



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
PLANNING COMMITTEE

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

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EXECUTIVE AND PLANNING COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING WITH CLOSED SESSION

Open to the Public Unless Indicated as Closed (Cal. Rules of Court, rule 10.75(c), (d), and (e)(1))

THIS MEETING IS BEING CONDUCTED BY ELECTRONIC MEANS

OPEN PORTION OF THIS MEETING IS BEING RECORDED

Date: Thursday, February 27, 2020
Time: 12:10 to 1:00 p.m.
Public Call-in Number: 877-820-7831; passcode 460-5568 (Listen Only)

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

Members of the public seeking to make an audio recording of the open meeting portion of the meeting must submit a written request at least two business days before the meeting. Requests can be e-mailed to executiveandplanning@jud.ca.gov.

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 the following draft minutes:

- December 17, 2019, open meeting; and
- December 31, 2019, action by e-mail.

II. PUBLIC COMMENT (CAL. RULES OF COURT, RULE 10.75(K)(1))

This meeting will be conducted by electronic means with a listen only conference line available for the public. As such, the public may submit comments for this meeting only in writing. 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, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Cliff Alumno. Only written comments received by 12:10 p.m. on Wednesday, February 26, will be provided to advisory body members prior to the start of the meeting.

III. DISCUSSION AND POSSIBLE ACTION ITEMS

Item 1

Agenda Setting for March 24, 2020, Judicial Council Meeting (Action Required)

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

Presenters: Various

Item 2

New Subordinate Judicial Officer Position for Pretrial Pilot Program:

Superior Court of Sacramento County (Action Required)

Review a request from the Superior Court of Sacramento County for one new, temporary subordinate judicial officer position to staff a Pretrial Pilot Program for which the court was recently funded through a two-year grant from the Judicial Council.

Presenters: Ms. Leah Rose-Goodwin and Mr. David Smith, Business Management Services

Item 3

New Subordinate Judicial Officer Positions for Pretrial Pilot Program:

Superior Court of Sonoma County (Action Required)

Review a request from the Superior Court of Sonoma County for two new, temporary subordinate judicial officer positions to staff a Pretrial Pilot Program for which the court was recently funded through a two-year grant from the Judicial Council.

Presenters: Ms. Leah Rose-Goodwin and Mr. David Smith, Business Management Services

Item 4

New Subordinate Judicial Officer Position for Pretrial Pilot Program:

Superior Court of San Mateo County (Action Required)

Review a request from the Superior Court of San Mateo County for one new, temporary subordinate judicial officer position to staff a Pretrial Pilot Program for which the court was recently funded through a two-year grant from the Judicial Council.

Presenters: Ms. Leah Rose-Goodwin and Mr. David Smith, Business Management Services

Item 5

Update: Judicial Council Trial Court Liaison Program (No Action Required)

Receive an update on the status of the Judicial Council Trial Court Liaison Program and discuss updates to the role of Judicial Council members as liaisons to the trial courts.

Presenter: Hon. Marsha G. Slough, Chair, Executive and Planning Committee

IV. ADJOURNMENT

Adjourn to Closed Session

V. CLOSED SESSION (CAL. RULES OF COURT, RULE 10.75(D))

Item 1

Judicial Council Nominations

Review the Judicial Council nominations guidelines.

Presenter: Hon. Marsha G. Slough, Chair, Executive and Planning Committee

Adjourn Closed Session



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Tuesday, December 17, 2019

12:10 to 1:00 p.m.

Conference Call

Advisory Body Members Present: Hon. Marsha G. Slough (Chair), Hon. Stacy Boulware Eurie, Ms. Nancy CS Eberhardt, Hon. Joyce D. Hinrichs, Hon. Dalila C. Lyons, and Hon. David M. Rubin

Advisory Body Members Absent: Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Harry E. Hull, Jr., and Mr. Patrick M. Kelly

Invited Presenters:

