



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: March 24, 2017

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Title

Administrative Director's Report

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Submitted by

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### **Executive Summary**

The following information outlines some of the many activities staff is engaged in to further the Judicial Council's goals and priorities for the judicial branch. The report focuses on action since the council's January meeting and is exclusive of issues on the March business meeting agenda.

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## Legislative Advocacy

- The Chief Justice and Administrative Director held meetings with the Governor and legislative leadership to discuss judicial branch budget and legislative priorities.
- At a hearing of Senate Budget Subcommittee 5 (Corrections, Public Safety, and Judiciary), the Judicial Council Budget Services Director was joined by Presiding Judge Denine Guy, Superior Court of California, County of Santa Cruz, and Judge Stephen Manley, Superior Court of California, County of Santa Clara providing testimony in support of judicial branch budget priorities for fiscal year 2017–2018 by highlighting the detrimental human impact of reduced court budgets and services. Several courts were represented in public comment, including those from Solano, San Diego, Contra Costa, and Alameda Counties.
- February 17 was the deadline for introducing bills for the first year of the 2017–2018 legislative session. Judicial Council-sponsored bills introduced are as follows:
  - [AB 689 \(Obernolte\)](#): Legal competency of juveniles.
  - [AB 789 \(Rubio\)](#): Release on own recognizance.
  - [AB 976 \(Berman\)](#): Electronic filing in juvenile law proceedings.
  - [AB 1443 \(Levine\)](#): Retention of court records in gun violence cases.
  - [SB 38 and 39 \(Roth\)](#): New judgeships and reallocation of judgeships.
  - [SB 403 \(Canella\)](#): Disposition of unused courthouses.
  - [SB 670 \(Jackson\)](#): Multiple county sentencing.

## Reports to the Legislature

The following mandated reports were submitted to the Legislature:

- [Demographic Data on Gender, Race, Ethnicity, Sexual Orientation, Gender Identity, and Veteran and Disability Status of California State Justices and Judges](#)
- [Statewide Collection of Delinquent Court-Ordered Debt for FY 2015–2016](#)
- [Semiannual Report on Contracts for the Judicial Branch for the Reporting Period of July 2, 2016 through December 31, 2016](#)
- [Trial Court Revenue, Expenditure, and Fund Balance Constraints for Fiscal Year 2015–16](#)

## Chief Justice and Key Stakeholder Liaison Meetings

Staff coordinated annual liaison meetings between the Chief Justice and various judicial branch stakeholder organizations: California State Association of Counties, Consumer Attorneys Association of California, California Defense Counsel, California District Attorneys Association, California State Sheriffs Association, and Chief Probation Officers of California.

## Branch Accounting and Procurement

- *Tax Year-End*: All year-end compliance reporting activities for trial courts were completed, including submission of electronic files and issuance of forms for taxes and required reporting for the Affordable Care Act.
- *Procurement Symposium*: A council-hosted symposium for appellate and trial court purchasing representatives focused on judicial branch contracting requirements, audits, prevailing wages, the virtual buyer program, insurance, and business warehousing.
- *Chief Financial Officer (CFO) Winter Roundtable*: A meeting of court CFOs included updates on revised financial policies and procedures, progress and capabilities related to the

statewide Phoenix financial system, and additional services offered by the council's Branch Accounting and Procurement office.

- *Phoenix Financial and Human Resources System Roadmap*: Outreach to court stakeholders was completed for the purposes of developing functional improvement requirements for the statewide Phoenix financial system (used by all 58 courts) and the human resources system (used by 12 courts). The required improvements will provide a basis for developing a fiscal year 2018–2019 budget change proposal.

### **Real Estate and Facilities Management**

Status of Facility Modifications as of March 17, 2017:

Status	Number of Modifications	Estimated Cost
Awaiting Shared Cost	3	\$2,259,536
Holding for Project Managers	13	\$9,379,161
In Design	7	\$415,821
In Work	694	91,592,316
<b>Total</b>	<b>717</b>	<b>\$103,646,834</b>

Thirty-one real estate transactions were completed as follows:

- New Revenue Licenses
  - Los Angeles County, Pasadena Parking Structure, City of Pasadena
  - San Bernardino County, Rancho Cucamonga
  - California State University, Sacramento
- Lease/License Renewals
  - Sonoma County, Santa Rosa Empire Annex, Empire School of Law
  - Monterey County, Gabilan Street Annex
  - Santa Clara County, San Jose, Court of Appeal for the Sixth Appellate District
  - San Joaquin County, 540 East Main Street
- Lease Terminations
  - Los Angeles County, Edelman Courthouse, CulinArt
  - Santa Barbara County, Judicial Council Santa Maria Facilities Management Office
- Event Licenses: 22 short-term event licenses were executed

### **Labor and Employee Relations**

Labor negotiations assistance was provided to nine trial courts. Services included successor Memoranda of Understanding negotiations, proposed policy revisions, and modifications to Employer-Employee Relations Rules. Additionally, support was provided on 28 different labor and employee related matters of the courts.

### **Empirical Study on Jury Instructions**

As the council continues to consider and approve updates to its jury instructions, results of an empirical study published in February by the *Open Access Library Journal* found that mock jurors comprehended revised criminal jury instructions (CALCRIM)—spearheaded by the council and adopted in 2005—significantly better than the older version of instructions (CALJIC). Three-hundred and twelve native English speaking participants acted as mock jurors

and read through a trial transcript that varied juror instructions. Jurors were then asked to render a verdict, recommend a sentence, and were questioned on comprehension, legal definitions of reasonable doubt, circumstantial and direct evidence, and intent. Results demonstrated that jurors comprehended the revised instructions significantly better compared with the old instructions.

