



EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

February 14, 2024

12:10 to 1:00 p.m.

Videoconference

**Advisory Body
Members Present:**

Hon. Brad R. Hill (Chair), Hon. Maureen F. Hallahan (Vice-chair),
Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Hon. Carin T. Fujisaki,
Hon. Maria D. Hernandez, Hon. Ann C. Moorman, Ms. Gretchen Nelson,
and Mr. David H. Yamasaki

**Advisory Body
Members Absent:**

Hon. Samuel K. Feng

**Committee Staff
Present:**

Ms. Amber Barnett, Ms. Josely Yangco-Fronza, and Ms. Donna Ignacio

Staff Present:

Ms. Karene Alvarado, Mr. James Barolo, Mr. Chris Belloli, Ms. Deborah Brown,
Ms. Francine Byrne, Ms. Sherry Celio, Mr. Blaine Corren, Mr. Adam Dorsey,
Ms. Audrey Fancy, Mr. Michael Giden, Ms. Jenny Grantz, Ms. Kristin Greenway,
Mr. Cory Jaspersen, Ms. Saskia Kim, Ms. Shelly La Botte, Mr. Chris Magnusson,
Ms. Anna Maves, Ms. Pella McCormick, Ms. Kelly Meehleib, Ms. Kara Portnow,
Ms. Elyse Pulley, Ms. Anne Ronan, Ms. Leah Rose-Goodwin, Ms. Laura Speed,
Ms. Norissa Stewart, Mr. Greg Tanaka, Mr. Zlatko Theodorovic, and Mr. Callum
Urquhart

OPEN MEETING

Call to Order and Roll Call

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

Approval of Minutes

The committee reviewed the draft minutes of the following:

- December 12, 2023, open meeting with closed session; and
- January 8, 2024, action by email.

Action: The committee approved the minutes of the December 12, 2023, open meeting with closed session and January 8, 2024, action by email.

DISCUSSION AND ACTION ITEM

Item 1

Agenda Setting for March 15, 2024, Judicial Council Meeting (Action Required)

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

Action: The committee set the agenda for the March 15, 2024, Judicial Council meeting by approving reports for placement on the business meeting agenda.

Item 2

Study Pretrial Delays in Sexually Violent Predator Act Cases (Action Required)

Act on behalf of the Judicial Council in between meetings under California Rules of Court, rule 10.11(a). In recent decision (Camacho v. Superior Court (2023) 15 Cal.5th 354), the California Supreme Court recommended that the Judicial Council study pretrial delays in Sexually Violent Predator Act cases. Staff recommend that the committee consider the recommendation and direct the Administrative Director to refer the study to the Criminal Justice Services office.

Action: The committee approved three recommendations from Judicial Council staff to (1) Consider the recommendation of the Supreme Court in Camacho v. Superior Court (2023) 15 Cal.5th 354, to study the issue of pretrial delays in Sexually Violent Predator cases; (2) Direct the Administrative Director of the Judicial Council to refer the review of pretrial delays in Sexually Violent Predator cases to the Criminal Justice Services office for study; and (3) Require the Administrative Director or their delegate to report back to this committee with recommended action items within six months.

ADJOURNMENT

There being no further business, the meeting was adjourned at 12:25 p.m.



EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF OPEN MEETING

March 14, 2024
1:00 to 3:30 p.m.
Videoconference

**Advisory Body
Members Present:**

Hon. Brad R. Hill (Chair), Hon. Maureen F. Hallahan (Vice-chair),
Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Hon. Carin T. Fujisaki,
Hon. Maria D. Hernandez, Hon. Ann C. Moorman, Ms. Gretchen Nelson,
and Mr. David H. Yamasaki

**Advisory Body
Members Absent:**

Hon. Samuel K. Feng

**Advisory Body
Leadership
Present:**

Hon. Abby Abinati, Hon. Kevin C. Brazile, Hon. Lawrence G. Brown,
Hon. Donald C. Byrd, Hon. Terry B. Freidman (Ret.), Hon. William F. Highberger,
Hon. Joyce D. Hinrichs, Hon. Darrell S. Mavis, Hon. Charlaine F. Olmedo,
Hon. David Rosenberg (Ret.), and Mr. Hector Gonzalez