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

Committee Staff

Present: Ms. Amber Barnett and Mr. Cliff Alumno

Staff Present: Ms. Mairead Ahlback, Ms. Michelle Allan, Ms. Karene Alvarado, Mr. Nicholas Armstrong, Ms. Deborah Brown, Ms. Carol Chappell, Ms. Roma Cheadle, Mr. Mike Courtney, Mr. Douglas Denton, Ms. Marcela Eggleton, Mr. Michael Etchepare, Mr. Michael Giden, Ms. Bonnie Hough, Ms. Donna Ignacio, Mr. Greg Keil, Mr. Chris Magnusson, Ms. Shima Mirzaei, Ms. Donna Newman, Mr. Corey Rada, Ms. Leah Rose-Goodwin, Ms. Brandy Sanborn, Mr. Brian Simeroth, Mr. Gary Slossberg, Mr. David Smith, Ms. Laura Speed, Ms. Heather Staton, Ms. Millicent Tidwell, Mr. Catrayel Wood, Ms. Martha Wright, and Ms. Josely Yangco-Fronza

OPEN MEETING

Call to Order and Roll Call

The chair called the meeting to order at 12:10 p.m., and Mr. Alumno took roll call.

Approval of Minutes

The committee reviewed the following draft minutes:

- October 17, 2019, open meeting;
- November 14, 2019, closed meeting;
- November 19, 2019, closed meeting.

Action: *With one abstention (Judge Hinrichs), the committee approved the minutes of the October 17, 2019, open meeting. Additionally, the committee unanimously approved the minutes of the November 14, 2019, and November 19, 2019, closed meetings.*

DISCUSSION AND ACTION ITEMS

Item 1

Agenda Setting for the January 17, 2020, Judicial Council Meeting (Action Required)

The committee reviewed available draft reports for the Judicial Council business meeting in January.

Action: *The committee set the agenda for the January 17, 2020, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

Item 2

Subordinate Judicial Officer Conversion: Superior Court of Los Angeles County (Action Required)

The committee reviewed a request from the Superior Court of Los Angeles County to convert one subordinate judicial officer position to a judgeship.

Action: *The committee confirmed the request from the Superior Court of Los Angeles County to convert one subordinate judicial officer position to a judgeship.*

Item 3

2020 Annual Agenda: Trial Court Presiding Judges Advisory Committee (Action Required)

The committee reviewed the draft annual agenda of the Trial Court Presiding Judges Advisory Committee.

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

Item 4

2020 Annual Agenda: Court Executives Advisory Committee (Action Required)

The committee reviewed the draft annual agenda of the Court Executives Advisory Committee.

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

Item 5

2020 Annual Agenda: Trial Court Budget Advisory Committee (Action Required)

The committee reviewed the draft annual agenda of the Trial Court Budget Advisory Committee.

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

ADJOURNMENT

With the business concluded, the meeting was adjourned at 12:55 p.m.

Approved by the committee on [insert date].



JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND
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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF ACTION BY E-MAIL

Tuesday, December 31, 2019
5:00 p.m.

Advisory Body Members Who Participated: Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Hon. Joyce D. Hinrichs, Hon. Harry E. Hull, Jr., Mr. Patrick M. Kelly, Hon. Dalila C. Lyons, and Hon. David M. Rubin

Advisory Body Members Who Did Not Participate: None

Committee Staff: Ms. Amber Barnett and Mr. Cliff Alumno

ACTION BY E-MAIL

As provided in the California Rules of Court, rule 10.75 (o)(1)(B), the chair concluded that prompt action was needed. This action by e-mail concerned a matter that would otherwise be discussed in an open meeting; therefore, in accordance with rule 10.75(o)(2), public notice and the proposal were posted at 3:00 p.m. on Monday, December 30, 2019, to allow at least one complete business day for public comment before the committee took action. No public comments were received.

OPEN DISCUSSION AND ACTION ITEM

Agenda Setting for the January 17, 2020, Judicial Council Meeting (Action Required)

The committee continued to review available draft reports for the Judicial Council business meeting in January.

Action: *The committee set the agenda for the January 17, 2020, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

CLOSURE OF ACTION

The action by e-mail concluded on Monday, January 6, 2020, at 10:50 a.m.

Approved by the committee on [insert date].



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*

Tuesday, March 24, 2020

San Francisco

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

Session: 9:00 a.m. – 9:30 a.m.

Transitional Break: 9:30 a.m. – 9:45 a.m.

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

Session: 9:45 a.m. – 12:25 p.m.