### **California Civic Learning Summit**

The summit was convened with a focus on the revitalization of civil learning and engagement through the Chief Justice's Civic Learning Initiative. Speakers included the Chief Justice, U.S. Supreme Court Justice Anthony Kennedy, Secretary of State Alex Padilla, and School Superintendent Tom Torlakson. More than 250 attendees, including state and federal judicial officers, representatives from organizations including county bar associations, law schools, state and local government leaders, nonprofits, and district superintendents and education leaders focused on civic learning partnerships.

### **Hack Foster Care Summit Silicon Valley**

This national movement started during the Obama Administration, with the first Hack Foster Care event held at the White House. At the Silicon Valley summit, Judicial Council staff helped organize and lead two legal hacks: one on strategies to hear youth voices first in court proceedings, and another on obtaining and organizing information in court reports.

### **Violence Against Women Services Training Officers Prosecutors (STOP) Grant Advisory Committee**

The STOP Grant increases the capacity of local communities to develop and strengthen effective law enforcement and prosecution strategies to combat violent crimes against women and develop and strengthen victim services. Staff facilitated review of federal funding updates and recommendations on new funding areas.

### **Technical Assistance in Family and Juvenile Court Proceedings**

Judicial Council staff provide technical assistance to courts on multiple issues affecting family and juvenile court proceedings and services. Examples of technical assistance provided during this reporting period include: input to the Superior Court of Santa Cruz County on legal issues affecting juvenile delinquency process and procedures including confidentiality, access to records, and sealing; case file reviews at the Superior Court of Los Angeles County Girl's Succeeding through Achievement and Resilience Court, looking at criminal history, outcomes, and demographics of this specialized court, which works solely with human trafficking victims; and visits to juvenile courts in Amador, Butte, Kings, Merced, San Benito, and Yolo Counties to conduct courtesy file reviews and legal analysis of court case files to identify legal issues and training needs.

### **Appellate Court Clerk/Administrators Quarterly Meeting**

The clerk/administrators discussed the planned inclusion of appellate courts in the Judicial Council's recurring audit program schedule, in addition to council human resources services and technology initiatives, and the branch's budget.

## Advisory Committees/Task Forces/Working Groups

**Judicial Council Advisory Body Leadership Meeting:** Chairs and vice chairs of the council's 25 standing committees as well as several task forces and working groups met with Judicial Council internal committee chairs and Executive Office leadership to discuss the role of the advisory bodies in supporting the work of the council.

The following advisory bodies met in person, by phone, or WebEx since the council's January meeting:

1. Ability to Pay Workgroup
2. Appellate Advisory Committee
3. Advisory Committee on Providing Access and Fairness
4. Center for Judicial Education and Research Governing Committee
5. California Immigration Resource Workgroup
6. Civil and Small Claims Advisory Committee
7. Collaborative Justice Courts Advisory Committee
8. Court Executives Advisory Committee
9. Court Interpreter Advisory Panel
10. Criminal Law Advisory Committee
11. Dual-Status Youth Data Standards Working Group
12. Information Technology Advisory Committee
13. Judicial Branch Workers' Compensation Program Advisory Committee
14. Judicial Council Technology Committee
15. Language Access Plan Implementation Task Force
16. Pretrial Detention Reform Workgroup
17. Traffic Advisory Committee
18. Trial Court Budget Advisory Committee
19. Trial Court Facility Modification Advisory Committee
20. Trial Court Presiding Judges Advisory Committee
21. Tribal Court-State Court Forum

### Meeting Details

#### Ability to Pay Workgroup

- Held a conference call with the Center for Court Innovation, which provides technical assistance to the US Department of Justice "Price of Justice" grantees. Provided a review of the project action plan to define current court and partner processes related to fine/fee assessment and ability to pay, and data available to analyze related issues.
- Presented at a workgroup meeting on related nationwide efforts, new rules of court, and facilitated a brainstorm session regarding desired components of an efficient, effective, and accessible ability to pay determination process.

- Staff attended and provided an overview of the Price of Justice grant project at the U.S. Commission on Civil Rights briefing *on Targeted Fines and Fees against Low-Income Minorities: Civil Rights and Constitutional Implications*.

#### **Advisory Committee on Providing Access and Fairness**

- Discussed increasing diversity in the branch, improving court services through user-centered design and process simplification, and continuing collaborations with other council advisory bodies.

#### **Appellate Advisory Committee**

- Reviewed public comments on proposed rules requiring expedited appellate review of orders in certain elder abuse cases, and recommended adoption of modified rules by the council.
- Reviewed proposals for legislative, rule, and form changes and recommended that several proposals be circulated for public comment, including proposals to amend statute regarding confidentiality of juvenile case files to address access by parties in appellate proceedings; amend rules relating to the use of settled statements in appeals in unlimited civil cases and approve a new form to help appellants prepare proposed statements; amend a rule to address the format of court reporter transcripts delivered in electronic form; and revise the form for designating the record in limited civil appeals to clarify the consequences of not providing a record of the oral proceedings and make other clarifying changes.

#### **California Immigration Resource Workgroup**

- Worked on improving the California Courts website to aggregate existing immigration resources available in California, develop new resources where appropriate, and disseminate these resources effectively and efficiently via the courts, legal associations, and other interested businesses and groups.
- Held a design session for the website at Stanford's Legal Design Lab, and attended the CJER training on immigration issues in domestic violence to inform these efforts that seek to address concerns and confusion among many Californians about resources or assistance state courts can and cannot provide, and to direct them to immigration resources that are available to support them.

#### **Center for Judicial Education and Research Governing Committee**

- Provided updates on the Advanced Judicial Studies Institute, Educational Needs Assessment Toolkit, leadership certification, and podcasts.
- Approved CJER liaison appointments to other council advisory bodies.

