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the status of the Judicial Branch courthouse construction program. The *Status Update of Judicial Branch Courthouse Construction Program for Fiscal Year 2016-17* satisfies the requirement of this mandate. The report includes information on the status of each project established by the State Public Works Board under section 70371.7 and an accounting of the revenues generated and expenditures made in the Immediate and Critical Needs Account.

[18-057](#) **Court Facilities: Trial Court Facility Modifications Report for Quarters 1 and 2 of Fiscal Year 2017-18**

Summary: The Trial Court Facility Modification Advisory Committee has completed allocating trial court facility modification funding for the first and second quarters of fiscal year 2017-18 and submits this report for informational purposes.

[18-058](#) **Judicial Branch Education: Report to the Legislature on Compliance with Welfare and Institutions Code Section 304.7**

Summary: The Judicial Council's Center for Judicial Education and Research submits as information only the attached report, 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.

[18-059](#) **Judicial Branch Semiannual Contract Reporting Requirement: Executed Contracts and Vendor Payments for the Period of July 1 through December 31, 2017**

Summary: Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report semiannually to the Joint Legislative Budget Committee and the State Auditor listing (1) all vendors or contractors receiving payments from any judicial branch entity and their associated distinct contracts, and (2) for every vendor or contractor receiving more than one payment, the amount of the payment, type of good or service provided, and judicial branch entity receiving the good or service. Therefore, the Judicial Council staff submitted this 13th semiannual report on February 1, 2018, which listed all judicial branch entity contracts that were amended during the reporting period covering July 1 through December 31, 2017.

18-064 **Judicial Branch: Quarterly Report on the Judicial Council's Court Innovations Grant Program, Fiscal Year 2017-2018, Quarter 2**

Summary: This report summarizes the activities and milestones of the Judicial Council's Court Innovations Grant Program that have occurred since November 1, 2017, when the Judicial Branch Budget Committee chair's last informational presentation was made on this topic.

There were no Circulating Orders since the last business meeting.

There were no Appointment Orders since the last business meeting.

Adjournment (approx. 12:40 p.m.)

DRAFT