Call to Order

Public Comment

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. For more information about meeting attendance and public comment procedures, visit:

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

- 1) Submit advance requests to speak by 4:00 p.m., Thursday, March 19.
- 2) Submit written comments for this meeting by 1:00 p.m. on Friday, March 20.

Submit advance requests to speak, written comments, or questions by e-mail to:

judicialcouncil@jud.ca.gov

or by postal mail or delivery in person to:

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

Approval of Minutes

20-110 **Minutes of January 17, 2020 Judicial Council meeting.**

Chief Justice's Report

10 minutes

Administrative Director's Report

20-111 **Administrative Director's Report**

10 minutes

Judicial Council Committee Presentations

20-112 **Judicial Council Committee Reports**

20 minutes

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.

[20-108](#)

Allocations and Reimbursements to Trial Courts | Model Self-Help Pilot Program Midyear Reallocation (Action Required)

Summary:

The Model Self-Help Pilot Program has been operating in five California courts since 2002. The Superior Court of Contra Costa County has determined not to continue its participation with its technology model project and the Trial Court Budget Advisory Committee recommends making a midyear reallocation to the four remaining projects for fiscal year 2019-20 to expand their pilot projects using technology.

[20-101](#)**Child Support | Midyear Funding Reallocation for Fiscal Year 2019-20 and Base Funding Allocation for Fiscal Year 2020-21 for the Child Support Commissioner and Family Law Facilitator Program (Action Required)****Summary:**

The Trial Court Budget Advisory Committee and the Family and Juvenile Law Advisory Committee recommend approving the reallocation of funding for the Child Support Commissioner and Family Law Facilitator Program for the remainder of fiscal year (FY) 2019-20 and the allocation of funding for this same program for FY 2020-21, 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 and the Judicial Council.

[20-107](#)**Court Facilities | Request to Rename West Justice Center in Westminster (Orange) (Action Required)****Summary:**

The Court Facilities Advisory Committee and its Subcommittee on Courthouse Names recommend approving the request of the Superior Court of Orange County to rename the existing West Justice Center in the City of Westminster as the Stephen K. Tamura Court. This approval provides a name for the existing courthouse that honors Justice Tamura's service with distinction to the Superior Court of Orange County, the California Court of Appeal, and the Supreme Court of California.

[20-113](#)**Judicial Council Administration | Internal Committee Names (Action Required)****Summary:**

The chairs of the six Judicial Council internal committees recommend minor changes to several California Rules of Court governing internal committees and to the Judicial Council Governance Policies in Appendix D to the California Rules of Court to change the names of the Policy Coordination and Liaison Committee and the Rules and Projects Committee. The chairs also recommend amending one rule to remove the reference to specific months in which the council meets to consider proposals for California Rules of Court.

[20-068](#)**Jury Instructions | Revisions to Criminal Jury Instructions (Action Required)****Summary:**

The Advisory Committee on Criminal Jury Instructions recommends approving for publication the revised criminal jury instructions prepared by the committee under rule 2.1050 of the California Rules of Court. These changes will keep the instructions current with statutory and case authority. Once approved, the revised instructions will be published in the 2020 edition of the *Judicial Council of California Criminal Jury Instructions (CALCRIM)*.

[20-081](#)**Report to the Legislature | Trial Court Interpreters Program Expenditure Report for Fiscal Year 2018-19 (Action Required)****Summary:**

The Judicial Council's Language Access Services recommends approving the annual report on trial court interpreter expenditures for submission to the Legislature and the Department of Finance. This report is required by the Budget Act of 2018 (Stats. 2018, ch. 29).

[20-106](#)**Rules and Forms | Technical Form Changes to Reflect Federal Poverty Guidelines (Action Required)****Summary:**

Judicial Council staff recommend revision of four Judicial Council forms containing figures based on the federal poverty guidelines to reflect changes in those guidelines as recently published by the federal government.

[20-098](#)**Rules and Forms | Technical Revision to Form ICWA-020 (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee and the Tribal Court-State Court Forum recommend that *Parental Notification of Indian Status* (form ICWA-020) be revised to correct an omission in the form that is causing confusion for judicial officers and justice partners.

