



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 15, 2022

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**Title**

Administrative Director's Report

**Agenda Item Type**

Information Only

**Submitted by**

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**Executive Summary**

The following information outlines some of the many activities staff are engaged in to further the Judicial Council's strategic goals and priorities for the judicial branch. The report focuses on action since the council's March 11, 2022, meeting, and is exclusive of items on the July business meeting agenda.

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### **Fiscal Year 2022–23 Judicial Branch Budget**

Based on the new state budget, for the first time, trial court statewide average funding will exceed 92 percent of estimated workload need, as a result of a series of incremental increases since 2012–13, when trial courts were funded at 55 percent of workload need. Advocacy efforts were instrumental in securing funds to address core structural funding issues for the branch, including workload, equity, operational cost increases, and civil assessments. Other key budget appropriations included additional funding for branchwide technology modernization, data governance, 23 new judgeships, dependency counsel, legal aid programs, additional facilities maintenance/modifications, and new courthouse construction. The budget provides a total of \$1.2 billion in new operational and facility funding for the judicial branch.

### **Justice Partner Liaison Meetings**

The Chief Justice Liaison and Administrative Director held a series of annual liaison meetings with justice partners to discuss collaboration on issues of common interest and concern. These included the California Defense Counsel; California Public Defenders Association; California District Attorneys Association; California Attorneys for Criminal Justice; California Lawyers Association; Chief Probation Officers of California; California State Sheriffs Association; Consumer Attorneys of California; and the California Judges Association.

### **Collaboration with Justice Stakeholders**

Examples of other recent stakeholder collaborations with the Judicial Council included meetings with:

- The Attorney General’s Advisory Committee on Criminal History Record Improvement.
- The Substance Abuse and Mental Health Services Administration: on priorities for treatment courts, funding and solicitations, and emerging issues.
- California Health and Human Services: on the creation of a program to provide court-monitored treatment and services for unhoused individuals with serious mental illness.
- California Department of Health Care Services Justice-Involved Advisory Workgroup: on [advancing and innovating Medi-Cal program initiatives](#).
- Stepping Up California Partners and the Council of State Governments Justice Center: on an initiative to reduce the number of people in jail who have mental illnesses and connect people who have mental illness to housing following release from jail.
- County child welfare and probation placing agencies: to provide support and technical assistance for implementation of the Family First Prevention and Services Act.
- State Department of Finance re: State Fiscal Recovery Fund: biweekly meetings to review reporting requirements and updates regarding American Rescue Plan Act funds.

### **COVID-19 Emergency Order Requests**

The Judicial Council continues to assist courts on numerous matters related to the COVID-19 pandemic, including processing emergency order requests submitted by courts to the Chief Justice. Since the pandemic began, 752 emergency order requests were processed. Currently, four courts are operating with emergency orders.

## Data Analytics Summit

The Judicial Council's Office of Court Research convened an inaugural data summit of almost 200 court leaders and court research professionals to focus on judicial branch initiatives to build a statewide court community around data management and analytics; strategies for data analytics programs, and leveraging data for decision-making.

## MyCitations: Online Tool for Adjudicating Infraction Violations

- Statewide expansion of the MyCitations application for online Ability-to-Pay determinations, as required by Assembly Bill 143, continued with seven additional superior courts launching the application (Humboldt, Imperial, Modoc, Mono, Placer and San Benito Counties).
- A redesigned court order with enhanced readability to improve litigant response rates was also released. Pilot courts and behavioral science researchers assisted in the revision, which includes an electronic summary of the defendant submission for the court case management system, similar to the current "Can't Afford to Pay Fine" paper form.

## Pretrial Pilot Projects and Pretrial Release Program

Judicial Council Criminal Justice Services presented a webinar for trial court staff to provide guidance on the fiscal year 2022–23 cycle of the pretrial release program and its requirements under Senate Bill 129, and a webinar regarding *In re Brown*, which impacts analysis and findings that must be made on the record.

