



Judicial Council of California  
Executive and Planning Committee

[www.courts.ca.gov/epmeetings.htm](http://www.courts.ca.gov/epmeetings.htm)  
[executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov)

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EXECUTIVE AND PLANNING COMMITTEE

NOTICE AND AGENDA OF OPEN MEETING

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, April 18, 2023  
**Time:** 12:10 to 1:00 p.m.  
**Public Video Livestream:** <https://jcc.granicus.com/player/event/2709>

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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 emailed 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 following draft minutes:

- February 22, 2023, open meeting.
- April 6, 2023, closed meeting; and
- April 12, 2023, open meeting.

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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 emailed to [executiveandplanning@jud.ca.gov](mailto:executiveandplanning@jud.ca.gov). Only written comments received by 12:10 p.m. on Monday, April 17, 2023, 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 May 12, 2023, Judicial Council Meeting (Action Required)**

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

Presenters: Various

**Item 2**

**Extension of Temporary Subordinate Judicial Officer Positions for Pretrial Release Program: Superior Courts of Fresno, Kern, Lassen, and San Bernardino Counties (Action Required)**

Review a recommendation from Criminal Justice Services staff to confirm requests by the Superior Courts of Fresno, Kern, Lassen, and San Bernardino Counties for the extension of temporary subordinate judicial officer or commissioner positions through June 30, 2024, to support the Pretrial Release Program.

Presenter: Deirdre Benedict, Criminal Justice Services

**Item 3**

**Conversion of Limited-Term Subordinate Judicial Officer Position to Permanent for Pretrial Release Program: Superior Court of Sonoma County (Action Required)**

Review a recommendation from Judicial Council staff to confirm a request by the Superior Court of Sonoma County for conversion of a limited-term subordinate judicial officer (SJO) position serving in support of the court's Pretrial Release Program to a permanent SJO position serving in the same role.

Presenter: Deirdre Benedict, Criminal Justice Services

**Item 4**

**Fractional Increase of Full-Time Equivalency of Subordinate Judicial Officer Position: Superior Court of Calaveras County (Action Required)**

Review recommendation from Office of Court Research staff to confirm a request from the Superior Court of Calaveras County for a fractional increase in the workload of a 0.3 full-time equivalency (FTE) subordinate judicial officer position to a 0.8 FTE SJO position.

Presenter: Kristin Greenaway, Office of Court Research, Business Management Services

**IV. ADJOURNMENT**

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**Adjourn**



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## EXECUTIVE AND PLANNING COMMITTEE

### MINUTES OF OPEN MEETING

Tuesday, February 22, 2023

12:10 to 1:00 p.m.

Videoconference

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**Advisory Body Members Present:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Ms. Rebecca J. Fleming, Hon. Carin T. Fujisaki, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, Ms. Gretchen Nelson, and Hon. David M. Rubin

**Advisory Body Members Absent:** None

**Invited Guests**

**Present:** Hon. James M. Humes, Chair, Appellate Caseflow Workgroup

**Committee Staff**

**Present:** Ms. Amber Barnett, Ms. Josely Yangco-Frona, and Mr. Cliff Alumno

**Staff Present:**

Mr. James Barolo, Ms. Deborah Brown, Ms. Mary Bustamante, Ms. Francine Byrne, Ms. Emily Chirk, Mr. Colin Christensen, Ms. Shelley Curran, Ms. Nicole Davis, Mr. Jeremy Ehrlich, Ms. Audrey Fancy, Mr. Michael Giden, Mr. Cyrus Ip, Ms. Jamel Jones, Ms. Tracy Kenny, Mr. Eric Long, Mr. Chris Magnusson, Ms. TeenaMarie Mak, Ms. Pella McCormick, Ms. An McDougall, Ms. Kelly Meehleib, Ms. Fran Mueller, Ms. Brandy Olivera, Mr. Robert Oyung, Mr. Scott Parker, Ms. Kara Portnow, Ms. Akilah Robinson, Mr. Jesse Romine, Ms. Anne Ronan, Ms. Laura Speed, Ms. Norissa Stewart, Mr. Zlatko Theodorovic, Ms. Millicent Tidwell, Ms. Oksana Tuk, Mr. John Wordlaw, and Ms. Martha Wright

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#### OPEN MEETING

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**Call to Order and Roll Call**

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

**Approval of Minutes**

The committee reviewed the draft minutes of the December 13, 2022, open meeting.

**Action:** *The committee approved the draft minutes of the December 13, 2022, open meeting.*

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**DISCUSSION AND ACTION ITEMS**

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**Item 1**

**Agenda Setting for March 24, 2023, Judicial Council Meeting (Action Required)**

The committee reviewed available draft reports and set the agenda for the Judicial Council meeting in March.

**Action:** *The committee set the agenda for the March 24, 2023, Judicial Council meeting by approving reports for placement on the business meeting agenda.*

**Item 2**

**Appellate Caseflow Workgroup: Recommendations (Action Required)**

The committee reviewed recommendations from the Appellate Caseflow Workgroup that the Executive and Planning Committee refer nine recommendations in the workgroup's final report to the Appellate Advisory Committee and the Center for Judicial Education and Research Advisory Committee.

**Action:** *The committee approved the recommendations from the Appellate Caseflow Workgroup that the Executive and Planning Committee refer 9 of the 22 recommendations in the workgroup's final report as follows:*

- *8 recommendations to the Appellate Advisory Committee for review, research, and consideration; and*
- *1 recommendation to the Center for Judicial Education and Research Advisory Committee for review and research.*

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**INFORMATION ONLY ITEM**

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**Info 1**

**Real Estate Policies Subcommittee Timeline: Update**

The committee received an update on the subcommittee's progress and pending work.

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**ADJOURNMENT**

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With the business concluded, the meeting was adjourned at 12:35 p.m.

Approved by the committee on [insert date].



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

Thursday, April 6, 2023  
12:00 to 2:00 p.m.

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**Advisory Body Members Present:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Ms. Rebecca J. Fleming, Hon. Carin T. Fujisaki, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, and Hon. David M. Rubin

**Advisory Body Members Absent:** Ms. Gretchen Nelson

**Staff Present:** Mr. Cliff Alumno, Ms. Amber Barnett, Ms. Shelley Curran, Ms. Maria Kwan, Ms. Kathy Joson, Mr. Robert Oyung, Ms. Laura Speed, Ms. Millicent Tidwell, and Ms. Josely Yangco-Fronza

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C L O S E D   S E S S I O N

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**Call to Order and Roll Call**

The chair called the meeting to order at 12:00 p.m. and staff confirmed members' attendance.