[20-109](#)**Trial Court Allocations | Trial Court Trust Fund Funds Held on Behalf of the Trial Courts (Action Required)****Summary:**

The Fiscal Planning Subcommittee of the Trial Court Budget Advisory Committee (TCBAC) recommends approving four new requests and two amended requests from three trial courts for Trial Court Trust Fund (TCTF) funds to be held on behalf of the trial courts. Under the Judicial Council-adopted process, courts may request reduced funding as a result of a court's exceeding the 1 percent fund balance cap, to be retained in the TCTF for the benefit of that court.

DISCUSSION AGENDA[20-069](#)**Court Facilities | Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2020-21 (Action Required)****Summary:**

The Court Facilities Advisory Committee recommends approval of the *Judicial Branch Five-Year Infrastructure Plan for Fiscal Year 2020-21* and submission of the plan to the state Department of Finance. This five-year plan for trial court capital-outlay projects forms the basis for capital project funding requests for the upcoming and outlying fiscal years.

Speakers:

Hon. Brad R. Hill, Chair, Court Facilities Advisory Committee
Mr. Mike Courtney, Facilities Services

15 minutes

[20-070](#)**Judicial Branch Budget | Fiscal Year 2020-21 Capital-Outlay Budget Change Proposals (Action Required)****Summary:**

To continue responsible reinvestment in the judicial branch allowing for greater access to justice for California's citizens, the Judicial Branch Budget Committee unanimously recommends that the Judicial Council approve the fiscal year 2020-21 capital-outlay budget change proposals to be submitted to the Department of Finance for inclusion in the updated Governor's Budget.

Speakers:

Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Mr. Zlatko Theodorovic, Budget Services

10 minutes

[20-104](#)**Court Facilities | Trial Court Facility Modifications Report for Quarters 1 and 2 of Fiscal Year 2019-20 (Action Required)****Summary:**

This report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the first quarter (July through September) and second quarter (October through December) of fiscal year 2019-20. To determine allocations, the Trial Court Facility Modification Advisory Committee reviews and approves facility modification requests from across the state in accordance with the council's Trial Court Facility Modifications Policy.

Speakers:

Hon. Donald Cole Byrd, Chair, Trial Court Facility Modification Advisory Committee
Mr. Mike Courtney, Facilities Services
Ms. Pella McCormick, Facilities Services
Mr. Jagandeep Singh, Facilities Services

20 minutes

[20-082](#)**Language Access Plan | Signage and Technology Grant Program, FY 2019-20: Requests and Proposed Allocations (Action Required)****Summary:**

The 2018 Budget Act included \$2.55 million ongoing funding for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. In September 2019, the Judicial Council approved a grant program to disburse this funding to the trial courts on an annual basis (up to \$1 million per year for language access signage grants, and up to \$1.35 million per year for language access technology grants). Courts were able to apply for both signage and technology needs. The Advisory Committee on Providing Access and Fairness (PAF) and the Information Technology Advisory Committee (ITAC) recommend approving the proposed grant award recommendations and directing Language Access Services (LAS) staff of the Center for Families, Children & the Courts to draft and execute intra-branch agreements (IBAs) with awarded courts for fiscal year (FY) 2019-20.

Speakers:

Hon. Victor Rodriguez, Chair, Language Access Subcommittee, Advisory Committee on Providing Access and Fairness

Mr. Douglas G. Denton, Center for Families, Children & the Courts

15 minutes

[20-114](#)**Judicial Branch Technology | Futures Commission Directive: Remote Video Appearances for Most Non-Criminal Hearings (Action Required)****Summary:**

As a result of the final report of the Commission on the Future of California's Court System, the Chief Justice directed ITAC to consider, for presentation to the Judicial Council, the feasibility of a pilot project to allow remote appearances by parties, counsel, and witnesses for most noncriminal court proceedings; and, where implemented, to report back on outcomes and make recommendations for statewide expansion. To that end, the Information Technology Advisory Committee (ITAC) recommends acceptance of a report from its Remote Video Appearances for Most Noncriminal Hearings Workstream.

Speakers:

Hon. Kyle S. Brodie, Chair, Judicial Council Technology Committee

Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County

30 minutes

20-103 Court Innovations Grant Program | Superior Court of Placer County: Video Appearances Project (No Action Required. No materials for this item.)

