



# JUDICIAL COUNCIL OF CALIFORNIA

EXECUTIVE AND  
PLANNING COMMITTEE

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## EXECUTIVE AND PLANNING COMMITTEE

### NOTICE AND AGENDA OF OPEN MEETING

*Updated on 10/26/2021*

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

THIS MEETING IS BEING CONDUCTED BY VIDEOCONFERENCE

THIS MEETING IS BEING RECORDED

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**Date:** Tuesday, November 2, 2021  
**Time:** 12:00 p.m. to 1:00 p.m.  
**Public Videocast:** <https://jcc.granicus.com/player/event/1210>

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

Members of the public seeking to make a recording 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](mailto:executiveandplanning@jud.ca.gov).

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

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

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

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

Approve the draft minutes of the September 29, 2021, conference call.

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

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This meeting will be conducted by videoconference with a livestream available for the public. As such, the public may submit comments for this meeting in writing only. In accordance with rule 10.75(k)(1) of the California Rules of Court, written comments pertaining to any agenda item of a regularly noticed open meeting can be submitted up to one complete business day before the meeting. For this specific meeting, comments should be e-mailed to [executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov) or mailed or delivered to Judicial Council of California, 455 Golden Gate Avenue, San Francisco, California 94102, attention: Cliff Alumno. Only written comments received by 12:00 p.m. on Monday, November 1, 2021, will be provided to the committee members prior to the meeting.

**III. DISCUSSION AND POSSIBLE ACTION ITEMS**

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**Item 1**

**Agenda Setting for November 19, 2021, Judicial Council Meeting (Action Required)**

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

*Presenters: Various*

**Item 2**

**Superior Court of Sacramento County: Extension of One Temporary Subordinate Judicial Officer Position Serving in Support of Pretrial Pilot Program (Action Required)**

Review a request by the Superior Court of Sacramento County for authorization to extend to June 30, 2022, a limited term subordinate judicial officer (SJO) position working in support of the court's Pretrial Pilot Program.

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

**Item 3**

**Superior Court of Kern County: Creation of Temporary Subordinate Judicial Officer Position to Staff Pretrial Release Program (Action Required)**

Review a request by the Superior Court of Kern County for the creation of a temporary subordinate judicial officer (SJO) position authorized through June 30, 2023, to staff the court's new pretrial release program funded under Senate Bill 129 (Stats. 2021, ch. 69).

*Presenter: Ms. Deirdre Benedict, Criminal Justice Services*

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**IV. ADJOURNMENT**

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**Adjourn**



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING

Wednesday, September 29, 2021

12:45 to 1:00 p.m.

Conference Call

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**Advisory Body Members Present:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Stacy Boulware Eurie, Mr. Kevin Harrigan, Hon. Dalila C. Lyons, Hon. Ann C. Moorman, and Hon. David M. Rubin, and Hon. Theodore C. Zayner

**Advisory Body Members Absent:** Hon. Carin T. Fujisaki and Ms. Gretchen Nelson

**Invited Speakers Present:** Hon. Kimberly A. Gaab, Chair, Center for Judicial Education and Research Advisory Committee; and Ms. Karene Alvarado, Director, Center for Judicial Education and Research

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

**Staff Present:** Ms. Deborah Brown, Ms. Roma Cheadle, Mr. Michael Giden, Ms. Laura Speed, Ms. Millicent Tidwell, and Mr. Steven Warner

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#### OPEN MEETING

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##### Call to Order and Roll Call

The chair called the meeting to order at 12:45 p.m. Mr. Alumno took roll call and made the opening announcements.

##### Approval of Minutes

The committee reviewed the draft minutes of the following:

- August 24, 2021, open meeting with closed session; and
- September 23, 2021, action by e-mail.