**Item 1**

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

***Nominations for Judicial Council Appointments***

The committee reviewed nominations for vacancies on the Judicial Council.

***Action: The committee developed recommendations to be submitted to the Chief Justice for appointments to the Judicial Council.***

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A D J O U R N M E N T

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With the business concluded, the meeting was adjourned at 2:45 p.m.

Approved by the advisory body on [insert date].



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EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

Wednesday, April 12, 2023

1:00 to 3:30 p.m.

Videoconference

**Advisory Body Members Present:** Hon. Marsha G. Slough (Chair), Hon. Samuel K. Feng (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Ms. Rebecca J. Fleming, Hon. Kimberly Merrifield, Hon. Ann C. Moorman, Ms. Gretchen Nelson, and Hon. David M. Rubin

**Advisory Body Members Absent:** Hon. Carin T. Fujisaki

**Advisory Body Leadership Present:** Hon. Abby Abinanti, Hon. Kevin C. Brazile, Hon. Lawrence G. Brown, Hon. Donald C. Byrd, Hon. Terry B. Friedman (Ret.), Mr. Hector Gonzalez, Jr., Hon. William F. Highberger, Hon. Brad R. Hill, Hon. Joyce D. Hinrichs, Hon. Darrell S. Mavis, Hon. Charlaire F. Olmedo, Hon. Brian McCabe, and Hon. David Rosenberg

**Staff Present:** Ms. Deanna Adams, Ms. Kate Albertus, Mr. Cliff Alumno, Mr. Nicholas Armstrong, Ms. Karene Alvarado, Ms. Amber Barnett, Ms. Laura Brown, Ms. Francine Byrne, Ms. Shelley Curran, Mr. Edward Ellestad, Ms. Ann Gilmour, Ms. Kristin Greenaway, Ms. Kaytlin Hancock, Ms. Donna Ignacio, Mr. Cyrus Ip, Mr. Chris Magnusson, Ms. Pella McCormick, Ms. Claudia Ortega, Mr. Robert Oyung, Ms. Kelly Parrish, Mr. Corey Rada, Ms. Christy Simons, Mr. Jagan Singh, Ms. Laura Speed, Ms. Dawn Tomita, Ms. Elizabeth Tam-Helmuth, Mr. Gregory Tanaka, Mr. Steven Warner, Mr. Don Will, Mr. John Wordlaw, Ms. Josely Yangco-Frona, Mr. Rodrigo Zamudio, and Ms. Carrie Zoller

OPEN MEETING

**Call to Order and Roll Call**

The chair called the meeting to order at 1:00 p.m. Mr. Alumno took roll call and made the opening announcements.

DISCUSSION AND ACTION ITEM

**Item 1**

**2023 Advisory Body Annual Agendas (Action Required)**

The committee reviewed the following draft annual agendas with advisory body chairs and staff in the order listed:

- Data Analytics Advisory Committee;
- Tribal Court-State Court Forum;

- Center for Judicial Education and Research Advisory Committee;
- Court Facilities Advisory Committee;
- Trial Court Facility Modification Advisory Committee;
- Court Security Advisory Committee;
- Advisory Committee on Providing Access and Fairness;
- Shriver Civil Counsel Act Implementation Committee;
- Court Interpreters Advisory Panel;
- Advisory Committee on Audits and Financial Accountability for the Judicial Branch;
- Collaborative Justice Courts Advisory Committee; and
- Trial Court Presiding Judges Advisory Committee and Court Executives Advisory Committee, both as amended.

**Action:** *The committee approved the 2023 advisory body annual agendas listed above.*

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**A D J O U R N M E N T**

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With the business concluded, the meeting was adjourned at 3:10 p.m.

Approved by the advisory body on [insert date].



# Judicial Council of California

## Meeting Agenda

### Judicial Council

Please visit  
courts website:  
[www.courts.ca.gov](http://www.courts.ca.gov)  
to view live meeting on  
May 12, 2023

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, May 12, 2023

San Francisco

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

**Session: 9:10 – 9:30 a.m.**

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

*A link to the live videostream will be available in the Meeting Information Center at the start of the open session. If the closed session adjourns late, the start time of the open session may be delayed.*

**Open Session Begins: 9:40 a.m.**

#### **Call to Order**

*10 minutes*

#### **Public Comment**

*10 minutes*

*The Judicial Council welcomes public comment on general matters of judicial administration. Written comments are encouraged in advance of the meeting for specific agenda items so council members can consider them prior to the council meeting.*

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

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

*Submit advance requests to speak and written comments for this meeting by 1:00 p.m. on Thursday, May 11, by email to:*

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



**Chief Justice's Report***15 minutes***Acting Administrative Director's Report****23-103          Acting Administrative Director's Report***15 minutes***Judicial Council Internal Committee Presentations and Reports****23-084          Presentation | Legislation Committee****Speakers:** Hon. Marla O. Anderson, Chair*10 minutes***23-085          Written Reports****CONSENT AGENDA***5 minutes*

*A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Amber Barnett at 916-263-1398 at least 48 hours before the meeting.*

**[23-102](#)          Minutes of March 24, 2023, Judicial Council Meeting****[23-090](#)          Allocations and Reimbursements to Trial Courts | Firearm Relinquishment Grant Program for 2023-24 Through 2024-25 (Action Required)**

**Summary:** The Budget Act of 2022 (Assem. Bill 178; Stats. 2022, ch. 45) appropriated \$40 million in one-time General Fund to the Judicial Council, of which \$36 million must be distributed to trial courts to support court-based firearm relinquishment programs. The Family and Juvenile Law Advisory Committee and the Trial Court Budget Advisory Committee recommend that the Judicial Council approve the allocation and distribution of \$1.5 million to one trial court for Cycle 2 Firearm Relinquishment Grant awards for 2023-24 through 2024-25.

**[23-099](#)          Rules and Forms | Appellate Procedure: Costs on Appeal (Action Required)**

**Summary:** The Appellate Advisory Committee recommends amending the rules governing costs on appeal in civil actions to clarify that the general rule for awarding costs to the prevailing party is subject to exception for statutes requiring a different or additional finding, determination, or analysis. The proposal is responsive to a recent Supreme Court decision and the constitutional principle that rules of court may not be inconsistent with statute.