## Judicial Resources and Technical Assistance Program in Juvenile Cases

Courtesy file reviews were conducted on juvenile cases for courts in Los Angeles, Mono, Riverside, Sacramento, Solano, Tuolumne, Yolo, and Yuba Counties to identify any legal issues and training needs.

## Court Facilities

- Forty-five real estate transactions were completed involving new or renewed leases and licenses, event licenses, terminations, dispositions, and permits for 17 courts: Alameda, Butte, Contra Costa, Inyo, Kern, Lake, Los Angeles, Monterey, Placer, Riverside, Sacramento, Salinas, San Diego, San Joaquin, San Mateo, Solano, and Tehama.
- Facility modifications status as of July 1, 2022:

| <i>Status</i>        | <i>Number of Modifications</i> | <i>Estimated Cost</i> |
|----------------------|--------------------------------|-----------------------|
| Awaiting Shared Cost | 11                             | \$20,604,709          |
| In Progress          | 1017                           | \$441,483,629         |
| <i>Total</i>         | <i>1028</i>                    | <i>\$462,088,338</i>  |

## Labor and Employee Relations

Labor negotiations assistance was provided to 21 trial courts on 39 matters. Eight trainings were hosted on topics, including fundamentals of supervision and promoting workplace civility and respect. Additionally, support was provided on 29 different labor and employee-related matters, including assistance implementing a new case management system, establishing bilingual pay, and creating an anti-bias policy.

## Advisory Bodies

The following Judicial Council advisory bodies convened remotely since the council's March 2022 meeting.

1. Ad Hoc Workgroup on Post-Pandemic Initiatives
2. Administrative Presiding Justices Advisory Committee
3. Advisory Committee on Audits and Financial Accountability for the Judicial Branch
4. Advisory Committee on Providing Access and Fairness
5. Appellate Advisory Committee
6. Appellate Indigent Defense Oversight Advisory Committee
7. California Criminal Jury Instructions Advisory Committee
8. Civil and Small Claims Advisory Committee
9. Collaborative Justice Courts Advisory Committee
10. Court Executives Advisory Committee
11. Court Facilities Advisory Committee
12. Court Interpreters Advisory Committee
13. Court Security Advisory Committee
14. Criminal Law Advisory Committee
15. Family and Juvenile Law Advisory Committee
16. Information Technology Advisory Committee
17. Judicial Branch Workers' Compensation Program Advisory Committee
18. Jury Selection Workgroup
19. Probate and Mental Health Advisory Committee
20. Traffic Law Advisory Committee
21. Trial Court Facility Modification Advisory Committee
22. Trial Court Budget Advisory Committee
23. Trial Court Presiding Judges Advisory Committee
24. Tribal Court–State Court Forum
25. Working Group to Analyze Data Collected on Remote Proceedings

### **Meeting Details**

#### **Ad Hoc Workgroup on Post-Pandemic Initiatives**

- Update provided to the Trial Court Presiding Judges Advisory Committee, Executive Committee on workgroup activities and data and legislative reports required under Assembly Bill 177 (Public Safety–Fines and Fees).
- Discussed the Cal. Code Civ. Proc. § 367.9 Workgroup to recommend a statewide framework for remote civil court proceedings.

#### **Administrative Presiding Justices Advisory Committee**

- Received presentations regarding current and upcoming fiscal year budgets, approved a budget change proposal for appellate court technology modernization, and discussed education opportunities in fiscal year 2022–23.

### **Advisory Committee on Audits and Financial Accountability for the Judicial Branch**

- Approved the fiscal year 2022–23 audit plan, and reviewed seven trial court audits on financial reporting and compliance with Judicial Council policies. Audit reports prepared by the State Controller’s Office and Judicial Council staff continue to demonstrate well-managed court operations with few reportable issues.