#### **Civil and Small Claims Advisory Committee**

- Worked with the Criminal Law Advisory Committee to sponsor a public comment session on the new rule and form to provide guidance to courts and litigants regarding AB 2298 (challenging a law enforcement agency's denial to remove one's name from a shared gang database).
- Recommended approval of several proposals to circulate for public comment, including:

- Amend statutes and rules of court to facilitate electronic filing and modern e-business practices;
- Revise protective order forms to improve usability and conform to statutes;
- Create a new default judgment form to ensure compliance with the Fair Debt Buying Practices Act; and
- Revise the writ of execution form to assist litigants with calculating payments due on a judgment.

### **Collaborative Justice Courts Advisory Committee**

- Reviewed legislative updates and discussed how new technologies, such as electronic reminders, can improve court outcomes and reduce failures to appear.
- Veterans and Military Families Subcommittee: Discussed updates to the Veterans Treatment Court webpage to be more user-friendly, timely and accessible to veterans, their family members and those concerned about them.
- Mental Health Subcommittee: Reviewed mental health items on the committee's annual agenda, and discussed priorities, including identifying the effectiveness of mental health courts, and issues relating to juvenile competency.

### **Court Executives Advisory Committee**

- Discussed driver license holds, budget messaging, and the role of advisory body liaisons. Updates were provided on audits, and the Judicial Council Technology Committee Technology Summit.
- Joint meeting with the Trial Court Presiding Judges Advisory Committee: Included Q&A session with the Chief Justice, and updates on information technology, audits, the Budget Change Proposal process, Language Access Plan implementation, and AB 2839 (Criminal Penalties: Nonpayment of Fines implementation).

### **Court Interpreter Advisory Panel**

- Professional Standards and Ethics Subcommittee: Discussed developing a formal statewide policy on court interpreter skills assessment and ethics.

### **Criminal Law Advisory Committee**

- Developed the following rule, form, and legislative proposals and circulated for public comment:
  - Proposed amendments to update all criminal rules of court to reflect changes to felony sentencing and other relevant laws.
  - Proposed standard of judicial administration to govern court use of information from risk/needs assessments at sentencing.
  - Proposed amendments to rule 4.130 to identify what information must be included in court-appointed expert reports.
  - Revision to plea form, *With Explanations and Waiver of Rights - Felony (Criminal)*, regarding advising defendants on the consequences of violating terms of mandatory supervision and circumstances of the court accepting pleas and court authority to withdraw approval.



- New forms to implement AB 813: Vacate a conviction or sentence based on: (1) a prejudicial error damaging the defendant's ability to meaningfully understand, defend against, or knowingly accept the actual or potential adverse immigration consequences of a plea of guilty or nolo contendere, or (2) newly discovered evidence of actual innocence.
- Amendments to the penal code to eliminate several telephonic confirmation requirements between the magistrate and officer for arrest warrants issued electronically.
- Proposition 64 forms: Reviewed public comments received, held work group meetings to consider revisions to forms, and began drafting Judicial Council report.
- Developed proposals to implement Proposition 63; and reviewed other criminal law-related legislation.

### **Dual-Status Youth Data Standards Working Group**

- Evaluated baseline goals for identified and defined outcomes, including research, the costs and benefits of county implementation, and costs if dually involved youth are not tracked. (Assembly Bill 1911 requires the council to convene this prescribed group of stakeholders and report to the Legislature by January 2018.)

### **Information Technology Advisory Committee**

- Launched a new Intelligent Forms Workstream to modernize forms, improve the user experience, and increase interoperability with court case management systems.
- Considered sunseting the Data Exchange Workstream and the council's Information Technology plan to operationalize and maintain the exchanges.

### **Judicial Branch Workers' Compensation Program Advisory Committee**

- Reviewed and approved program recommendations developed by the Settlement Authority Working Group and the Alternative Deficit Reduction Working Group.
- Discussed member premium allocations for fiscal year 2017–2018.

### **Language Access Plan Implementation Task Force**

- Convened a community outreach meeting, where updates were provided on expanding court interpreter services in civil cases, recruitment and retention of qualified interpreters and bilingual court staff, and use of technology to improve access to court services (video-remote interpreting, electronic signage, online information, etc.).
- Discussed agenda priorities for 2017; reported on translation, signage, and tools for the courts; and, with the National Center for State Courts, jointly presented on California's progress on language access metrics.

### **Pretrial Detention Reform Workgroup**

- Representatives from programs in Washington, D.C., Kentucky, New Jersey, and New Mexico presented on their model programs, and representatives from Humboldt, Imperial, and Santa Clara Counties shared information about their pretrial programs. The California Department of Insurance Commissioner spoke about the department's role in regulating the bail industry.

- Update provided by Criminal Justice Services Director on the workgroup and the Recidivism Reduction Fund pilot programs at a hearing convened by the California State Insurance Commissioner.

#### **Traffic Advisory Committee**

- Developed rule, form, and legislative proposals to amend Penal Code section 1209.5 (provide a uniform rate throughout the state for converting infraction fines into community service hours), and circulated for public comment (February 27–April 28).
- Reviewed traffic-related legislation.

#### **Trial Court Budget Advisory Committee**

- Discussed the Governor’s budget proposal, the Children’s Waiting Room Policy, and fiscal year 2018–2019 budget concepts.

#### **Trial Court Facility Modification Advisory Committee**

- Reviewed facility modification requests including those on energy efficiency, refined the seismic risk assessment database, and received an informational report on the \$45 million deferred maintenance list.

#### **Trial Court Presiding Judges Advisory Committee**

- Discussed budget and operations advocacy, audits, and the process for converting subordinate judicial officer positions.