[23-098](#)**Rules and Forms | Appellate Procedure: Reporters' Transcripts (Action Required)****Summary:**

The Appellate Advisory Committee recommends amending several rules relating to the format of reporters' transcripts and borrowing the record on appeal. Code of Civil Procedure section 271 requires that as of January 1, 2023, a reporter's transcript must be delivered in electronic form unless a party or person entitled to the transcript requests it in paper format. In recognition that most reporters' transcripts will be in electronic form, the committee recommends allowing transcripts to be in a single volume in most cases. In addition, the committee recommends clarifying that, to be accepted in lieu of depositing the estimated cost of the transcript with the court, a certified transcript submitted by a party must comply with specified format requirements. The committee also recommends creating an exception to the requirement that the page numbering in an electronic format reporter's transcript match the electronic page counter in PDF view in certain cases involving multiple-reporter cases. This proposal originated with suggestions from the California Court Reporters Association.

[23-080](#)**Rules and Forms | Criminal Procedure: Defendant's Financial Statement (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends revisions to the optional Judicial Council form used by defendants to state financial eligibility for appointment of counsel and for the record on appeal at public expense to reflect statutory changes removing the authority of the court to make a post-proceeding determination of the defendant's ability to pay and to order the defendant to reimburse the county for the costs of the public defender.

[23-081](#)**Rules and Forms | Criminal Procedure: Mental Competency Proceedings (Action Required)****Summary:**

The Criminal Law Advisory Committee recommends amendments to rule 4.130 of the California Rules of Court to reflect statutory changes to Penal Code section 1369(a) regarding treatment with antipsychotic medication of a defendant found incompetent to stand trial, statutory changes to Penal Code section 1370 deleting language that the presumption of competency does not apply to a posttrial hearing on competence, the relettering of subdivisions in Penal Code section 1001.36, and to make technical revisions.

[23-091](#)**Rules and Forms | Jury Instructions: Civil Jury Instructions (Release 43) (Action Required)****Summary:**

The Advisory Committee on Civil Jury Instructions recommends approval of new and revised civil jury instructions and verdict forms prepared by the committee. Among other things, these changes bring the instructions up to date with developments in the law over the previous six months and add new verdict forms in the Labor Code Actions series. Upon Judicial Council approval, the instructions will be published in the midyear supplement to the official 2023 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[23-095](#)**Rules and Forms | Juvenile Law: New Disposition for Serious Offenses (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends adopting three rules of court, amending four rules of court, and repealing one rule of court, as well as approving one optional form, revising eight forms, and revoking one form to reflect the closure of the Department of Juvenile Justice and create new procedures to assist courts in using the new secure youth treatment facility disposition. These revisions would become effective on July 1, 2023, to align with the closure of the Division of Juvenile Justice on June 30, 2023.

[23-096](#)**Rules and Forms | Juvenile Law: Sex Offender Registration Termination (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee recommends the adoption of three mandatory forms and the approval of two optional forms to be used to petition the juvenile court for termination of sex offender registration for persons required to register as sex offenders as a result of a juvenile adjudication and commitment to the Division of Juvenile Justice. All five forms are adapted from existing forms that were approved by the council for use in criminal courts that became effective July 1, 2021.

[23-097](#)**Rules and Forms | Juvenile Law: Transfer of Jurisdiction to Criminal Court (Action Required)****Summary:**

The Family and Juvenile Law Advisory Committee proposes amending one rule of court and revising one form to implement recent legislative changes requiring that the court find by clear and convincing evidence that a youth is not amenable to rehabilitation while under the jurisdiction of the juvenile court. Assembly Bill 2361 amended Welfare and Institutions Code section 707 to include that standard of proof and to require the court, in an order entered upon the minutes, to state the basis for making that finding.

[23-028](#)**Rules and Forms | Miscellaneous Technical Changes  
(Action Required)****Summary:**

Various members of the judicial branch, members of the public, and Judicial Council staff have identified errors in the California Rules of Court and Judicial Council forms resulting from input errors, and minor changes needed to conform to changes in law or previous council actions. Judicial Council staff recommend making the necessary corrections to ensure the rules and forms conform to law, and to avoid causing confusion for court users, clerks, and judicial officers.

[23-100](#)**Rules and Forms | Technical Revisions to Wage Garnishment  
Forms (Action Required)****Summary:**

Judicial Council staff recommend the revision of three Judicial Council forms to reflect statutory amendments to the amount of a judgment debtor's earnings that may be garnished under an earnings withholding order.

[23-086](#)**Trial Court Budget | Allocations from the Trial Court Trust Fund  
for 2022-23 (Action Required)****Summary:**

For 2022-23, the Judicial Council approved a \$650,000 allocation from the Trial Court Trust Fund to reimburse trial courts for expenditures related to Elder or Dependent Adult Abuse protective orders (Assembly Bill 59). The Trial Court Budget Advisory Committee recommends a current year increase of \$550,000 for a total allocation of \$1.2 million to meet the increased requests for reimbursement in 2022-23.

[23-078](#)**Trial Court Budget | Court Interpreter Employee Incentive Grant  
Award Recommendations for Cycle 2, Fiscal Year 2022-23  
(Action Request)****Summary:**

The Trial Court Budget Advisory Committee recommends grant awards to nine superior courts that applied for grants for Cycle 2, fiscal year 2022-23, to implement Senate Bill 170, which amended the 2021 Budget Act and provides \$30 million in one-time General Fund through the establishment of the Court Interpreter Employee Incentive Grant (CIEIG). This grant provides funding for one year of salary and training costs to help establish new, full-time court interpreter employee positions. This funding is available until June 30, 2024.

[23-079](#)**Judicial Branch Administration | Judicial Branch Workers'  
Compensation Program (Action Required)****Summary:**

The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation for fiscal year 2023-24 in the amount of \$16.71 million for the trial courts and \$1.26 million for the state judiciary. The committee also recommends revisions of the Memorandum of Coverage for the participating trial courts and for the state judiciary.

**DISCUSSION AGENDA**[23-087](#)**Trial Court Budget | Policy for Courts with Specified Debt Service Obligations Included in the Workload Formula (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends changes to the Workload Formula methodology regarding debt service obligations that are funded with civil assessment backfill revenue and how these adjustments are reflected in the Workload Formula effective July 1, 2023.