**Committee Staff
Present:**

Ms. Amber Barnett, Ms. Josely Yangco-Fronza, Ms. Donna Ignacio, and
Ms. Kelly Parrish

Staff Present:

Ms. Deanna Adams, Mr. Nicholas Armstrong, Ms. Laura Brown, Ms. Francine
Byrne, Mr. Joseph Carozza, Ms. Salena Chow, Ms. Shelley Curran, Mr. Douglas
Denton, Ms. Charlene Depner, Ms. Jessica Devencenzi, Mr. Adam Dorsey,
Mr. Edward Ellestad, Mr. Matt Espenshade, Ms. Audrey Fancy, Ms. Ann Gilmour,
Ms. Lisa Gotch, Ms. Kristin Greenway, Ms. Saskia Kim, Mr. Chris Magnusson,
Mr. Ray Mata, Ms. Pella McCormick, Ms. Cassandra McTaggart, Ms. Claudia
Ortega, Mr. Robert Oyung, Ms. Cristina Resendiz-Johnson, Ms. Leah Rose-
Goodwin, Ms. Christy Simons, Mr. Jagan Singh, Ms. Laura Speed, Ms. Elizabeth
Tam-Helmuth, and Mr. Steven Warner

OPEN MEETING

Call to Order and Roll Call

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

DISCUSSION AND ACTION ITEM

Item 1

2024 Advisory Body Annual Agendas (Action Required)

The committee reviewed the following draft 2024 annual agendas with advisory body chairs and staff in the order listed:

- Sargent Shriver Civil Counsel Act Implementation Committee
- Court Security Advisory Committee
- Center for Judicial Education and Research Advisory Committee

- Collaborative Justice Courts Advisory Committee
- Court Facilities Advisory Committee
- Trial Court Facility Modification Advisory Committee
- Tribal Court-State Court Forum
- Data Analytics Advisory Committee
- Court Interpreters Advisory Panel
- Advisory Committee on Providing Access and Fairness
- Advisory Committee on Audits and Financial Accountability for the Judicial Branch

Action: The committee approved the 2024 advisory body annual agendas listed above.

A D J O U R N M E N T

There being no further business, the meeting was adjourned at 3:05 p.m.



EXECUTIVE AND PLANNING COMMITTEE

MINUTES OF CLOSED MEETING

March 28, 2024
2:00 to 4:00 p.m.

Advisory Body Members Present: Hon. Brad R. Hill (Chair), Hon. Maureen F. Hallahan (Vice-chair), Hon. Marla O. Anderson, Hon. Judith K. Dulcich, Hon. Samuel K. Feng, Hon. Carin T. Fujisaki, Hon. Maria D. Hernandez, Hon. Ann C. Moorman, Ms. Gretchen Nelson, and Mr. David H. Yamasaki

Advisory Body Members Absent:

Staff Present: Ms. Amber Barnett, Ms. Shelley Curran, Ms. Donna Ignacio, Ms. Maria Kwan, Ms. Kathy Josen, Mr. Robert Oyung, Ms. Laura Speed, and Ms. Josely Yangco-Frona

CLOSED SESSION

Call to Order and Roll Call

The chair called the meeting to order at 2:00 p.m. and staff took roll call.

Item 1

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

Nominations for Judicial Council Appointments

Review nominations and develop recommendations for the Chief Justice regarding appointments to the Judicial Council.

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

Item 2

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

Nominations for Advisory Body Appointments

Review nominations and develop recommendations for the Chief Justice regarding appointments of the chair and vice-chair of the Court Executives Advisory Committee.

Action: *The committee developed recommendations to be submitted to the Chief Justice for appointments of the chair and vice-chair of the Court Executives Advisory Committee.*

ADJOURNMENT

There being no further business, the meeting was adjourned at 4:15 p.m.