**Action:** *The committee approved the minutes above. (As new committee members effective September 15, 2021, Judge Zayner and Mr. Harrigan abstained from voting on the August 24, 2021, draft minutes.)*

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**DISCUSSION AND ACTION ITEM**

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**Center for Judicial Education and Research Advisory Committee: Addition of Project to 2021 Annual Agenda (Action Required)**

The committee reviewed a request from the Center for Judicial Education and Research Advisory Committee to approve adding to its 2021 Annual Agenda a proposed amendment to rule 10.492 of the California Rules of Court for extension of time for judicial branch education requirements.

**Action: The committee approved the following:**

- (1) The proposed amendment to rule 10.492 of the California Rules of Court; and**
- (2) Adding as a project to the 2021 Annual Agenda of the Center for Judicial Education and Research Advisory Committee the proposed amendment to the rule of court.**

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**ADJOURNMENT**

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With the business concluded, the meeting was adjourned at 1:00 p.m.

Approved by the committee on [insert date].



# Judicial Council of California

## Meeting Agenda

### Judicial Council

Please visit  
courts website at  
[www.courts.ca.gov](http://www.courts.ca.gov)  
to view live meeting on  
November 19, 2021

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](mailto:JCCAccessCoordinator@jud.ca.gov)*

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Friday, November 19, 2021

Videoconference

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#### **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 – 9:45 a.m.

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

*A link to the live videostream of the meeting will be available in the Meeting Information Center approximately 15 minutes prior to the start of the open session. In the event the preceding closed session adjourns late, the start time of the public session may be delayed.*

Open Session Begins: 9:45 a.m.

#### **Call to Order**

10 minutes

#### **Public Comment**

*This meeting will be conducted via videoconference. Public comments will be accepted in writing only. Submit written comments for this meeting by 1:00 p.m. on Wednesday, November 17, 2021, to:*

[judicialcouncil@jud.ca.gov](mailto:judicialcouncil@jud.ca.gov)

*Visit the link below and follow the instructions provided under the “Written Comments” section.*

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

*Comments received after the deadline will not be delivered to Judicial Council members.*

**Approval of Minutes**

**21-124 Minutes of October 1, 2021, Judicial Council Meeting**

**Chief Justice's Report**

*20 minutes*

**Administrative Director's Report**

**21-178 Administrative Director's Report**

*15 minutes*

**Judicial Council Internal Committee Presentations**

**21-119 Judicial Council Internal Committee Presentations**

**Summary:** Technology Committee, Hon. Kyle S. Brodie, Chair  
Executive and Planning Committee, Hon. Marsha G. Slough, Chair  
*20 minutes*

**21-181 Judicial Council Internal Committee Written Reports**

**CONSENT AGENDA**

*5 minutes*

*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.*

**[21-059](#) Allocations and Reimbursements to Trial Courts | Early Disposition Program: Recommended Disbursement of Court Funding (Action Required)**

**Summary:** The Budget Act of 2021 provided one-time funding of \$30 million to support trial courts addressing the COVID-19 pandemic-induced criminal backlog, by encouraging the establishment of early disposition programs. As directed by the Legislature, courts are required to provide data on the use of funding being requested from the Chief Justice's Temporary Assigned Judges Program, via the Judicial Council, to support their programs. Judicial Council staff developed a fund request process for courts, consistent with requirements in the budget bill language, and recommend the Judicial Council approve the first phase of funding disbursements to courts that requested funds to support their early disposition programs.

[21-167](#)**Court Facilities | Design-Build Conflict of Interest Policy (Action Required)****Summary:**

The Court Facilities Advisory Committee recommends approval of a conflict of interest policy governing the ability of a person or entity, seeking to perform services for the Judicial Council on a design-build project, to submit a proposal as a design-build entity, or to join a design-build team. This policy shall apply to consultants and contractors for design-build projects authorized pursuant to Article 7.1 Superior Court Design-Build Projects (§§ 70398 -70398.7) of Chapter 5.7 of Title 8 of the Government Code.