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

- Approved the annual agenda.
- *Racial Justice Working Group*: Evaluated sources for an online Racial Justice Toolkit to assist trial courts with racial justice programming.
- *Legislative Working Group*: Reviewed legislative proposals including regulation of legal document assistants and unlawful detainer assistants.
- *Judicial Diversity Summit Committee*: Advisory committee staff and California Judges Association and California Lawyers Association representatives reviewed feedback from the summit to formulate draft recommendations.

### **Appellate Advisory Committee**

- Considered comments on spring rules and forms proposals, including records retention, expedited actions related to the California Environmental Quality Act, disability language, and orders transferring juveniles to criminal court.

### **Appellate Indigent Defense Oversight Advisory Committee**

- Discuss quarterly audit of selected court-appointed counsel claims, training initiatives, and selected case oversight in support of audit efforts.

### **California Criminal Jury Instructions Committee**

- Considered 24 proposed changes for criminal jury instructions, including requests to draft two new instructions (based on Penal Code sections 149 (Assault Under Color of Authority) and 466 (Possession of Burglary Tools), and a request to augment the template for aggravating factors (No. 3250).

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

- Considered proposals to revise unlawful detainer council forms, in light of certain tenant protections in Code of Civil Procedure set to expire on June 30, 2022, as well as to implement provisions of Assembly Bill 2179 (COVID-19 Relief: Tenancy), which extended certain tenant protections set to expire on March 31, 2022.
- Considered spring cycle proposals circulated for public comment in April and May. Proposals included revisions to elder abuse forms to implement Assembly Bill 1243 (Protective orders: elder and dependent adults), and revisions to request for default entry forms to comply with provisions of the Servicemembers Civil Relief Act.

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

- Discussed pending legislation, projects related to expansion of homeless courts, and ways to support diversity, equity, and inclusion in collaborative courts.
- *Driving Under the Influence Subcommittee*: Discussed the Impaired Driving Workshop held at the California Judges Association/Retired Judges Conference, and reviewed legislative updates impacting bills of interest.
- *Mental Health Subcommittee*: Discussed relevant legislation, including Assembly Bill 2275 (Mental Health: involuntary commitment), and Senate Bill 1154 (Facilities for mental health or substance use disorder crisis: database).
- *Juvenile Subcommittee*: Received a briefing on the new Office of Youth and Community Restoration.
- *Racial Justice Equity and Inclusion Workgroup*: Held initial meeting to establish workgroup goals, collaborate on relevant topics, and discuss findings on race described in the Judicial Council Recidivism Reduction Fund Grant Program: Final Report (2019).

### **Court Executives Advisory Committee**

- Received updates regarding final recommendations for the Judicial Branch Statistical Information System update, information on fiscal year 2022–23 workers’ compensation premiums and confidence levels, and work to develop a set of high-level trial court operational metrics.

### **Court Facilities Advisory Committee**

- Received updates on capital projects under construction and included in the fiscal year 2022–23 budget, and supply chain issues.
- Approved site selection for the new Fort Ord courthouse in Monterey; approved the schematic design for the San Bernardino juvenile dependency courthouse addition and renovation; reviewed study findings on the new Nevada City courthouse project and new courthouse for the Court of Appeal, Sixth Appellate District; and approved performance criteria for the new Ukiah courthouse in Mendocino County.
- Approved the Judicial Branch Five-Year Infrastructure Plan for fiscal year 2023–24 and the updated Capital Program Management Policy for submission to the council.

### **Court Interpreters Advisory Panel**

- Received a presentation from the National Center for State Courts (NCSC) regarding research on credentialing options for the Bilingual Interpreting Examination.
- *Interpreter Language Access Subcommittee*: Received a presentation from the NCSC on American Sign Language interpreter certifications.

### **Court Security Advisory Committee**

- Approved out-of-cycle, time-sensitive projects for the Security Systems Program installation, maintenance, and replacement program for courts.
- Approved 13 new projects for video and duress systems, a project to add cameras to an existing video surveillance system, and seven new projects for video and access systems.