Judicial Council of California

Meeting Agenda

Judicial Council

Please visit
courts website:
www.courts.ca.gov
to view live meeting on
May 17, 2024

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*

Friday, May 17, 2024

San Francisco

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

Session: 9:00 – 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: 9:45 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 12:00 p.m. on Thursday, May 16, by email to:

judicialcouncil@jud.ca.gov

Chief Justice's Report

15 minutes

Administrative Director's Report

24-009 Administrative Director's Report

15 minutes

CONSENT AGENDA

5 minutes

A council member may request an item be moved from the Consent Agenda to the Discussion Agenda. Please notify Josely Yangco-Fronda at 415-865-7626 at least 48 hours before the meeting.

[24-003](#) Minutes of March 15, 2024, Judicial Council Meeting

[24-090](#) Judicial Branch Administration | Judicial Branch Workers' Compensation Program (Action Required)

Summary: For fiscal year 2024-25, a workers' compensation cost allocation of \$17.63 million for the trial courts and \$1.25 million for the state judiciary was approved for recommendation by the Judicial Branch Workers' Compensation Program Advisory Committee.

[24-073](#) Jury Instructions | Civil Jury Instructions (Release 45) (Action Required)

Summary: The Advisory Committee on Civil Jury Instructions recommends approval of 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. Upon Judicial Council approval, the instructions will be published in the official midyear supplement to the 2024 edition of the *Judicial Council of California Civil Jury Instructions (CACI)*.

[24-084](#) Report to the Legislature | Pretrial Release: Year 2 Report to the Legislature, 2024 (Action Required)

Summary: The Budget Act of 2022 (Sen. Bill 154; Stats. 2022, ch. 43) allocated \$70 million of ongoing funding to the Judicial Council for the operation of ongoing court programs and practices that promote safe, efficient, fair, and timely pretrial release of individuals booked into jail. The Judicial Council is required to submit annual reports on program progress. Criminal Justice Services staff recommend that the Judicial Council approve the Pretrial Release: Year 2 Report to the Legislature, 2024 and direct the Administrative Director to submit it to the Legislature, as required under the Budget Bill. The report describes key components of the Pretrial Release Program and documents the local and statewide activities in the second year of the program.

[24-029](#)**Rules and Forms | Criminal Procedure: Appointment of Counsel for Claims Filed Under Penal Code Section 1473(e)
(Action Required)****Summary:**

The Criminal Law Advisory Committee recommends the adoption of rule 4.553 of the California Rules of Court to implement legislation requiring the Judicial Council to develop qualifications for the appointment of counsel in superior court habeas corpus proceedings under Penal Code section 1473(e). Section 1473(e) provides for relief under the California Racial Justice Act of 2020, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin and allows petitioners to make claims for relief based on violations of the act.

[24-028](#)**Rules and Forms | Criminal Procedure: Racial Justice Act
(Action Required)****Summary:**

The Appellate Advisory Committee and the Criminal Law Advisory Committee recommend amending rules 4.551, 8.385, and 8.386 of the California Rules of Court and revising *Motion to Vacate Conviction or Sentence* (form CR-187), *Order on Motion to Vacate Conviction or Sentence* (form CR-188), and *Petition for Writ of Habeas Corpus* (form HC-001) to implement the Racial Justice Act, which prohibits the state from seeking or obtaining a conviction or sentence based on race, ethnicity, or national origin.

[24-092](#)**Rules and Forms | Judicial Branch Education: Judicial Schedules
(Action Required)****Summary:**

The Center for Judicial Education and Research Advisory Committee recommends the Judicial Council make a technical amendment to rule 10.603 of the California Rules of Court to replace outdated references with citations to the current judicial education requirements.