[21-136](#)**Judicial Council Administration | Judicial Council Conflict of Interest Code (Action Required)****Summary:**

Judicial Council staff recommends amending *Conflict of Interest Code for the Judicial Council of California* to add Construction Inspector to the list of job classifications requiring disclosure of economic interests. The conflict of interest code does not accurately reflect the current structure of the Judicial Council, and leaving the code in its current form places the council at risk of noncompliance with Government Code section 87306. Under Government Code section 82011(h), the Judicial Council is the body that must review and approve proposed amendments to the agency's conflict of interest code.

[21-174](#)**Judicial Council | 2021 Summary of Legislative Policy (Action Required)****Summary:**

The Legislation Committee recommends adopting the updated *Legislative Policy Summary* reflecting actions through the 2021-22 legislative session. Adoption of this updated summary of positions taken on court-related legislation will assist the council in making decisions about future legislation, consistent with the judicial branch's strategic plan goals.

[21-171](#)**Jury Instructions | Civil Jury Instructions (Release 40) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions prepared by the committee. These changes bring the instructions up to date with developments in the law over the previous six months. Upon Judicial Council approval, the instructions will be published in the official 2022 edition of the *Judicial Council of California Civil Jury Instructions*.

[21-110](#)**Language Access Plan | Signage and Technology Grant Program, Fiscal Year 2021-22: Requests and Proposed Allocations (Action Required)****Summary:**

The Budget Act of 2018 (Stats. 2018, ch. 29) included \$2.55 million in ongoing funding for language access signage and technology infrastructure support and equipment needs for the trial courts and the Judicial Council. 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). For the grant program's third year (fiscal year 2021-22), 22 courts applied for signage and technology needs. The Advisory Committee on Providing Access and Fairness and the Information Technology Advisory Committee recommend approving the proposed grant award recommendations to expand language access for court users.

[21-183](#)**Rules and Forms | Judicial Branch Administration: Emergency Rule on Use of Technology for Remote Appearances (Action Required)****Summary:**

The chairs of the Judicial Council's six internal committees recommend that the Judicial Council amend emergency rule 3 effective January 1, 2022, to remove civil proceedings from the scope of the rule and to affirm that the rule continues to apply to criminal proceedings. The amendment would make the rule consistent with new Code of Civil Procedure section 367.75, enacted in Senate Bill 241 (Stats. 2021, ch. 214), which will govern remote proceedings in civil cases beginning January 1, 2022. Courts may continue to rely on the authority in emergency rule 3, however, to conduct criminal proceedings remotely as they continue to address the impact of the COVID-19 pandemic and the backlog it created.

[21-170](#)**Rules and Forms | Judicial Branch Education: Extension of Judicial College Deadline (Action Required)****Summary:**

The Center for Judicial Education and Research (CJER) Advisory Committee recommends amending rule 10.492 of the California Rules of Court to extend the deadline to complete the B. E. Witkin Judicial College by an additional 18 months. This action is necessary to avoid the widespread inability to comply with rule 10.462(c)(1)(C) amongst new judges and subordinate judicial officers who joined the bench before January 2020. The CJER Advisory Committee also proposes amending the rule's sunset date due to the ongoing nature of the pandemic.

[21-058](#)**Trial Courts | 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 recommends that the Judicial Council approve 11 new and 10 amended Trial Court Trust Fund funds to be held on behalf of the trial courts requests totaling \$10.439 million from 14 trial courts. Under the Judicial Council-adopted process, a court may request reduced funding as a result of the court exceeding the 3 percent fund balance cap, to be retained in the Trial Court Trust Fund for the benefit of that court.



**DISCUSSION AGENDA**[21-078](#)**Family and Juvenile Law | Court Adoption and Permanency Month  
(Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to raise community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

**Speakers:**

Hon. Amy M. Pellman, Cochair, Family and Juvenile Law Advisory Committee  
Ms. Charlene Depner, Center for Families, Children & the Courts  
Foster and Adoptive Family

*20 minutes*

[21-147](#)**Special Report | Final Report From the Work Group on  
Homelessness to the Chief Justice (Action Required)****Summary:**

