



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

MEMORANDUM

Date

May 31, 2019

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

June 20, 2019

From

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

Contact

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

Subject

Increase in Full-Time Equivalency for
Subordinate Judicial Officer Position in the
Superior Court of Amador County

Executive Summary

Judicial Council staff recommend that the Executive and Planning Committee (E&P) approve a fractional increase in the workload of a subordinate judicial officer (SJO) in the Superior Court of Amador County. The court has informed council staff of a pressing need to increase a part-time SJO position to one that is full time, to address an increase in the court's current workload and a projected increase in judicial caseload that will include matters appropriate for an SJO to hear. Confirming this request is consistent with established council policy of improving access to justice by providing judicial resources that are commensurate with the workload of the courts.

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request of the Superior Court of Amador County for a fractional increase in the workload of a part time SJO position to a 1.0 full-time equivalency (FTE).

Relevant Previous Council Action

In 2007 the Judicial Council adopted a policy for the review and approval of requests from trial courts to change the number of subordinate judicial officer positions and delegate approval authority to its Executive and Planning Committee. Government Code section 71622(a) grants authority to the council to determine the number and type of subordinate judicial officer positions in each trial court.¹

More specifically, the Judicial Council adopted a policy pertaining to changes in the number and status of SJO positions that, for the purposes of the current request, contained the following elements:

1. To establish a new SJO position, permanently eliminate an SJO position, or change the time base of an existing SJO position, a court must request and obtain approval from E&P. The requesting court must fund and bear all costs associated with an additional or augmented SJO position.
2. If an increase in the number of SJO positions is sought, the court must submit a request in writing to the appropriate Judicial Council regional administrative director². A request must contain a certification by the presiding judge that the court has sufficient funds in its ongoing budget to cover the cost of any additional or augmented position. Judicial Council staff must provide E&P with (a) an estimation of the requesting court's ability to fund one-time and ongoing costs resulting from the establishment or augmentation of a new position and (b) a confirmation of need, both SJO workload and overall judicial need, based on the most recent council-approved Judicial Needs Assessment.
3. E&P will authorize new or augmented SJO positions only if (a) the court can continuously fund the associated increased costs and (b) the most recent council-approved Judicial Needs Assessment demonstrates that the requesting court's SJO workload justifies additional SJO positions and cannot be handled with existing judicial resources. E&P's decision to change the number or type of SJO positions must be in writing and contain an analysis of the factors underlying the decision.
4. E&P will eliminate or decrease the time base of an SJO position on the request of a trial court.

¹ Judicial Council Meeting of February 23, 2007, San Francisco, California, Items 9 and 10 -- Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts.

<http://www.courts.ca.gov/documents/min0207.pdf>

² The position of regional administrative director was eliminated in 2012 as a result of the restructuring of the Administrative Office of the Courts (former name of Judicial Council staff).

Analysis/Rationale

The request by the Superior Court of Amador County for the augmentation of a part-time SJO position that is currently 0.3 FTE to the status of a full 1.0 FTE, is based on a number of factors identified by the court, including an anticipated increase in judicial workload linked to the imminent opening of a second prison and a second casino within the county. This is occurring in the context of an expansion of local law enforcement's capacity through a mitigation agreement with the casino and the county, which acknowledges that approximately 25 percent of the current criminal caseload in the county is related to the presence of the older casino.

The Superior Court of Amador County has indicated that, according to a recent analysis, the court's budget will allow for the funding of the additional 0.7 FTE necessary to elevate the present part-time SJO position to full-time status. The court further indicates that its present proposal is the most efficient way of bringing additional judicial resources to bear on the actual and projected increase in caseload that the court is likely experience in the immediate future, thereby ensuring that the community is appropriately served.

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a)³, which delegated authority to E&P for review and approval of courts' requests to permanently adjust the workload or number of SJOs serving in a court.⁴

Policy implications

Confirming the augmentation of FTE of the present part time SJO position to full time status is consistent with well-established tenets of council policy on SJO positions.

Comments

This proposal, which is consistent with council policy on the status and funding of SJO positions, did not circulate for comment.

³ "Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court." (Gov. Code, § 71622(a).)

⁴ Judicial Council Meeting of February 23, 2007, San Francisco, California, Item 10 Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts.

<http://www.courts.ca.gov/documents/min0207.pdf>

Alternatives considered

The proposed increase in SJO FTE is consistent with council policy. On that basis, no alternatives were considered.

Fiscal and Operational Impacts

The court has performed the necessary budget analysis to confirm that it has sufficient funds to pay for the costs associated with this request. Implementing the recommendation would generate no fiscal or operational costs to the branch as a whole.

Attachments and Links

1. Attachment A: Letter from Presiding Judge Steve Hermanson, Superior Court of Amador County, to Justice Douglas P. Miller, E&P Chair (Apr. 30, 2019)



Superior Court of the State of California County of Amador

April 30, 2019

CHAMBERS OF
J. S. HERMANSON
JUDGE

500 Argonaut Lane
Jackson, CA 95642

Honorable Douglas P. Miller
Executive and Planning Committee
455 Golden Gate Avenue
San Francisco, Ca. 94102

Dear Justice Miller,

The Amador Superior Court is requesting extending the Court Commissioner from a 0.3 to a full time Commissioner. This request is based on the increased caseload coupled with significant expected increases in the near future. A second prison was opened in Amador County and a second casino opened this week. Based on the mitigation agreement with the casino, the District Attorney has hired one new deputy and two investigators, the sheriff's department several new deputies, the city of lone is adding officers and the fire departments are increasing in size. It is apparent to the court that there is a substantial expectation that the criminal caseload will increase. It should be noted that the casino currently in Amador County is estimated to be related in some manner to approximately 25% of the criminal caseload. The new casino will serve alcohol which differs from the older casino and these factors were considered in other agencies reaching mitigation agreements with the new casino. The judicial position equivalent for 2016-2017 was 3.1 with the authorized positions being 2.3. With the recent prison and casino opening, it is expected the position equivalent will be increased. The court did a budget analysis of the remaining funds this year and the expected funding in the future. The court is confident that it can incorporate funding the remaining 0.7 increase without any substantial impact on court operations. This request is seen as the most efficient and economic way of handling the increase and ensuring that the community is properly served by the court. I thank you for your time and consideration of this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.S. Hermanson", with a long horizontal flourish extending to the right.

J.S. Hermanson
Presiding Judge, Amador County