[24-095](#)**Rules and Forms | Mental Health Law: CARE Act Rule Amendments and Form Revisions (Action Required)****Summary:**

The Probate and Mental Health Advisory Committee recommends amending four rules of court and revising seven forms to implement Senate Bill 35 (Stats. 2023, ch. 283), which amended both substantive and procedural aspects of the Community Assistance, Recovery, and Empowerment (CARE) Act. In addition, the statute updated the mandate that the Judicial Council adopt rules implementing the policies and provisions of the act to add a requirement that the rules include “communications between the CARE Act court and the juvenile court, if applicable,” and to remove the requirement that the rules include “the clerk’s review of the petition.” The Family and Juvenile Law Advisory Committee joins in recommending the amendment of rule 7.2210(d)-(f), and the revision of forms CARE-050-INFO and CARE-100 to the extent those proposed changes address communications between the CARE Act court and the juvenile court.

[24-096](#)**Trial Court Budget | California Court Interpreter Workforce Pilot Program (Action Required)****Summary:**

The Trial Court Budget Advisory Committee recommends an allocation methodology for the \$6.8 million appropriated in the Budget Act of 2023 for the California Court Interpreter Workforce Pilot Program. The pilot program is intended to increase the number of court interpreter employees in the courts by reimbursing potential interpreters for costs associated with their training, coursework, and up to three examination fees to become a court interpreter.

[24-027](#)**Trial Court Budget | Minimum Operating and Emergency Fund Balance Policy (Action Required)****Summary:**

The Judicial Council's suspension of the minimum operating and emergency fund balance policy expires on June 30, 2024. The policy, which requires trial courts to set aside a percentage of funds for use in emergency situations or due to budgetary shortfalls, has been suspended by the council since 2012-13, due to changes in statute and to consider further statutory amendments. The Trial Court Budget Advisory Committee recommends that the Judicial Council approve a two-year extension of the suspension of the policy until June 30, 2026, and requests consideration to repeal the policy at a future time.

DISCUSSION AGENDA **24-094: Judicial Council report pending and will be considered by the Executive and Planning Committee at a later date.****24-094****Rules and Forms | Civil Remote Proceedings: When a Judicial Officer May Preside Remotely (Action Required)****Summary:**

Code of Civil Procedure section 367.10 requires the Judicial Council to adopt a rule that includes "standards for when a judicial officer, in limited situations and in the interest of justice, may preside over a remote court proceeding from a location other than a courtroom." The Trial Court Presiding Judges Advisory Committee recommends adoption of the proposed rule to satisfy the statutory mandate.

Speakers:

Hon. Maria D. Hernandez, Chair, Trial Court Presiding Judges Advisory Committee

Hon. Lisa M. Rogan, Assistant Presiding Judge, Superior Court of San Bernardino County

15 minutes

[24-086](#)**Trial Courts | Trial Court Financial Policies and Procedures Manual (13th ed.) (Action Required)****Summary:**

Judicial Council staff recommend adoption of the *Trial Court Financial Policies and Procedures Manual* (TCFPPM), thirteenth edition. The manual was last updated in 2022. The TCFPPM requires both substantive and nonsubstantive revisions to maintain clarity and update and improve the existing system of internal fiscal controls in accordance with California Rules of Court, rule 10.804.

Speakers: Mr. Robert Downs, Branch Accounting and Procurement
Mr. Jason Lopez, Branch Accounting and Procurement
10 minutes

24-091 Judicial Branch Administration | Generative Artificial Intelligence and California’s Judicial Branch (No Report. No Action Required.)

Summary: At the January 19, 2024, meeting of the Judicial Council, the Chief Justice announced that she had asked Administrative Presiding Justice Mary Greenwood and Judge Arturo Castro to “spearhead research efforts for our branch on the opportunities and challenges associated with AI.” At the request of the Chief Justice, the two judges will give an update on the status of their work on this topic.

Speakers: Hon. Mary Greenwood, Administrative Presiding Justice, Court of Appeal, Sixth Appellate District
Hon. Arturo Castro, Judge, Superior Court of Alameda County
Ms. Jenny Grantz, Legal Services
Ms. Saskia Kim, Policy and Research
45 minutes

INFORMATION AGENDA (NO ACTION REQUIRED)

[24-093](#) **Report to the Judicial Council | Trial Court Facility Modifications Report for Quarter 3 of Fiscal Year 2023-24**

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 2023-24. 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*.