#### **Tribal Court-State Court Forum**

- Reviewed a pilot project on civic learning partnerships relating to enforcement of tribal protection orders, child welfare, child support, civil money judgements, and proposed legislation regarding judge-to-judge communications.

### **Judicial Branch Education and Training**

#### **Summary**

##### **Judicial Education**

1. Civil Law Orientation
2. Criminal Law Orientation
3. Death Penalty Trials
4. Difficult Witnesses, Regional Judicial Education
5. Evidence in Civil and Criminal Cases
6. Faculty Development Fundamentals
7. Family Law Orientation
8. Fundamentals of Felony Sentencing
9. Handling Sexual Assault Cases
10. Homicide Trials
11. Immigration Issues in Domestic Violence Cases

12. Juvenile Delinquency Orientation
13. Juvenile Dependency Orientation
14. New Judge Orientation
15. Probate Orientation
16. Quality Judicial Ethics

### **Judicial, Court Employee, and Stakeholder Education**

17. Accountings and Financial Abuse, Probate Court Investigator Regional Education
18. Adult Drug Court Standards: Equity and Inclusion
19. Advanced Core 40 Management
20. Advanced Faculty Development: Classroom Management Webinar
21. Annual Foster and Kinship Care Curriculum Conference
22. Appellate Management Institute
23. California Environmental Quality Act Overview
24. Child Support Directors Association Children and Families Policy Symposium
25. Core Leadership and Training Skills
26. Court Clerks Training Institute
27. Ensuring Equity for LGBTQ Youth in Juvenile Court
28. Faculty Development Fundamentals
29. Family Adoption Overview, Regional Education
30. Institute for Court Management Court Community Communication
31. Institute for Court Management Workforce Management

### **Distance Education**

#### Mentor Videos

32. Method for Avoiding Engagement With the Parties in Highly Contested Cases
33. Characteristics of Parties in Highly Contested Cases
34. Preparing an Order in Highly Contested Cases
35. Tools for Managing Emotionally Charged Hearings

#### Video Lectures

36. Ensuring Equity for LGBTQ Youth in Juvenile Court
37. Exploring Implicit Bias
38. Managing Emotionally Charged Custody Hearings

#### Web Production

39. Appellate Division Practice (updated online course)
40. Civil Trial Evidence (updated online course)
41. Confidential and Sealed Records (interactive tutorial)
42. Communicating with Self Represented Litigants
43. Self-Represented Litigants: Special Challenges
44. Courtroom Control
45. Family Procedures Enforcement
46. How to Run a Busy Calendar
47. Is It Hearsay?
48. Judicial Ethics for New Judges

- 49. Judicial Ethics for Temporary Judges
- 50. Jury Challenges
- 51. Orders Prohibiting Civil Harassment and Workplace/Postsecondary School Violence
- 52. Real World Judicial Ethics
- 53. Relevance and its Limits
- 54. Small Claims Court
- 55. Trial Evidence
- 56. You Be the Judge

#### Podcasts

- 57. Class Actions
- 58. Experts
- 59. The Limits of a Gang Expert's Testimony in a Case *With* Gang Enhancements
- 60. Two-Factor Authentication and Security Questions
- 61. Why We Need Statistics

#### Web Casts

- 62. Supreme Court Oral Arguments
- 63. Civic Learning Summit, broadcast over the California Channel
- 64. Commission on Judicial Appointments Hearings

### **Publication Updates**

- 65. Benchguide 3: Courtroom Control: Contempt and Sanctions
- 66. Benchguide 116: Juvenile Delinquency Initial or Detention Hearing
- 67. Benchguide 118: Juvenile Delinquency Jurisdiction Hearing
- 68. California Judges Civil Proceedings Benchbook: After Trial
- 69. California Judges Civil Proceedings Benchbook: Before Trial

### **Detail**

#### **Accountings and Financial Abuse**

One-day class provides probate court investigators practice in conducting an accounting and discerning when and how to follow up on evidence of financial abuse of an elder.

#### **Adoption Overview**

One-day course provides court staff with a general grasp of the family law adoption process.

#### **Advanced Core 40 for Managers and Supervisors**

Three-day course requested by Fresno and Tulare court managers/supervisors included overcoming obstacles, self-awareness, coaching skills, and conflict management.

#### **Adult Drug Court Standards: Equity and Inclusion**

Webinar facilitation for the National Association of Drug Court Professionals. 124 registrants participated at sites throughout California and Nevada.

**Annual Foster and Kinship Care Curriculum Conference**

Focused on Indian Child Welfare Act topics for foster parent and kinship caregiver trainers throughout the state.

**Appellate Management Institute**

Three-day program for appellate managers and supervisors offered courses on leadership, communication, recruitment, and human resource management.

**California Environmental Quality Act Overview**

Procedural and substantive framework for judges and court attorneys to analyze and efficiently deal with the issues presented by a challenge made under CEQA to the approval of a public or private project.

**Child Support Directors Association Children and Families Policy Symposium**

Symposium on how child support professionals can improve the well-being of children and families, and the challenges many fragile families face on pathways to stability.

**Civil Law Orientation**

Comprehensive orientation to basic civil law and procedure designed for judges and subordinate judicial officers new to civil law, and judges and subordinate judicial officers from smaller courts without a full-time civil law caseload.

**Confidential and Sealed Records**

Interactive tutorial, recently added to the family law, civil, and probate staff toolkits, assists counter clerks in applying confidentiality requirements and processing requests to seal records.

**Core 40: Basic Training for Managers and Supervisors**

Provided for the Superior Court of Humboldt County as a local court requested program. Topics included the role of the supervisor, employment law, and performance management.

**Core Leadership and Training Skills**

Core Leadership regional program for leads/seniors/assistant supervisors at the Superior Court of San Diego County. Topics included effective leadership skills, providing effective feedback, and adult training principles.