Summary: The Budget Act of 2016 allocated \$25 million to the judicial branch to promote court innovations and efficiencies through a grant program. During this session, the Superior Court of Placer County will present and provide information related to the court's Video Appearance project.

Speakers: Hon. David M. Rubin, Chair, Judicial Branch Budget Committee
Mr. Jake Chatters, Court Executive Officer, Superior Court of Placer County
30 minutes

INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[20-096](#) **Judicial Branch Budget | Quarterly Report on the Court Innovations Grant Program, Fiscal Year 2019-20, Quarter 2**

Summary: This report summarizes Judicial Council Court Innovations Grant Program activity for the second quarter of fiscal year (FY) 2019-20.

[20-043](#) **Report to the Legislature | 2018-19 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)-(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, 2020, the *Report of Court Reporter Fees Collected and Expenditures for Court Reporter Services in Superior Court Civil Proceedings for 2018-19*.

[20-080](#) **Report to the Legislature | California's Access to Visitation Grant Program (Federal Fiscal Years 2018-19 and 2019-20)**

Summary: Family Code section 3204(d) requires that the Judicial Council submit a report to the Legislature, on the first day of March of each even-numbered year, on the Access to Visitation Grant programs administered by the Judicial Council. California's Access to Visitation Grant Program (Federal Fiscal Years 2018-19 and 2019-20): 2020 Report to the Legislature, provides information on the programs funded for federal fiscal years 2018-20 under California's Access to Visitation Grant Program for Enhancing Responsibility and Opportunity for Nonresidential Parents.

[20-100](#)**Report to the Legislature | Compliance with Welfare and Institutions Code Section 304.7****Summary:**

The attached report, submitted to the Legislature annually as required by Welfare and Institutions Code section 304.7(c), demonstrates compliance by judges, commissioners, and referees with Juvenile Judicial Officer Training education requirements of the statute. The information provided in this report was gathered from the courts by staff of the Judicial Council's Center for Judicial Education and Research.

[20-041](#)**Report to the Legislature | Judicial Branch Courthouse Construction Program Update for 2018-19****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 of Active Judicial Branch Courthouse Construction Program Projects (2018-19) satisfies the requirement of this mandate (see Attachment A). The report includes information on the status of each project established by the State Public Works Board under section 70371.7 and a detailed accounting of the \$220.1 million in revenues generated, and \$263 million in expenditures made in the Immediate and Critical Needs Account (ICNA) in 2018-19.

[20-078](#)**Report to the Legislature | Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of July 1 through December 31, 2019****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; (2) for every vendor or contractor receiving more than one payment, the amount of the payment and the type of goods or services provided; and (3) the judicial branch entity receiving the goods or services. Therefore, the Judicial Council staff submitted this report on February 1, 2020, which listed all judicial branch entity contracts that were amended during the reporting period covering July 1 through December 31, 2019.

[20-044](#)**Trial Courts | Quarterly Investment Report for Fourth Quarter 2019****Summary:**

This *Trial Courts: Quarterly Investment Report for Fourth Quarter of 2019* covers the period of October 1, 2019, through December 31, 2019, 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.

Circulating Orders**Appointment Orders**

20-105 **Appointment Orders since the last business meeting.**

Adjournment (approximately 12:25 p.m.)



JUDICIAL COUNCIL OF CALIFORNIA

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Telephone 415-865-4200 • Fax 415-865-4205 • TDD 415-865-4272

MEMORANDUM

Date

January 29, 2020

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

February 27, 2020

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

Subordinate Judicial Officer for Two-Year
Term in Support of Pretrial Pilot Program in
Superior Court of Sacramento County

Executive Summary

Office of Court Research staff recommend that the Executive and Planning Committee (E&P) approve the creation of a temporary subordinate judicial officer (SJO) position in the Superior Court of Sacramento County. The court has informed council staff that the SJO serving in this position would staff a Pretrial Pilot Program for which the court was recently funded through a two-year grant from the Judicial Council. Confirming this request is consistent with established council policies concerning adjustments to and approval of the number of authorized judicial positions in the courts.