**Speakers:**

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

*10 minutes*

[23-094](#)**Rules and Forms | Mental Health Law: Community Assistance, Recovery, and Empowerment Act (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends eleven new rules of court, one amended rule, and thirteen new forms to implement requirements in the Community Assistance, Recovery, and Empowerment (CARE) Act (Stats. 2022, ch. 319). The CARE Act establishes a new, noncriminal proceeding that authorizes a court--in response to a petition and after determining by clear and convincing evidence that the person for whom the petition is filed meets the necessary statutory criteria--to order the county behavioral health agency to work with the person to engage in services and determine whether a CARE agreement can be reached or, if those efforts are unsuccessful, to develop a CARE plan. Once the court has ordered a CARE plan, the court must hold regular status hearings to review the progress of the person and the county behavioral agency with the services ordered. The act requires the Judicial Council to develop a mandatory petition form, any other forms necessary for the court process, and rules of court to implement provisions of the act governing judicial proceedings.

**Speakers:**

Hon. Jayne Chong-Soon Lee, Chair, Probate and Mental Health Advisory Committee

Ms. Anne Hadreas, Center for Families, Children & the Courts

*25 minutes*

[23-006](#)**Report the Legislature | Pretrial Release Program  
(Action Required)****Summary:**

The Budget Act of 2021 (Senate Bill 129) allocated \$140 million to the Judicial Council to fund the implementation and operation of ongoing court programs and practices that promote safe, efficient, fair, and timely pretrial release of individuals booked into jail and requires the Judicial Council to submit annual reports on program progress. Criminal Justice Services staff recommend that the Judicial Council receive the *Pretrial Release Program: Report to the Legislature 2023* and directs the Acting Administrative Director to submit it to the Legislature, as required under Senate Bill 129. The report documents the pretrial release program activities of the Judicial Council and the courts in the initial year of the program.

**Speakers:**

Hon. Marsha Slough, Chair, Executive and Planning Committee  
Ms. Francine Byrne, Criminal Justice Services  
(Speakers to be confirmed.)

*10 minutes*

**INFORMATION ONLY ITEMS (NO ACTION REQUIRED)**[23-088](#)**Child Support | Midyear Funding Reallocation for 2022-23****Summary:**

Effective January 17, 2020, the Judicial Council approved the Family and Juvenile Law Advisory Committee's recommendation to combine the previous two Assembly Bill 1058 midyear funding reallocation processes into one administrative process to maximize program efficiencies. This administrative process for midyear reallocation delegates ongoing authority to the Administrative Director on an annual basis. This report details the midyear reallocation of funding for the AB 1058 Child Support Commissioner and Family Law Facilitator Program for 2022-23.

[23-003](#)**Court Facilities | Trial Court Facility Modifications Report for  
Quarter 3 of Fiscal Year 2022-23****Summary:**

This informational report to the Judicial Council outlines the allocations of facility modification funding made to improve trial court facilities in the third quarter (January through March) of fiscal year 2022-23. 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*.

[23-093](#)**Judicial Branch Administration | Release of Demographic Data on California Justices and Judges****Summary:**

This informational report to the Judicial Council contains aggregate demographic information concerning the gender, race/ethnicity, sexual orientation, gender identity, veteran status, and disability status of California's justices and judges by specific jurisdiction, as required by Government Code section 12011.5(n). In accordance with this legislative mandate, the Judicial Council's Office of Court Research (OCR) has collected and released demographic information provided by responding justices and judges on March 1, 2023. In general, findings indicate that the California bench has become more diverse over time.

[23-089](#)**Report to the Legislature | Allocation of Funding in 2022-23 for Federally Funded Dependency Representation Program Shortfall****Summary:**

On or before April 1, 2023, staff for the Judicial Council's Center for Families, Children & the Courts submitted to the Legislature *Report on Allocation of Funding in 2022-23 for Federally Funded Dependency Representation Program Shortfall*, in accordance with the requirement in the 2022 Budget Act.

[23-082](#)**Report to the Legislature | Court Realignment Data (Calendar Year 2022)****Summary:**

Penal Code section 13155 requires Judicial Council staff, commencing January 1, 2013, to collect information from trial courts regarding the implementation of the 2011 Criminal Justice Realignment Legislation and make the data available annually to the California Department of Finance (DOF), Board of State and Community Corrections (BSCC), and Joint Legislative Budget Committee (JLBC) by September 1. This is the 10th annual court realignment data report. It will be distributed to the DOF, BSCC, and JLBC. The report, *Court Realignment Data (Calendar Year 2022)*, is included as Attachment A to this report.

[23-027](#)**Report to the Legislature | Report of Programs and Systems Supported by the State Trial Court Improvement and Modernization Fund****Summary:**

Pursuant to item 0250-102-0159, provision 5, of the Budget Act of 2022 (Stats. 2022, ch. 45), the Judicial Council is required to submit a report identifying all programs and systems currently receiving support from the State Trial Court Improvement and Modernization Fund to the Legislature by March 1, 2023. On or before March 1, 2023, the Judicial Council's Budget Services staff submitted the *Report of Programs and Systems Supported by the State Trial Court Improvement and Modernization Fund*.

**Circulating Orders**

**Appointment Orders**

**Adjournment**





# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

Telephone 415-865-4200 · Fax 415-865-4205

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## M E M O R A N D U M

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**Date**

March 30, 2023

**Action Requested**

Approve Staff Recommendations

**To**

Members of the Executive and Planning Committee

**Deadline**

April 18, 2023

**From**

Judicial Council staff  
Francine Byrne, Director  
Criminal Justice Services

**Contact**

Deirdre Benedict, Supervising Analyst  
Criminal Justice Services  
415-865-7543 phone  
deirdre.benedict@jud.ca.gov

**Subject**

Extension of Temporary Subordinate Judicial Officers/Commissioners for Support of Pretrial Release Program in the Superior Courts of Fresno, Kern, Lassen, and San Bernardino Counties

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### Executive Summary

Criminal Justice Services (CJS) staff recommend that the Executive and Planning Committee approve the extension of temporary subordinate judicial officer (SJO) positions in the Superior Courts of Fresno, Lassen, Kern, and San Bernardino Counties through June 30, 2024. The temporary nature of these requests will allow the Judicial Council to continue to evaluate the long-term need for additional SJO or commissioner positions to support the Pretrial Release Program.