### **Criminal Law Advisory Committee**

- Discussed pending legislation; proposals to amend rule 2.507 (electronic access to court calendars, indexes, and registers of actions) and rule 4.130 (mental competency proceedings), and revise forms on motion and order to vacate conviction or sentence.

### **Family and Juvenile Law Advisory Committee**

- Discussed new educational requirements for judicial officers and court staff involved in child custody matters, legislation to promote the use of voluntary guardianships in child welfare cases, and rules and forms proposals to implement firearms relinquishment provisions in protective order proceedings.
- *Secure Youth Treatment Facility Offense-Based Classification Matrix Working Group*: Gathered information from experts and other states and began drafting the statutorily required offense-based classification matrix for youth committed to a treatment facility.
- *Protective Order Working Group*: Reviewed rule and forms proposals for domestic violence restraining orders.

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

- Voted to recommend to the council an increase in the program's funding confidence level from 60 to 70 percent to help fund stability.

### **Probate and Mental Health Advisory Committee**

- Discussed revisions to conservatorship forms and legislation related to probate and mental health issues.
- *Legislation Subcommittee*: Discussed pending legislation regarding guardians ad litem, conservatorship care plans, and the Lanterman-Petris-Short Act.

### **Traffic Law Advisory Committee**

- Discussed repealing on an expedited basis California Rule of Court, rule 4.220 (remote video proceedings in traffic infraction cases) and related forms; Assembly Bill 2496 (Vehicles: exhaust system); and potential revisions to the form citing infractions and misdemeanors.

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

- Approved recommendations for fiscal year 2022–23 allocation methodologies for Court-Appointed Dependency Counsel, pretrial, the State Trial Court Improvement and Modernization Fund, the Trial Court Trust Fund and trial court allocations, civil assessments, and the workload formula impact from remote appearance fee revenue.

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

- Authorized expenditures for facility modifications and security-related projects.
- Approved the draft Trial Court Facility Modifications Report for quarter 3 of fiscal year 2021–22.
- Received an overview of facilities' operations and maintenance service delivery models for Judicial Council service providers and the delegated courts.
- Received updates on court-funded requests, projects on hold, sustainability initiatives, deferred maintenance projects, and projects in the Architectural Revolving Fund.

- Provided updates on the fiscal year 2023–24 budget, Los Angeles County Shared-Cost Letters, Orange Central Justice Center and San Diego East County Regional Center projects, air scrubber draft policy, sustainability initiatives, supply chain issues, delegated court contract renewals, service provider and delegated court reporting and analytics, and three additional projects in the Governor’s Budget.

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

- Received an update on the Ad Hoc Workgroup on Post Pandemic Initiatives.
- *Joint Business Meeting with Court Executives Advisory Committee*: Received presentations on the new design of the California Courts Self-Help website, and progress of the Strategic Plan for Technology 2023–2026.
- Reviewed state revenue forecasts for the upcoming fiscal year and initiatives supported by the council; upcoming legislation impacting the courts; case clearance rate trends; and development of the Community Assistance, Recovery, and Empowerment (Care Court) program.
- Requested volunteers for a court and county representative to assist in addressing conservation issues.

### **Tribal Court–State Court Forum**

- Discussed the annual agenda for the forum, and considered revisions to the form proposal for recognition of tribal court orders relating to division of marital assets.

### **Working Group to Analyze Data Collected on Remote Proceedings**

- Held the first meeting of the new workgroup appointed by the Chief Justice to recommend a statewide framework for remote civil court proceedings. The 25-members comprise judges, court executive officers, attorneys, court reporters, and interpreters.