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request of the Superior Court of Sacramento County for the creation of a temporary SJO position in the court. If approved, authorization for this position would expire upon conclusion of the pretrial grant, which is slated for June 30, 2021.

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 SJO positions and delegate approval authority to its Executive and Planning Committee.¹ Government Code section 71622(a) grants authority to the council to determine the number and type of SJO positions in each trial court.

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 director.² 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 of Cal., mins. (Feb. 23, 2007), Items 9 and 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, 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 Sacramento for the hiring of a temporary SJO is based on the court's receipt of a Pretrial Pilot Program grant from the Judicial Council. This position is intended to serve the residents of Sacramento County as well as inform the council's understanding of the judicial workload that is associated with conducting pretrial assessments, as this is new workload that is not currently factored into models used to assess the workload need for subordinate judicial officers. The SJO serving in this position would be dedicated to the court's Pretrial Pilot Program, with the work of the SJO focused on pre-assignment release decisions, as well as at-arraignment pretrial release determinations, with the latter work occurring through a specialized arraignment court.³

The grant is projected to fund this position to a fractional full-time equivalency (FTE) of .6345, including salary and benefits. The Superior Court of Sacramento County is committed to fund what is currently projected as the remaining .3655 FTE, which assumes that spending for the pilot program remains stable across the duration of the grant.

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),⁴ which delegated authority to E&P for review and approval of courts' requests to adjust the workload or number of SJOs serving in a court on a temporary and permanent basis.⁵

Policy implications

Confirming the creation of a temporary, grant-funded SJO position for the purpose described above 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.

Alternatives considered

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

³ Pretrial Pilot Program, Program Overview and Purpose, www.courts.ca.gov/pretrialpilotprogram.htm.

⁴ "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).)

⁵ Judicial Council of Cal., mins. (Feb. 23, 2007), Item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts*, www.courts.ca.gov/documents/min0207.pdf.

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 beyond the grant awarded to the branch as a whole.

Attachments and Links

1. Attachment A: Letter from Court Executive Officer Lloyd Connelly, Superior Court of Sacramento County, to Justice Marsha G. Slough, E&P Chair (Dec. 23, 2019)



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

LLOYD G. CONNELLY
COURT EXECUTIVE OFFICER

720 NINTH STREET
SACRAMENTO, CALIFORNIA 95814
(916) 874-6328

December 23, 2019

Honorable Marsha G. Slough, Chair
Executive & Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Subordinate Judicial Officer Position Request

Dear Justice Slough and Members of the Executive and Planning Committee:

The Superior Court of California, County of Sacramento hereby requests approval to hire a temporary Subordinate Judicial Officer for the purpose of the Pretrial Pilot Program. This request is based on our Pretrial Pilot Program Grant award and will be for the purpose of creating a robust Pretrial Program in Sacramento County.

The Subordinate Judicial Officer would be dedicated to our Pretrial Program, making pre-arraignment release decisions as well as staffing a specialized arraignment court where at-arraignment, pretrial release determinations will also be made.

The grant, with current spending projections, would fund this position at .6345 FTE, including salary and benefits. Sacramento Superior Court will fund the remaining .3655 FTE, should spending projections remain static.

Please feel free to contact me at (916) 874-8051 or at ConnellL@saccourt.ca.gov, should you or any member have any questions or would like clarification. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lloyd Connelly", is written over a faint, circular embossed seal of the Sacramento Superior Court.

Lloyd Connelly,
Court Executive Officer
Sacramento Superior Court

cc: Hon. David, De Alba, Presiding Judge
Hon. Russell Hom, Presiding Judge Elect
Hon. Michael Bowman, Assistant Presiding Judge Elect
Kelly Sullivan, Director of Operations, Civil/Criminal



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

January 29, 2020

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

February 27, 2020

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

Two Subordinate Judicial Officers to Serve
Two-Year Terms in Support of Pretrial Pilot
Program in Superior Court of Sonoma County

Executive Summary

Office of Court Research staff recommend that the Executive and Planning Committee (E&P) approve the creation of two temporary subordinate judicial officer (SJO) positions in the Superior Court of Sonoma County. The court has informed council staff that the SJOs serving in these positions would staff a Pretrial Pilot Program for which the court was recently funded through a two-year grant from the Judicial Council. Confirming this request is consistent with established council policies concerning adjustments to and approval of the number of authorized judicial positions in the courts.