The Work Group on Homelessness, established by Chief Justice Tani G. Cantil-Sakauye, recommends that the Judicial Council review and receive its final report and recommendations. The report recommends ways the judicial branch might work with the Governor, the Legislature, and other entities to address homelessness, and identifies how court programs and services might be improved to increase access and assistance for court users experiencing or at risk of experiencing homelessness. Implementation of the recommendations is likely to make significant progress toward reducing homelessness while broadening access to the courts and promoting efficiencies and cost savings. The recommendations not only urge improvement and expansion of certain existing court programs with proven value, but also identify innovative new ideas for the California judicial branch based on available evidence and data. The recommendations will require funding and a coordinated approach among the state branches of government and other justice partners and stakeholders.

**Speakers:**

Hon. Louis R. Mauro, Chair, Work Group on Homelessness

*15 minutes*

[21-175](#)**Judicial Branch Administration | Court's Duty to Prevent Bias  
(Action Required)****Summary:**

To support the integrity and impartiality of the judicial system and to promote a court environment free of bias and the appearance of bias, the Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings recommends amendments to California Standards of Judicial Administration, standard 10.20 (Court's duty to prohibit bias). The work group was appointed by Chief Justice Tani G. Cantil-Sakauye to identify improvements and propose amendments to standard

10.20. The work group was charged with ensuring that the standard reflects current law and current understandings regarding the elimination of bias.

**Speakers:** Hon. Brad R. Hill, Cochair, Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings  
Hon. Stacy Boulware Eurie, Cochair, Work Group to Enhance Administrative Standards Addressing Bias in Court Proceedings

*20 minutes*

**21-177 Judicial Branch Administration | Ad Hoc Workgroup on Post-Pandemic Initiatives: Judicial Remote Proceedings Resource Guide for Judicial Officers (No Report. No Action Required.)**

**Summary:** This semi-regular update to the Judicial Council on the work of the Ad Hoc Workgroup on Post-Pandemic Initiatives is a presentation of the Judicial Remote Proceedings Resource Guide for Judicial Officers.

**Speakers:** Hon. Ann C. Moorman, Member, Ad Hoc Working Group on Post-Pandemic Initiatives  
Ms. Rebecca J. Fleming, Member, Ad Hoc Working Group on Post-Pandemic Initiatives

*15 minutes*

**21-180 Judicial Branch Outreach | The Power of Democracy Civic Learning Initiative (No Report. No Action Required)**

**Summary:** The Power of Democracy Steering Committee promotes civic learning, inclusive of the courts, for all of California's K-12 students. This annual report provides information on committee efforts to connect courts with schools in their community, and achievements made expanding access to civic education, particularly during the pandemic and through remote learning.

**Speakers:** Hon. Judith D. McConnell, Chair, Power of Democracy Steering Committee  
Hon. Patricia Guerrero, Associate Justice, Court of Appeal Fourth District, Division 1  
Mr. Zachary Peterson, Senior, University City High School, Power of Democracy Steering Committee  
Ms. Penne Soltysik, Judicial Council Public Affairs

*15 minutes*

## INFORMATION ONLY ITEMS (NO ACTION REQUIRED)

[21-056](#) **Court Facilities | Lease Revenue Bond Issuance, Fall 2020 and Spring 2021**

**Summary:** The Administrative Director presents this report on actions taken in connection with lease-revenue bonds issued by the State Public Works Board in fall 2020 and spring 2021, for the financing of court facilities projects as authorized and directed by the Judicial Council. New lease-revenue bonds were issued for one capital outlay project, refunding of existing bonds occurred for six capital outlay projects, and interim loans were issued for six capital outlay projects in construction.

[21-055](#)**Report to the Legislature | Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2020-21****Summary:**

Pursuant to Government Code section 68502.5(c)(2)(C), the Judicial Council is required to submit a report accounting for all trial court requests and allocations from the authorized reserve in the Trial Court Trust Fund (TCTF) for unforeseen emergencies to the Legislature and the Department of Finance by October 1 of each year. On October 1, 2021, Judicial Council staff submitted the *Report of Allocation of the State-Level Reserve in the Trial Court Trust Fund in 2020-21*.