## **Judicial Branch Education**

### **Summary**

#### **Judicial Education**

##### **Programs/Courses**

1. Cow County Judges Institute
2. Domestic Violence Institute
3. Jury Instruction Pitfalls
4. New Judge Orientation
5. Primary Assignment Orientations: Civil, Criminal, Juvenile Dependency, and Traffic Law
6. Qualifying Judicial Ethics Core Course

##### **Podcasts**

7. Defining Hearsay and Ruling on Evidentiary Objections Before Trial
8. Legal Updates: Juvenile Dependency 2022
9. Penal Code § 1170.03 Petitions for Resentencing
10. *Serna* Speedy Trial Motions

### Videos

11. Alternatives to Conservatorships
12. Fee Waivers
13. Legal Updates: Criminal Law, Juvenile Justice, Juvenile Dependency
14. Mexican and Latinx Americans and the Courts
15. Visuals Tell a Story: Using Data to Inform Court Leadership Decision-Making

### Webinars

16. Sexual Harassment Prevention for Judicial Officers, Managers, and Supervisors
17. Senate Bill 354 and Short-Term Residential Therapy Program Implementation: Expanding Relative Options and Reducing Bias in Placement Decisions
18. Poverty's Window on Dependency Proceedings
19. Trauma-Informed Decision-Making for Judicial Officers

## **Judicial Officer, Court Employee, and Justice Partner Education and Training Programs**

### Programs/Courses

20. Court Clerk Training Institute (Civil, Juvenile, Probate, Traffic)
21. Core 40: Basic Training for Supervisors and Managers
22. Core Leadership and Training Skills
23. Faculty Development Fundamentals
24. Inclusive Leadership
25. Institute for Court Management (Accountability and Court Performance, Caseflow and Workflow Management)

### Webinars

26. Cyber Security
27. Leadership Practices for Addressing Employee Burnout

### Videos

28. Mexican and Latinx Americans and the Courts
29. Self-Represented Litigants Appealing Their Cases: What Would You Do?

### Publication Update

Handbook: Felony Sentencing

## **Detail**

### **Alternatives to Conservatorships**

Scenarios in which alternatives to probate conservatorships may be considered by the court.

### **Core Leadership and Training Skills**

For lead and senior clerks to build and improve their leadership and training skills, while interacting with peers from other counties.

**Court Clerk Training Institute (Civil, Juvenile, Probate, and Traffic)**

Overview of processes and procedures for civil, juvenile, probate, and traffic case types.

**Cow County Judge Institute**

Systematic approach to assessing the nature, context, and effects of abuse, and how to tailor a response that addresses the specific circumstances of the case.

**Cyber Security**

Three branchwide cybersecurity webinars on data protection included why hackers hack and how to defend yourself; protecting information when traveling, and phishing scams.

**Defining Hearsay and Ruling on Evidentiary Objections Before Trial**

Exploration of the definition of hearsay and, in light of recent California Supreme Court decisions, how to handle evidentiary objections in certain pretrial contexts.

**Domestic Violence Institute**

Tools and skills to handle domestic violence issues, ensure perpetrator accountability, and enhance safety for families and communities.

**Faculty Development Fundamentals**

Principles of adult education and learner-centered instructional design.

**Fee Waivers**

Fundamentals of fee waivers, including an examination of the mandatory forms.

**Inclusive Leadership**

Methods to incorporate diversity, equity, and inclusion.

**Indian Child Welfare Act (ICWA)**

Three statewide roundtables with ICWA-qualified expert witnesses.

**Institute for Court Management**

- *Accountability and Court Performance*: Overview of CourTools and Court Performance Standards as a framework for court performance.
- *Caseflow and Workflow Management*: Best practices.

**Jury Instruction Pitfalls**

Common instructional pitfalls and how to avoid them.

**Labor and Employee Relations**

Eight trainings, including fundamentals of supervision, and promoting workplace civility and respect.

**Laura's Law/Assisted Outpatient Treatment**

Trainings in partnership with the Treatment Advocacy Center. Laura's Law allows for court-ordered assisted outpatient treatment for defendants with serious mental illnesses who are unable to survive in the community safely without supervision and who meet certain criteria, which includes recent criminal justice involvement.