**Court Clerk Training Institute**

Week-long courses on Civil, Juvenile, and Traffic provide formal classroom training for courtroom and legal process clerks.

**Criminal Law Orientation**

Criminal law and procedure for judges and subordinate judicial officers new to a criminal assignment.

**Death Penalty Trials**

Intensive course helps judges become familiar with and keep up-to-date on issues that are most difficult, specialized, and likely to present a risk of mistrial or reversal.

**Difficult Witnesses**

Regional course explores and offers guidance on legal and practical issues that can arise when witnesses take the stand.

**Ensuring Equity for LGBTQ Youth in Juvenile Court**

Best practices.

**Evidence in Civil and Criminal Cases**

Overview for judges and subordinate judicial officers of evidentiary issues that commonly arise in civil and criminal cases; includes breakout sessions emphasizing matters exclusive to each assignment.

**Exploring Implicit Bias**

Video in which moderators explore implicit bias, explain the difference between explicit and implicit biases, demonstrate how this bias impacts us, and discuss how to combat it.

**Faculty Development Fundamentals**

Four-day course for court staff faculty at the Superior Court of Orange County, reviewing principles of adult education, the structure of effective course development, and best practices for presentation and facilitation skills.

**Faculty Development Fundamentals (Judicial)**

Teach-back module version of Faculty Development Fundamentals. Faculty apply the principles and skills learned to a course segment they developed in a 20-minute teach-back demonstration.

**Family Law Orientation**

Comprehensive review of basic law and procedure necessary to handle family law matters in courts of various sizes.

**Fundamentals of Felony Sentencing**

Sentencing issues from probation grants to Three Strikes, and newly passed Propositions 57 and 64.

**Handling Sexual Assault Cases**

Unique issues that arise in sex cases: guide for a judge managing a sexual assault trial from arraignment through sentencing and post-sentencing procedures.

**Homicide Trials**

Provides the experienced trial court judge with a working knowledge of substantive homicide law regarding special circumstances that may present a risk of mistrial or reversal.

### **Immigration Issues in Domestic Violence Cases**

Focused on ways immigration issues may affect judicial decision making, the type of information presented to the court, and safety issues in family, juvenile, and criminal law matters containing domestic violence allegations.

### **Indian Child Welfare Act (ICWA)**

- New federal ICWA regulations, guidelines and implications for California law and practice, two California Supreme Court cases, and Resource Family Approval Continuum of Care Reform.
- Core 3.0 Curriculum-ICWA section, historical trauma, and how to conduct a successful ICWA training.

### **Institute for Court Management Court Community Communication**

Basic skills and techniques for making courts more understandable, including how to manage customer service, the difference between legal advice and legal information, various technology applications, explaining complex processes without using jargon, and identifying and accommodating audiences with special communications needs.

### **Institute for Court Management Workforce Management**

Laws affecting human resources (HR) management in court; HR practices, policies and procedures; how to develop good employee relations; the importance of organizational development in a diverse world; and the importance of human development, mentoring, and succession planning.

### **Juvenile Dependency Orientation**

Review of juvenile dependency law and procedure; the philosophy and responsibilities that underlie the child welfare system and the dependency court; child development; substance abuse; mental health; domestic violence; disproportionately high minority contact; issues affecting LGBTQ children and families; psychotropic medication; and the role of the judicial officer in juvenile court, and his or her unique ethical issues.

### **Juvenile Delinquency Orientation**

Examination of all aspects of juvenile delinquency law and procedure, including the philosophy that underlies delinquency law, applicable statutes, rules of court, and case law.

### **Managing Emotionally Charged Custody Hearings**

Video discussion on handling emotionally charged hearings in family court. Additionally four 10-Minute Mentor videos are derived from the full-length video: Characteristics of Parties in Highly Contested Cases; A Method for Avoiding Engagement with the Parties in Highly Contested Cases; Tools for Managing Emotionally Charged Hearings; and Preparing an Order in Highly Contested Cases.

**New Judge Orientation**

One-week orientation program introduces new judges, commissioners, and referees to their judicial duties and familiarizes them with ethical responsibilities in ensuring fairness in all proceedings, promoting uniform court practices, and improving the administration of justice.

**Probate Orientation**

Designed for judges, commissioners, probate attorneys, and probate examiners for conservatorship and guardianship education requirements; includes domestic violence education.



## Staffing Metrics

As of March 1, 2017

See following page for definition of terms.

STAFFING	Executive Office	Govern-mental Affairs	Public Affairs	Leadership Services Division				Operations & Programs Division							Administrative Division					Judicial Council
				Legal Services	Audit Services	Special Projects	Judicial Council and Trial Court Leadership	Center for Families, Child. & Courts	Court Operations Services	Criminal Justice Services	Center for Judicial Education & Research	Appellate Court Services	Capital Program	Real Estate & Facilities Mgmt	Budget Services	Branch Account. & Procurement	Human Resources	Information Technology	Admin Support	
Authorized Position (FTE)	9.00	11.00	8.00	58.00	14.00	10.00	19.80	65.00	34.60	22.00	48.50	6.00	43.00	95.00	41.00	142.00	43.00	116.00	30.00	815.90
Filled Authorized Position (FTE)	9.00	10.00	7.00	42.70	10.00	9.00	15.80	57.35	28.80	20.00	40.50	4.00	30.00	73.00	36.00	128.00	39.00	93.88	29.00	683.03
Headcount - Employees	9	10	7	43	10	9	16	58	29	20	41	4	30	73	36	128	39	94	30	686.00
Vacancy (FTE)	0.00	1.00	1.00	15.30	4.00	1.00	4.00	7.65	5.80	2.00	8.00	2.00	13.00	22.00	5.00	14.00	4.00	22.12	1.00	132.87
Vacancy Rate (FTE)	0.0%	9.1%	12.5%	26.4%	28.6%	10.0%	20.2%	11.8%	16.8%	9.1%	16.5%	33.3%	30.2%	23.2%	12.2%	9.9%	9.3%	19.1%	3.3%	16.29%
Judicial Council Temp Employee (909)	1	0	1	0	0	0	0	0	1	1	0	0	0	4	0.6	0	0	0	0	8.60
*Employment Agency Temporary Worker (FTE)	0	0	0	1	0	0	0	0	0	0	1	0	0	0	0	2	0	0	1	5.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5	0.0	0.0	0.0	1.6	2.0	0.0	0.0	0.0	34.25	0.0	38.35
<b>TOTAL WORKFORCE</b> (based on FTE, 909s, Agency Temps & Contractors)	10.00	10.00	8.00	43.70	10.00	9.00	15.80	57.35	30.30	21.00	41.50	4.00	31.60	79.00	36.60	130.00	39.00	128.13	30.00	734.98