### Recommendation

CJS staff recommend that the Executive and Planning Committee confirm the requests of the Superior Courts of Fresno, Kern, Lassen, and San Bernardino Counties for the extension of temporary SJO or commissioner positions in the courts. Authorization for these positions is

requested through June 30, 2024. This temporary request will enable the courts and the Judicial Council to continue to evaluate additional workload demands necessitated by the Pretrial Release Program and to determine a long-term approach to adding necessary SJO positions.

### **Relevant Previous Council Action**

Government Code section 71622(a) grants authority to the Judicial Council to determine the number and type of SJO positions in each trial court. In 2007, the 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.

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 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.

## **Analysis/Rationale**

The Pretrial Release Program receives funding through Senate Bill 129 (Stats. 2021, ch. 69), which amended the Budget Act of 2021. 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.” (Sen. Bill 129, § 4, item 0250-101-0001, provision 9.)

The purpose of the funding, as specified in SB 129, is to provide superior courts with information and resources to support judicial officers in making pretrial release decisions. The funds must be used by the courts for pretrial programs and practices and may be spent on the “costs associated with judicial officer pretrial release decisions prior to or at arraignment.” (Sen. Bill 129, § 4, item 0250-101-0001, provision 11(a).)

As outlined under the Relevant Previous Council Action section, Government Code section 71622(a) grants authority to the Judicial Council to determine the number and type of SJO positions in each trial court. The council has adopted a policy for the review and approval of requests from trial courts to change the number of SJO positions, delegating approval authority to its Executive and Planning Committee. The *Pretrial Release Program Guidance Memorandum*, released to all courts in October 2021, outlined the process for courts without authorized vacant commissioner positions to submit a request for a temporary commissioner position from the council’s Executive and Planning Committee. The position would be tied to pretrial funding, and the commissioner would be required to maintain a grant time sheet (filed with the court) to ensure that the commissioner’s time is spent on pretrial release duties.

CJS has received a total of four extension requests: from the Superior Courts of Fresno, Kern, Lassen, and San Bernardino Counties.

### **Superior Court of Fresno County**

The Superior Court of Fresno County requests extension of one authorized subordinate judicial officer/commissioner position for the Pretrial Release Program. While the Fresno court has made significant progress over the past year with the expansion of its program, it continues to be in the planning and initial implementation phases of its program. The temporary commissioner position will be used specifically to manage the pretrial workload, including after-hours and weekend responsibilities.

Approval of this request will continue the temporary increase of the Fresno court’s SJO positions from 6.0 to 7.0 full-time equivalents (FTEs) through June 30, 2024, with the designation of “FTE Limited Term” to apply to the temporary SJO.

### **Superior Court of Kern County**

The Superior Court of Kern County requests extension of one authorized SJO/commissioner position for the Pretrial Release Program. As a nonpilot court, the Kern court began implementation of its pretrial program in 2021 and received approval for its request for a temporary commissioner position through June 30, 2023. The addition of the SJO/commissioner to oversee the pretrial process has enabled the Kern court to centralize all arraignments in one location to be heard by the Pretrial Commissioner. Without this dedicated judicial officer, the court would likely have to split the calendars amongst other available judicial officers, and it is currently operating with several unfilled vacancies.

Approval of this request will continue the temporary increase of the Kern court's SJO positions from 7.0 FTE to 8.0 FTE through June 30, 2024, with the designation of "FTE Limited Term" to apply to the temporary SJO.

### **Superior Court of Lassen County**

The Superior Court of Lassen County requests approval to extend the increase of its SJO positions from 0.3 FTE to 1.0 FTE temporarily through June 30, 2024.

The court is currently short-staffed, and an increase to the allotted FTE would improve the court's ability to serve its community and provide for timely and thoughtful decisions as they pertain to Pretrial Release.

Approval of this request would continue the temporary increase of the Lassen court's SJO positions from 0.3 to 1.0 FTE through June 30, 2024, with the designation of "FTE Limited Term" to apply to the new SJO.

### **Superior Court of San Bernardino County**

The Superior Court of San Bernardino County requests approval to extend one authorized SJO/commissioner position for the Pretrial Release Program. This position is dedicated to making pretrial release decisions in a manner focused on meeting the goals of the program.

Approval of this request will extend the temporary increase of the San Bernardino court's SJO positions from 15.0 to 16.0 FTE through June 30, 2024, with the designation of "FTE Limited Term" to apply to the SJO.

### **Policy implications**

Confirming the extension of temporary SJO positions for the purposes 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 of extensions in SJO FTEs is consistent with council policy. On that basis, no alternatives were considered.

### **Fiscal and Operational Impacts**

The courts' requests align with the legislative intent of SB 129 and funding is provided to the courts through the program. No additional council funding will be sought in conjunction with this request.

The courts have performed the necessary budget analyses to confirm that they have sufficient funds to pay for the costs associated with these requests. Implementing the recommendation would generate no fiscal or operational costs beyond the allocation previously awarded to the courts as part of their dedicated pretrial funding.

### **Attachments and Links**

1. Attachment A: Letter from Presiding Judge David C. Kalemkarian, Superior Court of Fresno County, to Justice Marsha G. Slough, Executive and Planning Committee chair (Mar. 10, 2023)
2. Attachment B: Letter from Presiding Judge J. Eric Bradshaw, Superior Court of Kern County, to Justice Marsha G. Slough (Feb. 16, 2023)
3. Attachment C: Letter from Presiding Judge Mark R. Nareau, Superior Court of Lassen County, to Justice Marsha G. Slough (Feb. 14, 2023)
4. Attachment D: Letter from Presiding Judge R. Glenn Yabuno, Superior Court of San Bernardino County, to Justice Marsha G. Slough (Feb. 1, 2023)

# Attachment A



## Superior Court of California County of Fresno

CHAMBERS OF  
DAVID C. KALEMKARIAN  
Presiding Judge

1100 VAN NESS AVENUE  
FRESNO, CALIFORNIA 93724-0002  
(559) 457-2010  
FAX (559) 457-2035  
E-mail: [dkalemkarian@fresno.courts.ca.gov](mailto:dkalemkarian@fresno.courts.ca.gov)

March 10, 2023

The Honorable Marsha G Slough, Chair  
Judicial Council's Executive and Planning Committee  
[Executiveandplanning@jud.ca.gov](mailto:Executiveandplanning@jud.ca.gov)

Re: Request for Additional Subordinate Judicial Officer Positions

Dear Justice Slough:

In order to fulfill the statewide initiative to reduce pretrial detention, the Fresno Superior Court has determined that additional judicial resources are necessary. The Fresno Superior Court is seeking approval to add a Subordinate Judicial Officer position to be utilized to assist in our pretrial program. The Court sought and obtained approval to add a Subordinate Judicial Officer for Pretrial for fiscal year 2022/2023. As of this time we have not yet hired the previously approved additional Subordinate Judicial Officer. We are therefore seeking an extension of the previous approval through fiscal year 2023/2024.