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request of the Superior Court of Sonoma County for the creation of two temporary SJO positions in the court. Authorization for these positions expires on July 1, 2021.

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 SJO positions and delegate approval authority to its Executive and Planning Committee.¹ Government Code section 71622(a) grants authority to the council to determine the number and type of SJO positions in each trial court.

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 director.² 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 of Cal., mins. (Feb. 23, 2007), Items 9 and 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts*, 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 Sonoma County for the hiring of two temporary SJOs is based on the court's receipt of a Pretrial Pilot Program grant from the Judicial Council that will enable the court to serve as a research-action site in conjunction with the Arnold Ventures National Partnership for Pretrial Justice. These positions will enable the court to better serve the residents of Sonoma County as well as inform the council's understanding of the judicial workload that is associated with conducting pretrial assessments. Workload of this kind is not currently factored into models used to assess the workload need for subordinate judicial officers.

The grant application proposed the hiring of two SJOs on a full-time, limited-term basis for the duration of the pilot project. These positions are intended to have alternating day and night duties seven days per week, 24 hours a day. The increase of 2.0 full-time equivalency (FTE) positions will be limited term, with the salary and benefits for each to be funded by the grant until the expiration of pilot program funding on July 1, 2021.

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 adjust the workload or number of SJOs serving in a court on a temporary and permanent basis.⁴

Policy implications

Confirming the creation of temporary, grant-funded SJO positions for the purpose described above 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.

Alternatives considered

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

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 of Cal., mins. (Feb. 23, 2007), Item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in the Trial Courts*, www.courts.ca.gov/documents/min0207.pdf.

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 beyond the grant awarded to the branch as a whole.

Attachments and Links

1. Attachment A: Letter from the Presiding Judge Bradford J. DeMeo, Superior Court of Sonoma County, to Justice Marsha G. Slough, E&P Chair (Jan. 16, 2020)



Superior Court of California County of Sonoma

Bradford J. DeMeo
Presiding Judge

ACCESS, SERVICE, JUSTICE

Arlene D. Junior
Court Executive Officer

January 16, 2020

Hon. Marsha G. Slough, Chair
Executive & Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Increase in Subordinate Judicial Officer Positions

Dear Justice Slough and members of the Executive & Planning Committee

The Superior Court of California, County of Sonoma, hereby requests approval to increase the Subordinate Judicial Officer Positions from 3.0 FTE to 5.0 FTE temporarily through June 30, 2021, with the designation of "2.0 FTE Limited Term" to apply to the two new Subordinate Judicial Officers. The increase is the result of being awarded a Judicial Council Pretrial Pilot Program grant as a research-action site in conjunction with the Arnold Ventures National Partnership for Pretrial Justice. The grant application and award contemplated the hiring of two Subordinate Judicial Officers full-time limited term for the duration of the pilot project and will have alternating day/night duties 24 hours, seven days per week. The increase of 2.0 FTE Limited Term in the SJO positions, including salary and benefits, will be funded through this grant entirely.

Feel free to contact our Court Executive Officer, Arlene D. Junior at (707) 521-6855 or ajunior@sonomacourt.org, should you or any member have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Bradford J. DeMeo".

Bradford J. DeMeo
Presiding Judge
Sonoma County Superior Court



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

February 20, 2020

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

February 27, 2020

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

Subordinate Judicial Officer for Two-Year
Term in Support of Pretrial Pilot Program in
Superior Court of San Mateo County

Executive Summary

Office of Court Research staff recommend that the Executive and Planning Committee (E&P) approve the creation of a temporary subordinate judicial officer (SJO) position in the Superior Court of San Mateo County. The court has informed council staff that the SJO serving in this position would staff a Pretrial Pilot Program for which the court was recently funded through a two-year grant from the Judicial Council. Confirming this request is consistent with established council policies concerning adjustments to and approval of the number of authorized judicial positions in the courts.

Recommendation

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request of the Superior Court of San Mateo County for the creation of a temporary SJO position in the court. If approved, authorization for this position would expire upon conclusion of the pretrial grant, which is slated for July 1, 2021.