**Definitions:**

<b>Authorized Position (FTE)</b>	Authorized positions include all regular ongoing positions approved in the Budget Act for that year. The number is based on the position's approved full time equivalency.
<b>Filled Authorized Position (FTE)</b>	Filled authorized positions are the number of authorized positions filled based on the employee's full time equivalency.
<b>Headcount</b>	The actual count of persons employed by the Judicial Council, regardless of FTE. This number could be more than the FTE count due to part-time employees being counted as "1". This count does not include Judicial Council Temporary Employees (909) or Employment Agency Temporary Workers.
<b>Vacancy (FTE)</b>	The number of vacancies is the number of authorized positions minus the number of filled authorized positions.
<b>Vacancy Rate (FTE)</b>	Vacancy Rate is calculated by dividing the number of authorized positions by the number of vacant authorized positions. This number excludes temporary employees ("909" funded employees). See definition of temporary employees below.
<b>Judicial Council Temporary Employees (909)</b>	<p>The "909" category is the State Controller code used to reference a temporary position or a temporary employee.</p> <p>909 Position - it is a position that may not be funded through the Budget Act and it is categorized by the Office of the State Controller as a temporary position used in the absence of an authorized position. 909 positions may be occupied by regular full-time employees due to the unavailability of an authorized vacant position. 909 Employee - An employee whose salary is not funded through the Budget Act. 909 employees may receive benefits if employed at least half-time and the term of employment is for more than six months. Types of "909" Temporary Employees include: Retired Annuitants: A retired annuitant is a retiree who is hired by his or her former employer or by another employer that participates in the same retirement system as the former employer. This includes a former participant in a state retirement system who has previously retired and who is currently receiving retirement benefits. Temporary: Employees employed on a temporary basis - they do not receive full benefits (but do receive CalPERS retirement service credit).</p>
<b>Employment Agency Temporary Worker (FTE)</b>	These are workers from an employment agency. They are employees of the employment agency that provide short-term support.
<b>Contractor (FTE)</b>	Individuals augmenting the work of the organization and providing services for a limited period of time or on a specific project, where a particular skill set is required that is either (1) not within an existing classification and/or job description or (2) where recruitment issues require the use of a contractor.
<b>Full Time Equivalency (FTE)</b>	Full Time Equivalency is the number of total maximum compensable hours designated in a year divided by actual hours worked in a year. For example, the work year is defined as 2,080 hours; one employee occupying a paid full time job all year would consume one FTE. One employee working for 1,040 hours each would consume .5 FTE.
<b>Time Base</b>	<p>Full time: Employee is scheduled to work 40 hours per week. Receives full benefits.</p> <p>Part time: Employee is scheduled to work less than 40 hours per week. Employees that work more than 20 hours per week receive full benefits.</p> <p>Intermittent: Employees have no established work schedule and work on an as-needed basis that varies from one pay period to the next. Eligibility for certain benefits may be limited for these employees.</p>
<b>Regular Employee</b>	Commonly referred to as "permanent employees" – They receive full benefits.
<b>Limited Term</b>	Limited Term Position – It is a position that is funded through the Budget Act with a specific end date. The position is counted as an authorized position. Employee in limited term positions may be regular or temporary.

## Judicial Appointments and Vacancies Report

**Judicial Appointments:** No appointments since December 2016.

Number of Judgeships Authorized, Filled and Vacant as of **March 13, 2017**

TYPE OF COURT	NUMBER OF COURTS	NUMBER OF JUDGESHIPS					
		Authorized	Filled	Vacant	Vacant (AB 159 positions)	Filled (Last Month)	Vacant (Last Month)
Supreme Court	1	7	7	0	0	7	0
Courts of Appeal	6	105	98	7	0	98	7
Superior Courts	58	1,730	1,607	73	50*	1,612	118
<b>All Courts</b>	<b>65</b>	<b>1,842</b>	<b>1,712</b>	<b>130</b>		<b>1,717</b>	<b>125</b>

\*Fifty new judgeships authorized in 2008 with the enactment of AB 159 (Chapter 722, Statutes of 2007) have not been funded. The allocation list for these judgeships is based on the Judicial Needs Assessment approved by the Judicial Council in December 2014. (<http://www.courts.ca.gov/documents/jc-20141212-itemT.pdf>).