As our court was not a participant in the pretrial program, we are still in the implementation phases of our pretrial assessment program. We have made significant progress over the past year with the expansion of our program. Although the plan remains to have the supervising agency complete after hours and weekend reviews and reports which will in turn require court oversight and review at these times, we have not yet implemented this phase. We continue to anticipate the program will result in a significant workload increase with a portion of the work being required beyond traditional work hours for a Judicial Officer or Subordinate Judicial Officer.

For this reason, it remains our preference that a Subordinate Judicial Officer be recruited and hired specifically to take on the pretrial workload including the afterhours and weekend responsibilities. It is the Courts intent to authorize the Subordinate Judicial Officer to conduct prearrangement reviews and make pretrial release decisions that impose the least restrictive conditions to address public safety and return to court release decisions.

The Court is receiving funds allocated for Pretrial Assessment Services. The Court will be able to fund the position from the appropriation. As this will be a new position, the Court will not be utilizing the funds to supplant current local funding to support pretrial assessment services. The Court anticipates being in the position to recruit a Subordinate Judicial Officer in the next few months.

The Court sought and obtained approval to hire a Subordinate Judicial Officer for Pretrial for fiscal year 2022/2023. The Court is now seeing an extension of the approval through fiscal year 2023/2024. The extension will allow the Court to proceed with recruitment as soon as the afterhours parameters are finalized.

Thank you in advance for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "D. C. Kalemkarian", written in a cursive style.

Hon. David C. Kalemkarian

DCK:jlk

cc

Ms. Millicent Tidwell, Acting Administrative Director of the Judicial Council  
Ms. Deidre Benedict, Supervising Analyst Criminal Justice Services |  
Operations and Programs Division

## Attachment B



# Superior Court State of California

COUNTY OF KERN

J. ERIC BRADSHAW  
Judge

1415 Truxtun Avenue  
Bakersfield, CA 93301  
(661) 868-4934  
Fax (661) 868-4999

February 16, 2023

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 an extension of our Temporary Subordinate Judicial Officer (“SJO”)/Commissioner position for Fiscal Year 2023-2024. This position is funded with SB 129 funds and presides over our Arraignment calendars. These calendars deal with all pretrial release issues.

As part of the SB 129 Pretrial Release Program Funding, we requested the addition of this position in 2021 to be able to fully implement the services our Probation Department was going to offer with use of the new funding. Since that time, our Probation Department has instituted the issuance of a Report for use by the arraignment Commissioner that details the defendant’s current charges, failures to appear and criminal history. This is soon to be expanded with pretrial assessments. The Probation Department also has Informal and Formal Monitoring services for persons released pretrial and sends out text reminders for court dates.

The addition of the SJO/Commissioner to oversee this process is vital. Prior to having a Commissioner devoted to this calendar, arraignments were split into several different courtrooms. All Metropolitan Bakersfield Felony and Misdemeanor arraignments are now heard by the Pretrial Commissioner. The Commissioner makes decisions about pretrial release under the Humphrey decision using the guidance from the individualized reports from probation. Without this dedicated judicial officer, we would likely have to split the calendars up again amongst other available judicial officers. As a reminder, Kern is still short of judges according to the 2022 Judicial Workload Assessment report to the Judicial Council. In addition, we have four unfilled vacancies (of forty judges) and expect more vacancies through retirements by 2024.



February 16, 2023

Page 2

The addition of the Commissioner to deal with pretrial release decisions has assured our Court can devote the proper time and consideration to these hearings. Please feel free to contact me if you or any member of the Committee have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Eric Bradshaw", with a long horizontal flourish extending to the right.

J. Eric Bradshaw  
Presiding Judge of Kern County Superior Court

cc: Assistant Presiding Judge Colette M. Humphrey  
Tamarah Harber- Pickens, Court Executive Officer

## Attachment C



# Superior Court of California, County of Lassen

Mark R. Nareau  
Presiding Judge

Teresa Stalter  
Court Executive Officer

Tony Mallery  
Superior Court Judge

### Judicial Office

2610 Riverside Drive, Susanville, CA 96130  
Telephone: 530-251-1879

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February 14, 2023

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 Lassen, hereby requests approval to renew or continue the previously approved increase to Lassen County's Subordinate Judicial Officer (SJO) positions from .3 FTE to 1 FTE temporarily for the coming fiscal year 2023-2024.

Our court remains short staffed with only one judge actively working at our court. In light of the other judge's absence, we have an increased need for visiting judges in order to support the caseload of the litigants in our county. An increase to the allotted FTE would improve the court's ability to serve our community and provide for timely and thoughtful decisions as they pertain to Pretrial Release and other matters suitable for a Commissioner to hear.

As our court works through these challenging times, we are seeking out solutions to best serve the needs of our constituents and feel strongly an increased allotment for our existing SJO would assist in alleviating some of these challenges.

Sincerely,

A handwritten signature in cursive script that reads "Mark R. Nareau".

Mark R. Nareau  
Presiding Judge of Lassen County Superior Court

cc: Teresa Stalter, Court Executive Officer

# Attachment D



## Superior Court of California County of San Bernardino

247 West Third Street, Eleventh Floor  
San Bernardino, CA 92415-0302

(909) 708-8747

R. Glenn Yabuno  
Presiding Judge

February 1, 2023

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/Commissioner Position

Dear Justice Slough and members of Executive Planning:

The Superior Court of California, County of San Bernardino respectfully requests approval to authorize and extend funding for the one (1) authorized Subordinate Judicial Officer/Commissioner through FY 23/24. The funding allocated in SB 129 for the Pretrial Release Program currently funds this position of 1.0 FTE of the Commissioner's time base including salary and benefits, as previously approved by the Executive & Planning Committee and approved by Judicial Council on February 8, 2022.