[21-054](#)**Report to the Legislature | Allocations and Reimbursements to the Trial Courts in 2020-21****Summary:**

Pursuant to Government Code section 77202.5(a), the Judicial Council is required to submit a report on allocations and reimbursements to the trial courts to the Senate Committees on Budget and Fiscal Review and Judiciary and the Assembly Committees on Budget and Judiciary by September 30 of each year. On September 30, 2021, the Judicial Council's Budget Services staff submitted a report on the *2020-21 Allocations and Reimbursements to the Trial Courts*.

[21-166](#)**Report to the Legislature | Annual Report on Contracts for the Trial Courts for the Fiscal Year Ended June 30, 2021****Summary:**

Public Contract Code section 19209 and the *Judicial Branch Contracting Manual* require that the Judicial Council submit a report annually to the Joint Legislative Budget Committee and the State Auditor to provide information related to contracts and payments for the trial courts. The report includes a list of vendors and contractors as required by section 19209(b). The report further identifies the amounts of payments to the contractors and vendors, the types of services and goods provided, and the trial courts with which the contractors and vendors contracted to provide those goods and services. The report summary also includes a list of all amended contracts as required by section 19209(c), identifying the vendors, contractors, and types of services and goods provided under the contract, including any changes to the contract value, type of services or goods, or contract. Therefore, in compliance with this Public Contract Code mandate, Judicial Council staff submitted this report on September 30, 2021.

[21-176](#)**Report to the Legislature | Disposition of Criminal Cases According to Race and Ethnicity of Defendant****Summary:**

Penal Code section 1170.45 directs the Judicial Council to report annually on the statewide disposition of criminal cases according to defendants' race and ethnicity. In accordance with this requirement, Judicial Council staff will submit this annual report on November 26, 2021. The data used in this report come from the Automated Criminal History System, which is a repository of data on dispositions maintained by the California Department of Justice. This report describes patterns seen in criminal case dispositions of adult felony arrests by race/ethnicity and tests whether any available legal or demographic information can account for the patterns seen.

[21-057](#)**Trial Court Budget | Report on Disposition Data****Summary:**

At its January 2021 meeting, the Judicial Council approved a Judicial Branch Budget Committee (JBBC) recommendation of a Trial Court Budget Advisory Committee (TCBAC) proposal for reporting requirements regarding progress in reducing the COVID-19 backlog. The TCBAC also provided a definition of backlog as workload that was not disposed during the pandemic period compared to the same time period one year prior. This report and attachment provides a quarterly update on disposition data reported by courts.

**Circulating Orders****Appointment Orders****Adjournment**

DRAFT



## JUDICIAL COUNCIL OF CALIFORNIA

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

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### MEMORANDUM

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**Date**

October 12, 2021

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning  
Committee

**Deadline**

October 28, 2021

**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**

Extend the Term of One Temporary  
Subordinate Judicial Officer Position Serving  
in Support of the Pretrial Pilot Program in the  
Superior Court of Sacramento County

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**Executive Summary**

Office of Court Research staff recommend that the Executive and Planning Committee review the request by the Superior Court of Sacramento County for authorization to extend the position of a Limited Term Subordinate Judicial Officer (SJO), who is working in support of the court's Pretrial Pilot Program. The extension of the position to June 30, 2022, is made possible by additional funding from the Judicial Council to extend the current Pretrial Pilot Program in the Superior Court of Sacramento County. 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 extension 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, 2022.

### **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.<sup>1</sup> 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.<sup>2</sup> 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.

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<sup>1</sup> 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](http://www.courts.ca.gov/documents/min0207.pdf).

<sup>2</sup> 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).