[24-063](#) **Report to the Legislature | Allocation of Funding in 2023-24 for Federally Funded Dependency Representation Program Shortfall**

Summary: On or before April 1, 2024, staff for the Judicial Council’s Center for Families, Children & the Courts submitted to the Legislature *Report on Allocation of Funding in 2023-24 for Federally Funded Dependency Representation Program Shortfall*, in accordance with the requirement in the 2023 Budget Act.

[24-083](#) **Trial Courts | 2nd Quarter Investment Report for Fiscal Year 2023-24**

Summary: This quarterly investment report covers the period from October 1 through December 31, 2023, and provides the financial results for the funds invested by the Judicial Council on behalf of the trial courts as part of the judicial branch treasury program. The report is submitted under the Resolutions Regarding Investment Activities for the Trial Courts, approved by the Judicial Council on February 27, 2004.

Judicial Council Internal Committee Reports

24-015 Written Reports

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

M E M O R A N D U M

Date

April 9, 2024

Action Requested

Approve Staff Recommendation

To

Members of the Executive and Planning
Committee

Deadline

April 11, 2024

From

Judicial Council staff
Leah Rose-Goodwin, Chief Data and
Analytics Officer
Kristin Greenaway, Supervising Research
Analyst
Office of Court Research

Contact

David Smith, Senior Research Analyst
Office of Court Research
415-865-7696 phone
david.smith@jud.ca.gov

Subject

Conversion of Subordinate Judicial Officer
Position in Superior Court of San Bernardino
County

Executive Summary

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request by the Superior Court of San Bernardino 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 Release Program. The court's Pretrial Hearing Court model has been operational since June 2022 and continues to effectively support pretrial operations. The ongoing pretrial funding from Senate Bill 129 (Stats. 2021, ch. 69) will fully fund the SJO position, with the court demonstrating judge and SJO workload need more generally. For these and other reasons, the San Bernardino 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

Office of Court Research staff recommend that the Executive and Planning Committee confirm the request by the Superior Court of San Bernardino County for conversion of a limited-term SJO position serving in support of the Pretrial Hearing Pilot 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 (Executive Committee).¹ Government Code section 71622(a) grants authority to the council to determine the number and type of SJO positions in each trial court.

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

1. To establish a new SJO position, permanently eliminate an SJO position, or change the time base of an existing SJO position, a court must request and obtain approval from 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.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 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

¹ Judicial Council of Cal., mins. (Feb. 23, 2007), items 9 and 10, *Subordinate Judicial Officers: Policy for Approval of Number of Subordinate Judicial Officers in Trial Courts*, www.courts.ca.gov/documents/min0207.pdf.

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

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 request by the Superior Court of San Bernardino County for authorization to convert a limited-term SJO position to a permanent SJO position serving in support of the court's Pretrial Hearing Program is based on a number of factors. In the past year, the court's Pretrial Hearing Program has been extended to include more felony categories and post-arraignment referrals. As a result, the workload of the Pretrial Release Commissioner has increased, involving additional assessments, modifications, and probation violation filings. This expansion has effectively reduced the burden on criminal courtroom judges and facilitated swift release decisions during arraignment.

Further, the court has identified judge and SJO workload issues that may be alleviated by the conversion of the limited-term SJO position to a permanent one. This assessment is substantiated by the most recent SJO workload assessment, which reports that the San Bernardino court has an unmet SJO need of 7.8 full-time equivalent judicial positions.³ For these reasons San Bernardino is seeking approval to make the SJO position discussed above 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), 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 and permanent basis.⁴

³ Update of the Judicial Needs Assessment Study, 2020, www.courts.ca/documents/2020_Update_of_the_Judicial_Needs_Assessment.pdf.

⁴ "Each trial court may establish and may appoint any subordinate judicial officers that are deemed necessary for the performance of subordinate judicial duties, as authorized by law to be performed by subordinate judicial officers. However, the number and type of subordinate judicial officers in a trial court shall be subject to approval by the Judicial Council. Subordinate judicial officers shall serve at the pleasure of the trial court." (Gov. Code, § 71622(a).)