Vacancies occurring in the current reporting month are highlighted below in **yellow**:

### JUDICIAL VACANCIES: APPELLATE COURTS

Appellate District	Vacancies	Reason for Vacancy	Justice to be Replaced	Last Day In Office
Second Appellate District, Division Two	4	Retirement	Hon. Roger W. Boren	01/31/17
Second Appellate District, Division Three		Retirement	Hon. Patti S. Kitching	10/05/15
Second Appellate District, Division Five		Retirement	Hon. Richard M. Mosk	03/31/16
Second Appellate District, Division Seven		Retirement	Hon. Fred Woods	03/31/15
Fourth Appellate District, Division One	2	Deceased	Hon. Alex C. McDonald	09/08/16
Fourth Appellate District, Division Three		Retirement	Hon. William F. Rylaarsdam	06/30/16
Sixth Appellate District	1	Resigned	Hon. Miguel A. Marquez	07/29/16
<b>TOTAL VACANCIES</b>	<b>7</b>			

### JUDICIAL VACANCIES: SUPERIOR COURTS

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	2	Retirement	Hon. Reginald P. Saunders	10/15/15
Alameda		Retirement	Hon. Steven A. Brick	09/02/15
Contra Costa	1	Retirement	Hon. Trevor S. White	02/28/17
Fresno	2	Retirement	Hon. Dale Ikeda	02/20/17
Fresno		Elevated	Hon. Kathleen A. Meehan	02/08/17
Humboldt	1	Retirement	Hon. W. Bruce Watson	01/04/16
Kern	3	Retirement	Hon. Gary R. Witt	01/01/17
Kern		Retirement	Hon. Michael B. Lewis	12/31/16
Kern		Retirement	Hon. Larry Errea	08/19/15
Los Angeles	26	Retirement	Hon. Lloyd M. Nash	03/03/17
Los Angeles		Retirement	Hon. Soussan G. Bruguera	12/15/16
Los Angeles		Dis Retirement	Hon. Sally L. Meloch	12/10/16
Los Angeles		Newly created position*	Vacancy	11/17/16
Los Angeles		Newly created position*	Vacancy	11/17/16
Los Angeles		Newly created position*	Vacancy	11/17/16
Los Angeles		Retirement	Hon. Steven R. Van Sicklen	10/31/16
Los Angeles		Retirement	Hon. John L. Henning	10/04/16
Los Angeles		Retirement	Hon. John T. Doyle	08/09/16
Los Angeles		Deceased	Hon. Ralph W. Dau	07/14/16
Los Angeles		Newly created position*	Vacancy	06/09/16
Los Angeles		Newly created position*	Vacancy	06/09/16
Los Angeles		Newly created position*	Vacancy	06/09/16

Los Angeles		Newly created position*	Vacancy	06/09/16
Los Angeles		Newly created position*	Vacancy	06/09/16
Los Angeles		Newly created position*	Vacancy	06/09/16
Los Angeles		Newly created position*	Vacancy	06/09/16
Los Angeles		Retirement	Hon. Peter Paul Espinoza	05/31/16
Los Angeles		Retirement	Hon. Jane L. Johnson	05/23/16
Los Angeles		Retirement	Hon. Emilie H. Elias	05/09/16
Los Angeles		Retirement	Hon. Joanne B. O'Donnell	04/30/16
Los Angeles		Retirement	Hon. Robert E. Willett	03/08/16
Los Angeles		Retirement	Hon. Russell S. Kussman	02/18/16
Los Angeles		Deceased	Hon. Daniel L. Brenner	02/15/16
Los Angeles		Resigned	Hon. Jeffrey K. Winikow	12/03/15
Los Angeles		Retirement	Hon. Tia G. Fisher	07/31/15
Marin	1	Retirement	Hon. Terrence R. Boren	10/18/16
Mendocino	1	Retirement	Hon. Richard James Henderson	12/31/16
Merced	1	Retirement	Hon. Marc A. Garcia	05/15/15
Orange	5	Retirement	Hon. Frederick P. Aguirre	02/28/17
Orange		Retirement	Hon. Gail A. Andler	01/01/17
Orange		Retirement	Hon. Steven L. Perk	01/01/17
Orange		Retirement	Hon. Elaine Streger	01/01/17
Orange		Dis Retirement	Hon. Daniel Barrett McNerney	11/16/16
Riverside	2	Elevated	Hon. Richard T. Fields	02/08/17
Riverside		Retirement	Hon. Michele D. Levine	10/13/16
Sacramento	3	Converted	New Position	10/13/16
Sacramento		Retirement	Hon. Robert C. Hight	04/08/16
Sacramento		Retirement	Hon. Michael G. Virga	03/26/16
San Bernardino	4	Deceased	Hon. Brian D. Saunders	12/27/16
San Bernardino		Retirement	Hon. Barbara A. Buchholz	10/14/16

San Bernardino		Elevated	Hon. Marsha G. Slough	02/22/16
San Bernardino		Retirement	Hon. Joseph R. Brisco	06/07/15
San Diego	4	Elevated	Hon. William S. Dato	02/08/17
San Diego		Retirement	Hon. Ronald S. Prager	01/06/17
San Diego		Retirement	Hon. David M. Szumowski	07/31/16
San Diego		Retirement	Hon. Charles W. Ervin	02/22/16
San Francisco	3	Retirement	Hon. Donald J. Sullivan	02/28/17
San Francisco		Retirement	Hon. James P. Collins	09/23/16
San Francisco		Retirement	Hon. Ernest H. Goldsmith	04/13/16
San Luis Obispo	3	Retirement	Hon. Michael L. Duffy	09/09/16
San Luis Obispo		Retirement	Hon. Jac A. Crawford	03/24/16
San Luis Obispo		Elevated	Hon. Martin J. Tangeman	02/22/16
San Mateo	1	Retirement	Hon. Richard Clifton Livermore	01/01/17
Santa Clara	4	Dis Retirement	Hon. Teresa Guerrero-Daley	02/03/17
Santa Clara		Retirement	Hon. Richard J. Loftus, Jr.	09/20/16
Santa Clara		Dis Retirement	Hon. Ron M. Del Pozzo	05/12/16
Santa Clara		Retirement	Hon. Susan Bernardini	07/31/15
Santa Cruz	1	Newly created position*	Vacancy	11/25/15
Shasta	1	Retirement	Hon. William D. Gallagher	10/29/15
Sonoma	1	Retirement	Hon. Gary A. Medvigy	10/21/16
Stanislaus	1	Retirement	Hon. Nan Cohan Jacobs	12/23/15
Tehama	1	Dis Retirement	Hon. John J. Garaventa	11/16/16
Tulare	1	Separated	Hon. Valeriano Saucedo	05/25/16
<b>TOTAL VACANCIES</b>	73			