4. E&P will eliminate or decrease the time base of an SJO position on the request of a trial court.

### **Analysis/Rationale**

The original request by the Superior Court of Sacramento County for the hiring of a temporary SJO was based on the court's receipt of a Pretrial Pilot Program grant from the Judicial Council. This position was 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 has been dedicated to the court's Pretrial Pilot Program, with the work associated with this position focused on pre-assignment release decisions, as well as at-arraignment pretrial release determinations, with the latter work occurring through a specialized arraignment court.<sup>3</sup>

The court indicates that the current SJO is a dedicated position to the Pretrial program, which makes release decisions for pre-arraignment and at-arraignment releases, as well as presiding in a specialized arraignment court that is critical to meeting the goals and objectives of the pilot program. The court indicates that the grant will fund this position entirely for the specified period, including salary and benefits.

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),<sup>4</sup> 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.<sup>5</sup>

### **Policy implications**

Confirming the extension 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.

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<sup>3</sup> Pretrial Pilot Program: Program Overview and Purpose, [www.courts.ca.gov/pretrialpilotprogram.htm](http://www.courts.ca.gov/pretrialpilotprogram.htm).

<sup>4</sup> "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).)

<sup>5</sup> 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](http://www.courts.ca.gov/documents/min0207.pdf).

**Alternatives considered**

The proposed extension of the temporary SJO service period 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 beyond the grant awarded to the judicial branch.

**Attachments and Links**

1. Attachment A: Letter from Presiding Judge Russell L. Hom, Superior Court of Sacramento County, to Justice Marsha G. Slough, E&P Chair (Sept. 8, 2021)





SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SACRAMENTO

RUSSELL L. HOM  
PRESIDING JUDGE  
DEPARTMENT 47

720 NINTH STREET  
SACRAMENTO, CA 95814  
(916) 874-5487

September 8, 2021

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

Re: Request for Extension of Subordinate Judicial Officer Position

Dear Justice Slough and members of Executive and Planning:

The Superior Court of California, County of Sacramento hereby requests to extend its temporary Subordinate Judicial Officer position, for the Pretrial Pilot Program, until June 30, 2022. This request is based on being awarded additional funding to extend the current Pretrial Pilot Program. The current Subordinate Judicial Officer is a dedicated position to the Pretrial program, which makes release decisions for pre-arraignment and at arraignment releases, and presides in a specialized arraignment court that is crucial to meeting the goals of the pilot program. The grant will fund this position of 1.0 FTE in the SJO time base including salary and benefits.

Feel free to contact me at (916) 874-6385 or at [HomR@saccourt.ca.gov](mailto:HomR@saccourt.ca.gov), should you or any member have any questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "R. Hom", is written over a faint, illegible stamp.

Russell L. Hom  
Presiding Judge  
Sacramento Superior Court



## JUDICIAL COUNCIL OF CALIFORNIA

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### MEMORANDUM

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<b>Date</b> October 18, 2021	<b>Action Requested</b> Approve Staff Recommendations
<b>To</b> Members of the Executive and Planning Committee	<b>Deadline</b> October 28, 2021
<b>From</b> Shelley Curran, Director Criminal Justice Services	<b>Contact</b> Deirdre Benedict 415-865-7543 deirdre.benedict@jud.ca.gov
<b>Subject</b> Subordinate Judicial Officer for Support of Pretrial Release Program in Superior Court of Kern County	

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#### **Executive Summary**

Criminal Justice Services staff recommend that the Executive and Planning Committee approve the creation of a temporary subordinate judicial officer (SJO) position in the Superior Court of Kern County. The court has informed council staff that the SJO serving in this position would staff their new pretrial release program funded under Senate Bill 129 (Stats. 2021, ch. 69). SB 129 provides funding for “the implementation and operation of ongoing court programs and practices that promote the safe, efficient, fair, and timely pretrial release of individuals booked into jail.”<sup>1</sup> Confirming this request would be consistent with established council policies concerning adjustments to and approval of the number of authorized judicial positions in the courts. Funding is provided to the court and no additional council funding would be sought in conjunction with this request.

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<sup>1</sup> Sen. Bill 129, § 4, item 0250-101-0001, provision 9.