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 SJO positions and delegate approval authority to its Executive and Planning Committee.¹ Government Code section 71622(a) grants authority to the council to determine the number and type of SJO positions in each trial court.

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 director.² 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 of Cal., mins. (Feb. 23, 2007), Items 9 and 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, 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 San Mateo County for the hiring of a temporary SJO is based on the court's receipt of a Pretrial Pilot Program grant from the Judicial Council. This position is intended to serve the residents of San Mateo County as well as inform the council's understanding of the judicial workload that is associated with conducting pretrial assessments, as this is new workload not currently factored into models used to assess the workload need for subordinate judicial officers.

The SJO serving in this position would rotate the duties of making pretrial release decisions with regular permanent commissioners, so that the court's commissioners may become fully knowledgeable of the requirements of this grant-funded position and thus provide any necessary support to the pretrial program. The court will maintain timesheet records to document the costs of pretrial release decisions in the context of the pretrial program, which will serve both the Judicial Council and the court, should pretrial services become a permanent component of the court's workload.³

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),⁴ which delegated authority to E&P for review and approval of courts' requests to adjust the workload or number of SJOs serving in a court on a temporary and permanent basis.⁵

Policy implications

Confirming the creation of a temporary, grant-funded SJO position for the purpose described above 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.

Alternatives considered

The proposed increase in SJO full-time equivalents (FTEs) is consistent with council policy. On that basis, no alternatives were considered.

³ Pretrial Pilot Program, Program Overview and Purpose, www.courts.ca.gov/pretrialpilotprogram.htm.

⁴ "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).)

⁵ Judicial Council of Cal., mins. (Feb. 23, 2007), Item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, www.courts.ca.gov/documents/min0207.pdf.

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 beyond the grant awarded to the branch as a whole.

Attachments and Links

1. Attachment A: Letter from Court Executive Officer Neal I. Taniguchi, Superior Court of San Mateo County, to Justice Marsha G. Slough, E&P Chair (Jan. 10, 2020)



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

HALL OF JUSTICE
400 COUNTY CENTER
REDWOOD CITY, CALIFORNIA 94063

NEAL I. TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5016
FAX: (650) 261-5147
www.sanmateocourt.org

January 10, 2020

Honorable Justice Marsha G. Slough, Chair
Executive and Planning Committee, Judicial Council of California
455 Golden Gate Avenue, Fifth Floor
San Francisco, CA 94102-3688

Dear Justice Slough,

As you know, the San Mateo Superior Court had successfully applied for a Pretrial Services Grant from the Judicial Council, which was a part of the Judicial Branch budget for FY19-20. Included in the Court's Pretrial Services Grant budget was funding for a commissioner position to execute pretrial release decisions on behalf of the court.

The court understands that this grant funded commissioner position is temporary and authorized only for the duration of the grant award, and must be reviewed and approved by the Judicial Council's Executive and Planning Committee. The Court intends to have this temporary position, along with its regular permanent commissioners rotate the duties of making pre-trial release decisions, so that all of the Court's commissioners are knowledgeable and can support the grant program. The Court will keep timesheet records to document the expected costs of release decisions in a pretrial services program. These costs may become the basis for future revisions to trial courts' assessed judicial workload need, should pretrial services become a permanent aspect of the trial court workload.

Based on this understanding, the Court is requesting that a temporary subordinate judicial officer position be approved for the staffing of this grant.

If you should have further questions regarding the Court's request, I am available at (650) 261-5030.

Sincerely,

A handwritten signature in blue ink that reads "Neal I. Taniguchi".

Neal I. Taniguchi
Court Executive Officer



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO

HALL OF JUSTICE
400 COUNTY CENTER
REDWOOD CITY, CALIFORNIA 94063

NEAL I. TANIGUCHI
COURT EXECUTIVE OFFICER
CLERK & JURY COMMISSIONER

(650) 261-5016
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January 10, 2020

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455 Golden Gate Avenue, Fifth Floor
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If you should have further questions regarding the Court's request, I am available at (650) 261-5030.

Sincerely,

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Neal I. Taniguchi
Court Executive Officer