The San Bernardino Pretrial Release Commissioner is dedicated solely to the Pretrial Release Program. The Commissioner makes release decisions in a centralized arraignment court that hears all in-custody video arraignments for inmates housed in the four detention centers located in San Bernardino County. The Commissioner considers pretrial release recommendations provided by Probation as well as processes all requests from Probation regarding the modification or violation of release terms. This allows for consistent application of laws surrounding pretrial release and consistent support for the goals of SB 129. This centralized model has the SB 129 funded commissioner hear an average of 172 cases daily to relieve a significant workload from judicial officers presiding over criminal courtrooms in San Bernardino County. The San Bernardino Superior Court operates with a current shortage of six judges with several impending judicial retirements anticipated by July, 2023. In addition, our court has an assessed need for 31 new judge positions based upon the Judicial Council's more recent judgeship need report.

San Bernardino Superior Court is currently expanding the Pretrial Release program to (1), increase initial assessments by including charges currently excluded by local protocols, and (2), allow referrals for a pretrial assessment by judicial officers making post-arraignment release decisions. This expansion will

increase incarcerated individuals' access to the Pretrial Release program as it supports additional judicial officers who are making release decisions. The expansion will also increase workload for the Pretrial Release Commissioner in the form of additional modification and violation filings from Probation. Extending funding for the Commissioner will allow San Bernardino Superior Court to continue operating the Pretrial Release program at current levels while expanding as opportunities continue to arise.

Thank you for your consideration of this request. Feel free to contact me at (909) 708-8767 or at [ryabuno@sb-court.org](mailto:ryabuno@sb-court.org) if you or any member have questions regarding this request. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Glenn Yabuno', written in a cursive style.

R. Glenn Yabuno  
Presiding Judge

RGY:ru



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

Telephone 415-865-4200 · Fax 415-865-4205

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## M E M O R A N D U M

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**Date**

March 27, 2023

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning  
Committee

**Deadline**

April 18, 2023

**From**

Judicial Council staff  
Deirdre Benedict, Supervising Analyst  
Criminal Justice Services  
Kristin Greenaway, Supervising Research  
Analyst  
Office of Court Research

**Contact**

Deirdre Benedict  
415-865-7543 phone  
deirdre.benedict@jud.ca.gov

**Subject**

Conversion of Limited-Term Subordinate  
Judicial Officer to Permanent, Supporting  
Pretrial Program in Superior Court of Sonoma  
County

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**Executive Summary**

Judicial Council staff recommend that the Executive and Planning Committee confirm the request by the Superior Court of Sonoma County for authorization to convert a limited-term subordinate judicial officer (SJO) position to a permanent SJO position serving in support of the court's Pretrial Program. Having a dedicated, pretrial release SJO will ensure the court's ability to provide program services as well as continue making timely prearrestment release decisions. Ongoing pretrial funding from Senate Bill 129 (Stats. 2022, ch. 69) will fully fund the SJO position. For these and other reasons, the Sonoma court is seeking approval to make the SJO position permanent. 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**

Judicial Council staff recommend that the Executive and Planning Committee, effective April 18, 2023, confirm the request by the Superior Court of Sonoma County for conversion of a limited-term SJO position serving in support of the Pretrial Program to a permanent SJO position serving in the same role.

### **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 the Executive and Planning 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.<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 the Executive and Planning 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 and Planning 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

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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 what was then called the Administrative Office of the Courts, now known as the Judicial Council of California.

resources. The Executive and Planning 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 and Planning Committee will eliminate or decrease the time base of an SJO position on the request of a trial court.

### **Analysis/Rationale**

The Superior Court of Sonoma County first established a pretrial release model in January 2015. In 2019, the Sonoma court was selected to participate in the Judicial Council of California's Pretrial Pilot Program; it continues to effectively support pretrial operations.

The request by the court for authorization to convert a limited-term SJO position to a permanent SJO position serving in support of the court's Pretrial Release Program is based on a number of factors. The Sonoma court was one of the 17 courts selected to participate in the Pretrial Pilot Program. Before implementation of the pilot, pretrial release in the court was limited to the use of an assessment tool at arraignment, with the release judgement made by the regularly assigned judicial officer for that hearing. Under the pilot, Sonoma introduced prearrest assessment and release, determined by designated pretrial commissioners.

Pretrial assessments were reviewed seven days a week, from 6:00 a.m. to approximately 8:00 p.m. This significantly reduced the potential time a defendant spent in jail. Under the pilot, the average time spent in jail (from booking to release) for prearrestment releasees was 14 hours, compared to 71 hours for those released on monetary bail. The Sonoma court has worked diligently to design a system and process that greatly aids the swift judicial review of defendants in the prearrestment phase, and it is committed to the concept of utilizing an SJO for expedited review. Programmatically, the request to make this position permanent aligns with Judicial Council policy in this subject area.

Further, the Sonoma court is currently operating with four judicial vacancies due to judicial retirements over the last year and a half. With a bench of only 20 judges, those four vacancies have created difficulties in covering daily assignments. Having a dedicated pretrial release SJO will ensure the court's ability to provide program services as well as continue making timely prearrestment release decisions. The ongoing pretrial funding from SB 129 will fund this position at 1.0 FTE. For these reasons, the Sonoma court is seeking approval to make the aforementioned SJO position permanent.

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>3</sup> which delegated authority to the Executive Committee for review and approval of courts' requests to adjust the workload or number of SJOs serving in a court on a temporary or permanent basis.<sup>4</sup>

### **Policy implications**

Confirming the conversion of a temporary SJO position serving in the role described above to a permanent position serving in the same role 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**

Since the proposed confirmation of the request to convert a temporary SJO position to a permanent one is consistent with council policy, 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 court's yearly pretrial allocation.

### **Attachments and Links**

Attachment A: Letter from Presiding Judge Shelly J. Averill, Superior Court of Sonoma County, to Justice Marsha G. Slough, Executive Committee Chair (Dec. 14, 2022)

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<sup>3</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>4</sup> Judicial Council of Cal., *supra*, item 10.



**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SONOMA**

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Shelly J. Averill  
Presiding Judge  
(707) 521-6726

Hall of Justice  
600 Administration Drive  
Santa Rosa, CA 95403

December 14, 2022

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

Re: Request for Permanent Subordinate Judicial Officer Position

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

The Superior Court of California, County of Sonoma, is requesting to convert its limited-term Subordinate Judicial Officer (SJO) position into a permanent position for the Pretrial Program. The current SJO reviews all of the pre-arraignment assessment reports and makes all of the pre-arraignment release decisions 7-days a week. The SJO begins receiving reports as early as 6:30 a.m. to as late as 8:30 p.m. Our Pretrial Program for pre-arraignment release decisions is conducted electronically to enable timely review and release decisions within hours of someone being booked.