## **Recommendation**

Criminal Justice Services staff recommend that the Executive and Planning Committee approve the request of the Superior Court of Kern County for the creation of a temporary SJO position in the court. If approved, authorization for this position is requested through June 30, 2023. This temporary position will enable the court and the council to evaluate additional workload demands necessitated by the program and to determine a long-term approach to adding necessary SJO positions.

## **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 (Executive Committee).<sup>2</sup> The policy 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 the Executive Committee. 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. 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 the Executive Committee 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. The Executive Committee 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. The Executive Committee'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. The Executive Committee will eliminate or decrease the time base of an SJO position on the request of a trial court.

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<sup>2</sup> Government Code section 71622(a) grants authority to the council to determine the number and type of SJO positions in each trial court.

### **Analysis/Rationale**

The purpose of the funding, as specified in SB 129, is to provide every superior court with information and resources to support judicial officers in making pretrial release decisions. The funds are to be used by the courts for pretrial programs and practices and may be spent on the “[c]osts associated with judicial officer pretrial release decisions prior to or at arraignment.”<sup>3</sup>

The Superior Court of Kern County would use the temporary SJO as a commissioner to preside over their Metropolitan (Bakersfield Courthouse) Felony and Misdemeanor Arraignment calendars and spearhead their new pretrial release program. This will increase Kern’s SJO positions from 7.0 FTE to 8.0 FTE temporarily through June 30, 2023, with the designation of “1.00 FTE Limited Term” to apply to the new SJO position. The court is currently operating with several unfilled vacancies and expects more vacancies through retirements by 2022. The addition of a commissioner position will ensure that the court has the judicial resources necessary to launch the new pretrial release program.

### **Policy implications**

Confirming the creation of temporary 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

### **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 Presiding Judge Colette M. Humphrey, Superior Court of Kern County (Sept. 24, 2021)

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<sup>3</sup> Sen. Bill 129, § 4, item 0250-101-0001, provision 11.



Superior Court  
State of California  
COUNTY OF KERN

COLETTE M. HUMPHREY  
Judge

1415 Truxtun Avenue  
Bakersfield, CA 93301  
(661) 868-4934

September 24, 2021

Honorable 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 Kern, hereby requests approval to hire a Temporary Subordinate Judicial Officer ("SJO") as a Commissioner to preside over our Metropolitan (Bakersfield Courthouse) Felony and Misdemeanor Arraignment calendars and spearhead our new Pretrial Release program. This will increase Kern's SJO Positions from 7.0 FTE to 8.0 FTE temporarily through June 30, 2023 with the designation of "1.00 FTE Limited Term" to apply to the new SJO.

The SJO would be dedicated full-time to the Metropolitan division arraignment calendars. With the addition of a new SJO, we will be able to fully utilize the resources our Probation Department will soon be providing with the SB129 funding now available to our Court. Dedicating a judicial officer to this program will guarantee thoughtful, measured decisions regarding Pretrial Release. We have had preliminary meetings with our Probation Department and once we enter into an agreement with them for pretrial services, they plan to give us a much more robust report and recommendation than they are currently able to provide. Dedicating an SJO to our Arraignment calendars will give them the time and opportunity to handle the review process and to make appropriate decisions. The SJO will also be the person who works with the Probation Department as we develop the best practices in Kern for pretrial release.

As you are aware, Kern is still short of judges according to the 2019 Judicial Workload Assessment report to the Judicial Council. In addition, we have several unfilled vacancies and expect more vacancies through retirements by 2022. The addition of a Commissioner to handle these hearings will help assure we devote the proper time and consideration to pretrial release hearings. Please feel free to contact Assistant Presiding Judge Judith K. Dulcich at (661) 868-4902 or [Judith.dulcich@kern.courts.ca.gov](mailto:Judith.dulcich@kern.courts.ca.gov) if you or any member of the Committee have any questions.

Sincerely,

Colette M. Humphrey  
Presiding Judge of Kern County Superior Court

cc: Assistant Presiding Judge Judith K. Dulcich  
Tamarah Harber- Pickens, Court Executive Officer