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

The proposed confirmation of the request to convert a temporary SJO position to a permanent one 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 Lisa M. Rogan, Superior Court of San Bernardino County, to Justice Brad R. Hill, Chair, Executive and Planning Committee, January 11, 2024



**Superior Court of California
County of San Bernardino**

Lisa M. Rogan
Presiding Judge

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

(909) 501-3635

January 11, 2024

Justice Brad Hill, 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 Hill and Members of the Executive Planning Committee:

The Superior Court of California, County of San Bernardino is requesting to convert its limited-term Subordinate Judicial Officer (SJO) position into a permanent position for the Pretrial Release Program. The funding allocated in SB 129 for the Pretrial Release Program currently funds this position of 1.0 Full-time-equivalent SJO, including salary and benefits.

San Bernardino's Pretrial Release SJO 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. In calendar year 2023, there were 30,242 video arraignments.

The SJO also processes all requests from Probation regarding the modification or violation of release terms. In 2023, expansion of the program included post-arraignment court referrals and pretrial assessments for DUI and Domestic Violence cases. This expansion has increased the workload of the Pretrial Release SJO. Converting the limited-term SJO position into a permanent position will enable us to continue providing release decisions in accordance with the intent of SB 129 using the centralized model. This not only allows for consistent application of laws surrounding pretrial release, but this also relieves workload from judicial officers presiding over criminal courtrooms in San Bernardino County. San Bernardino Superior Court has a severe shortage of judicial officers, with a current assessed need of 28 judges, the highest need in the state.

Thank you for your consideration of this request. The Pretrial Release Program has been successful in San Bernardino County, and we look forward to continuing to provide services while evaluating the potential for additional program expansions. Please contact me at (909) 708-8767 or at LRogan@sb-court.org if you or any member have questions regarding this request. Thank you.

Sincerely,



Lisa M. Rogan
Presiding Judge

cc: Kristine Greenaway, Supervising Research Analyst, Office of Court Research
Deirdre Benedict, Supervising Analyst, Criminal Justice Services



Judicial Council of California

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

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

M E M O R A N D U M

Date

April 11, 2024

Action Requested

Approve Staff Recommendations

To

Members of the Executive and Planning Committee

Deadline

April 11, 2024

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, and Lassen Counties

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, Kern, and Lassen Counties through June 30, 2025. 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 Committee confirm the requests of the Superior Courts of Fresno, Kern, and Lassen Counties for the extension of temporary SJO or commissioner positions in the courts. Authorization for these positions is requested through June 30, 2025. 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 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 originally received 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, and continued in subsequent Budget Acts, 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 three extension requests from the Superior Courts of Fresno, Kern, and Lassen 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.

The court had previously obtained approval to add one subordinate judicial officer/commissioner for fiscal years 2022–23 and 2023–24. To date, the position has remained unfilled during the startup period, and workload has not yet warranted filling the position. The court has now implemented the after-hours and weekend judicial officer review and anticipates hiring a commissioner in fiscal year (FY) 2024–25, specifically to take on the pretrial workload including the 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, 2025, 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.

The court had previously obtained approval to add one subordinate judicial officer/commissioner for FY 2022–23 and 2023–24. This position has been filled and currently presides over misdemeanor and felony arraignments and makes determinations regarding pretrial release. The arraignment commissioner performs a vital function in the Kern court’s criminal court operation and allows the court to centralize a significant portion of its arraignments and pretrial determinations, thus freeing up other courtrooms for postarraignment court proceedings and trials.

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, 2025, 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, 2025.