Converting the limited-term SJO position into a permanent position in Sonoma County will enable us to continue providing these timely release decisions. We are currently operating with four judicial vacancies due to judicial retirements over the last year and a half. With a bench of only 20 judges those four vacancies have created difficulties in covering daily assignments. Our ability to provide the services for the Pretrial Program and continue making timely pre-arraignment release decisions is a direct result of having a dedicated Pretrial Release SJO. The ongoing pretrial funding from SB 129 will fund this position of 1.0 FTE for the SJO.

We greatly appreciate your consideration of this request. The Pretrial Program has been extremely successful in Sonoma County, and we look forward to continuing to provide this exceptional service with a permanent Pretrial SJO.

Please contact me at (707)521-6551 or at [saverill@sonomacourt.org](mailto:saverill@sonomacourt.org), should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Shelly J. Averill".

Shelly J. Averill  
Presiding Judge



# Judicial Council of California

455 Golden Gate Avenue · San Francisco, California 94102-3688

Telephone 415-865-4200 · Fax 415-865-4205

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## M E M O R A N D U M

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**Date**

April 3, 2023

**Action Requested**

Approve Staff Recommendation

**To**

Members of the Executive and Planning Committee

**Deadline**

April 18, 2023

**From**

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

**Contact**

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

**Subject**

Fractional Increase in Full-Time Equivalency for  
Subordinate Judicial Officer Position in Superior  
Court of Calaveras County

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### Executive Summary

Office of Court Research staff recommend that the Executive and Planning Committee (Executive Committee) approve a fractional increase in the workload of a subordinate judicial officer (SJO) in the Superior Court of Calaveras County. The court has informed council staff of a need to increase a permanent, fractional SJO position from a 0.3 full-time equivalency (FTE) to an FTE of 0.8. The increase in FTE will allow the commissioner serving in this position to cover an increase in existing workload appropriate for an SJO to hear, as well as a projected increase in workload that will occur in the coming year. 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 Committee confirm the request of the Superior Court of Calaveras County for a fractional increase in the workload of a 0.3 FTE SJO position to a 0.8 FTE SJO position.

## 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 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.<sup>1</sup>

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 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.<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 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.

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<sup>1</sup> Judicial Council of Cal., mins. (Feb. 23, 2007), item 9, *Update of Judicial Workload Assessment and New Methodology for Selecting Courts in Which Subordinate Judicial Officers Should be Converted to Judgeships*, and item 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 the Judicial Council staff organization).

4. The Executive Committee will eliminate or decrease the time base of an SJO position upon the request of a trial court.

### **Analysis/Rationale**

The request by the Superior Court of Calaveras County for the augmentation<sup>3</sup> of a 0.3 FTE SJO position to an FTE of 0.8 is based on a number of factors. They include a workload need identified by the court that is substantiated by the most recent Judicial Needs Assessment.<sup>4</sup> This includes unmet need for commissioner FTE. Further, the court has experienced turnover in its bench in the last year and anticipates an increase in caseload associated with its pending Community Assistance, Recovery and Empowerment (CARE) Court. Although the augmentation requested by the Calaveras court is small, the court has relatively few judicial officers (2.3 Authorized Judicial Positions, 2.7 Judicial Position Equivalents), and even a fractional increase in an impacted area may be seen to be a measurable change in judicial resources that the court can bring to bear in its efforts to serve the needs of residents of Calaveras County.

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>5</sup> which delegated authority to the Executive Committee for review and approval of courts' requests to permanently adjust the workload or number of SJOs serving in a court.<sup>6</sup>

### **Policy implications**

Confirming the augmentation of FTE of the present 0.3 FTE SJO position to an FTE of 0.8 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.

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<sup>3</sup> In its letter to the Executive Committee, the court used the term "convert" when referencing the requested action the committee should take. That term has a specific meaning related to SJOs and is not used here; instead, the term "augmentation" is used to describe the requested action.

<sup>4</sup> Judicial Council of Cal., *The Need for New Judgeships in the Superior Courts: 2020 Update of the Judicial Needs Assessment* (Nov. 2020), [www.courts.ca.gov/documents/2020\\_Update\\_of\\_the\\_Judicial\\_Needs\\_Assessment.pdf](http://www.courts.ca.gov/documents/2020_Update_of_the_Judicial_Needs_Assessment.pdf).

<sup>5</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>6</sup> 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](http://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 to the branch as a whole.

## **Attachments and Links**

1. Attachment A: Letter from Presiding Judge Timothy S. Healy, Superior Court of Calaveras County, to Justice Marsha G. Slough, Chair, Executive and Planning Committee (Mar. 13, 2023)



# Superior Court of California County of Calaveras

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*Timothy S. Healy*  
*Presiding Judge*

*David M. Sanders*  
*Asst. Presiding Judge*

*Margaret L. Smith*  
*Court Executive Officer*

*Traci L. Witry*  
*Commissioner*

March 13, 2023

Honorable Marsha G. Slough, Chair  
Executive & Planning Committee  
JUDICIAL COUNCIL OF CALIFORNIA  
455 Golden Gate Avenue  
San Francisco, CA 94102

RE: Request for FTE Increase of Subordinate Judicial Officer Position

Dear Justice Slough and Members of the Executive Planning Committee:

The Superior Court of California, County of Calaveras is requesting to convert its Subordinate Judicial Officer (SJO) position from .3 to a .8. This request is based on increased caseload.

In January 2015, Calaveras Superior Court experienced a total turnover of judicial officers, and again in 2018, Calaveras experienced another turnover of two out of three bench officers. In addition, the District Attorney's office has filed a significant number of disqualifications resulting in periodically increased calendars for the SJO. The Court anticipates a further increase in calendars with pending CARE Court. The judicial position equivalent for 2022/2023 was 2.7 with the authorized positions being 2.3.

The court did a budget analysis of the remaining funds this year and the expected funding in the future. The court is confident that it can incorporate funding the remaining .5 increase without any substantial impact on court operations. This request is seen as the most efficient and economic way of handling the increase and ensuring that the community is properly served by the court.

Please feel free to contact me at (209) 754-6213 or at [thealy@calaveras.courts.ca.gov](mailto:thealy@calaveras.courts.ca.gov) should you or any member have questions. Thank you.

Sincerely,

SUPERIOR COURT OF CALIFORNIA  
COUNTY OF CALAVERAS

  
Timothy S. Healy  
Presiding Judge