



JUDICIAL COUNCIL OF CALIFORNIA

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MEMORANDUM

Date

October 21, 2022

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

October 21, 2022

From

Judicial Council staff
Leah Rose-Goodwin, Manager
Kristin Greenaway, Supervising Research
Analyst
Office of Court Research

Contact

Leah Rose-Goodwin
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Subject

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

Executive Summary

Judicial Council staff recommend that the Executive and Planning Committee (E&P) approve a fractional increase in the workload of a subordinate judicial officer (SJO) in the Superior Court of Sacramento County. The court has informed council staff of a pressing need to increase a permanent, fractional (0.5 FTE) SJO position to one that is full time. The request is based on the need to cover the operational needs of the court and because of the court's inability to attract qualified candidates to fill a part-time position. Confirming this request is consistent with established council policy of improving access to justice by providing judicial resources that are commensurate with the workload of the courts.

Recommendation

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

Relevant Previous Council Action

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

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

1. To establish a new SJO position, permanently eliminate an SJO position, or change the time base of an existing SJO position, a court must request and obtain approval from E&P. The requesting court must fund and bear all costs associated with an additional or augmented SJO position.
2. If an increase in the number of SJO positions is sought, the court must submit a request in writing to the appropriate Judicial Council regional administrative 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

¹ Judicial Council of Cal., mins. (Feb. 23, 2007), San Francisco, California, 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).

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.

Analysis/Rationale

The request by the Superior Court of Sacramento County for the augmentation³ of a part-time SJO position to the status of a full 1.0 FTE, is based on a number of factors. First of all, the court has identified a workload need for the augmentation, one that is substantiated by the most recent Judicial Needs Assessment.⁴ An analysis of the workload need for subordinate judicial officers similarly shows that there is a demonstrated need for SJOs in the court. And, the court has also mentioned there have been and will be many judicial retirements in the coming months that will further impact court workload.

Confirming the court's request in this matter is within the scope of the Judicial Council's responsibilities under Government Code section 71622(a),⁵ which delegated authority to E&P for review and approval of courts' requests to permanently adjust the workload or number of SJOs serving in a court.⁶

Policy implications

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

³ In its letter to the Executive and Planning Committee, the court used the term "convert" when referencing the requested action that E&P should take. That term has a specific meaning related to subordinate judicial officers and is not used here; instead, the term "augmentation" is used to describe the requested action.

⁴ Update of Judicial Needs Assessment Study, 2020, www.courts.ca.gov/documents/2020_Update_of_the_Judicial_Needs_Assessment.pdf.

⁵ "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).)

⁶ Judicial Council of Cal., mins. (Feb. 23, 2007), San Francisco, California, item 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, www.courts.ca.gov/documents/min0207.pdf.

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 to the branch as a whole.

Attachments and Links

1. Attachment A: Letter from Presiding Judge Michael G. Bowman, Superior Court of Sacramento County, to Justice Marsha G. Slough, E&P Chair (July 7, 2022)



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

MICHAEL G. BOWMAN
PRESIDING JUDGE
DEPARTMENT 47

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

July 7, 2022

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

Re: Request to Convert .5 FTE Subordinate Judicial Officer Position to 1.0 FTE

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

Pursuant to Government Code §71622, the Superior Court of California, County of Sacramento requests to convert its .5 FTE Subordinate Judicial Officer position to a 1.0 FTE position. This request is based on operational need of the court and our inability to attract qualified candidates to fill a part-time position. This 1.0 FTE Subordinate Judicial Officer, if approved by the Committee, will be filled and dedicated to our Family Relations Court.

Please contact me at (916) 874-5487 or at BowmanM@saccourt.ca.gov, should you or any member have questions. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael G. Bowman", is written over a large, stylized, looping flourish.

Michael G. Bowman
Presiding Judge
Sacramento Superior Court