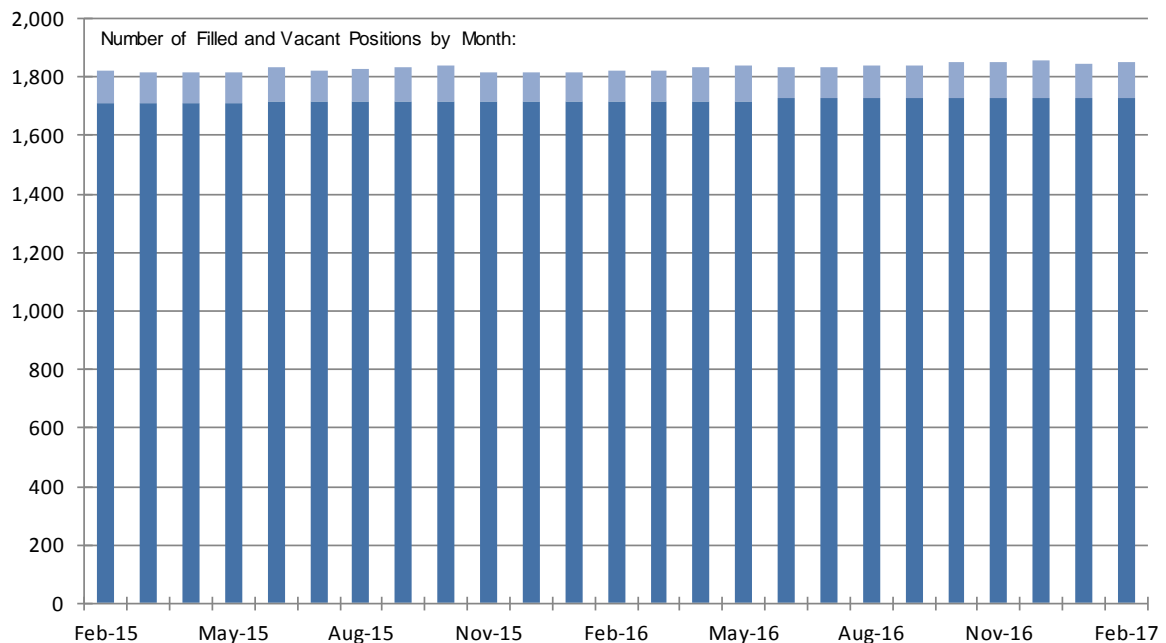
\*Subordinate judicial officer conversions authorized under Government Code Section 69615(c)(1)(A).

**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month:  
From February 2015 through February 2017 (two years)\***

Month	Superior Courts				Courts of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Feb-15	1,713	1,603	110	6.4%	105	100	5	4.8%
Mar-15	1,713	1,612	101	5.9%	105	98	7	6.7%
Apr-15	1,713	1,610	103	6.0%	105	98	7	6.7%
May-15	1,713	1,612	101	5.9%	105	98	7	6.7%
Jun-15	1,714	1,597	117	6.8%	105	101	4	3.8%
Jul-15	1,715	1,609	106	6.2%	105	101	4	3.8%
Aug-15	1,715	1,603	112	6.5%	105	101	4	3.8%
Sep-15	1,715	1,596	119	6.9%	105	101	4	3.8%
Oct-15	1,715	1,592	123	7.2%	105	100	5	4.8%
Nov-15	1,717	1,615	102	5.9%	105	100	5	4.8%
Dec-15	1,718	1,622	96	5.6%	105	102	3	2.9%
Jan-16	1,719	1,623	96	5.6%	105	102	3	2.9%
Feb-16	1,719	1,618	101	5.9%	105	102	3	2.9%
Mar-16	1,719	1,613	106	6.2%	105	100	5	4.8%
Apr-16	1,719	1,606	113	6.6%	105	100	5	4.8%
May-16	1,719	1,601	118	6.9%	105	100	5	4.8%
Jun-16	1,726	1,618	108	6.3%	105	98	7	6.7%
Jul-16	1,726	1,616	110	6.4%	105	97	8	7.6%
Aug-16	1,726	1,614	112	6.5%	105	97	8	7.6%
Sep-16	1,726	1,610	116	6.7%	105	96	9	8.6%
Oct-16	1,727	1,604	123	7.1%	105	96	9	8.6%
Nov-16	1,727	1,601	126	7.3%	105	96	9	8.6%
Dec-16	1,730	1,601	129	7.5%	105	96	9	8.6%
Jan-17	1,730	1,614	116	6.7%	105	99	6	5.7%
Feb-17	1,730	1,611	119	6.9%	105	98	7	6.7%

\* As of February 28, 2017

**Authorized Judgeships and Vacancies in the Superior Courts**



Note: Growth in number of Authorized Judgeships reflects SJO conversions.  
Since 2007, 132 SJO positions have been converted to judgeships.  
Source: CAPS data compiled by the Office of Court Research.

■ Filled Positions ■ Vacant Positions