The Lassen court had previously obtained approval to extend the increase to 1.0 FTE in FY 2023–24. The court remains short-staffed with only one judge actively working in the court, and the extension will allow the court to 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, 2025, with the designation of “FTE Limited Term” to apply to the new 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 pretrial funding 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 Houry A. Sanderson, Superior Court of Fresno County, to Administrative Presiding Justice Brad R. Hill, Executive and Planning Committee chair (Mar. 11, 2024)
2. Attachment B: Letter from Presiding Judge J. Eric Bradshaw, Superior Court of Kern County, to Administrative Presiding Justice Brad R. Hill (Mar. 13, 2024)
3. Attachment C: Letter from Presiding Judge Mark R. Nareau, Superior Court of Lassen County, to Administrative Presiding Justice Brad R. Hill (Mar. 8, 2024)



Superior Court of California County of Fresno

CHAMBERS OF
HOURY A. SANDERSON
Presiding Judge

1100 VAN NESS AVENUE
FRESNO, CALIFORNIA 93724-0002
(559) 457-6348
FAX (559) 457-1707
E-mail: hsanderson@fresno.courts.ca.gov

March 11, 2024

The Honorable Brad R. Hill, Chair
Judicial Council's Executive and Planning Committee
Executiveandplanning@jud.ca.gov

Re: Request for Additional Subordinate Judicial Officer Positions

Dear Justice Hill:

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 years 2022/2023 and 2023/2024. 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 approvals through fiscal year 2024/2025.

We have implemented our pretrial assessment program and have made significant progress over the past year with the expansion of our program. We have implemented the afterhours and weekend reviews and reports from the supervising agency, which requires court oversight and review at these times. Currently, the volume of oversight is not significant. However, we anticipate expanding the criteria of those eligible which will increase the volume of reviews, reports and oversight needed. 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 of 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 after-hours and weeks responsibilities. It is the Court's intent to authorize the Subordinate Judicial Officer to conduct prearrestment reviews and make pretrial release decisions that impose the least restrictive conditions to address public safety and return to court release decisions.

The Honorable Brad R. Hill, Chair
Page 2
March 11, 2024

Currently, the Court is receiving funds allocated for Pretrial Assessment Services, with the appropriation of funds, the Court will be able to fund the new Subordinate Judicial Officer position. 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. Previously, the Court sought and obtained approval to hire a Subordinate Judicial Officer for Pretrial for fiscal years 2022/2023 and 2023/2024. The Court is now seeking an extension of the approval through fiscal year 2024/2025. The extension will allow the Court to proceed with recruitment as soon as the after-hours parameters are expanded and finalized.

Thank you in advance for your consideration in this matter.

Sincerely,



Houry A. Sanderson
Presiding Judge

HAS:DA:jjk

cc: Ms. Shelly Curran, Administrative Director of the Judicial Council
Ms. Deirdre Benedict, Supervising Analyst Criminal Justice Services |
Operations and Programs Division



Superior Court
State of California
COUNTY OF KERN

J. Eric Bradshaw
Judge

1415 Truxtun Avenue
Bakersfield, CA 93301
(661) 610-6000

March 13, 2024

Honorable Brad Hill, Chair
Executive & Planning Committee
Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102

Re: Kern County - Extension of Funding for Subordinate Judicial Officer (Commissioner)

Dear Justice Hill:

The Superior Court of California, County of Kern, requests an extension of SB 129 Pretrial Release Program Funding for one subordinate judicial officer (commissioner) position, through the end of FY 2024-25.

This position currently presides over misdemeanor and felony arraignments, and makes determinations regarding pretrial release. The workload among judicial officers in Kern County is heavy, and the arraignment calendars are very busy. Kern County currently has 38 judges with two recent retirements, and other retirements looming. The most recent judicial workload assessment in November 2022 shows that Kern County is in need of 11 more judges, over and above the 40 judicial seats and 8 commissioners (which includes the SB 129 commissioner) that are currently authorized.

The arraignment commissioner performs a vital function in Kern County's criminal court operation, and allows us to centralize a significant portion of our metro arraignments and pretrial determinations, thus freeing-up other courtrooms for post-arraignment court proceedings and trials. It also allows the commissioner to spend the time necessary to review our new Pretrial Safety Assessment that helps guide a judicial officer in pretrial release decisions.

Please feel free to contact me if you require any further information or have any questions regarding this request to continue funding.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Eric Bradshaw".

J. Eric Bradshaw
Presiding Judge of Kern County Superior Court



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

March 8, 2024

Honorable Brad Hill, 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 Hill 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 2024-2025.

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