**Legal Update Courses**

New laws and cases affecting dependency court proceedings, criminal law and procedure, Indian Child Welfare Act, parentage, jurisdiction and disposition, review hearings, restraining orders, and juvenile justice court proceedings.

**Mexican and Latinx Americans and the Courts**

Explores the background of benchmark discrimination cases and the importance of a diverse bench.

**New Judge Orientation**

Introduces new judges, commissioners, and referees to their judicial duties and ethical responsibilities in ensuring fairness in all proceedings, promoting uniform court practices, and improving the administration of justice.

**Penal Code § 1170.03 Petitions for Resentencing**

What judges must do when considering motions for resentencing under Penal Code § 1170.03.

**Poverty's Window on Dependency Proceedings**

Explores the relationship between poverty and homelessness and juvenile dependency proceedings.

**Senate Bill 354 and Short-Term Residential Therapeutic Program Implementation**

Expanding relative options and reducing bias in placement decisions.

**Self-Represented Litigants Appealing Their Cases: What Would You Do?**

Practice in responding to common scenarios that arise at the trial court when self-represented litigants want to appeal the outcome of their case.

**Statewide Trial Court Revenue Distribution**

Training in collaboration with other state entities, for approximately 330 attendees from courts and counties that perform collection and distribution of court-ordered debt.

**Trauma-Informed Decision-Making for Judicial Officers**

The importance of trauma-informed decision-making, the effects of trauma on those involved in the criminal justice system, and how judicial officers can positively influence the court process for these individuals.

**Visuals Tell a Story: Using Data to Inform Court Leadership Decision-Making**

New methods of collecting, understanding, presenting, and using data to inform decision-makers as they tackle court challenges.

## Staffing Metrics

As of June 30, 2022

|                                                                         | Executive Division |                  |                      |                | Leadership Services Division |                | Operations & Programs Division |                                              |                                          |                           |                        | Administrative Division         |                 |                     |                 |                  |
|-------------------------------------------------------------------------|--------------------|------------------|----------------------|----------------|------------------------------|----------------|--------------------------------|----------------------------------------------|------------------------------------------|---------------------------|------------------------|---------------------------------|-----------------|---------------------|-----------------|------------------|
| STAFFING                                                                | Audit Services     | Executive Office | Governmental Affairs | Public Affairs | Leadership Support Services  | Legal Services | Business Mgmt Services         | Center for Families, Children and the Courts | Center for Judicial Education & Research | Criminal Justice Services | Information Technology | Branch Accounting & Procurement | Budget Services | Facilities Services | Human Resources | Judicial Council |
| Authorized Position (FTE)                                               | 14.00              | 13.00            | 10.00                | 9.00           | 66.00                        | 55.00          | 18.00                          | 89.30                                        | 48.50                                    | 31.00                     | 162.00                 | 150.00                          | 38.00           | 147.00              | 56.00           | 906.80           |
| Filled Authorized Position (FTE)                                        | 11.00              | 10.80            | 7.00                 | 6.00           | 57.50                        | 41.60          | 16.00                          | 71.55                                        | 45.00                                    | 23.00                     | 103.00                 | 138.00                          | 29.00           | 122.00              | 48.00           | 729.45           |
| Headcount - Employees                                                   | 11                 | 11               | 7                    | 6              | 58                           | 42             | 16                             | 72                                           | 45                                       | 23                        | 103                    | 138                             | 29              | 122                 | 48              | 731.00           |
| Vacancy (FTE)                                                           | 3.00               | 2.20             | 3.00                 | 3.00           | 8.50                         | 13.40          | 2.00                           | 17.75                                        | 3.50                                     | 8.00                      | 59.00                  | 12.00                           | 9.00            | 25.00               | 8.00            | 177.35           |
| Vacancy Rate (FTE)                                                      | 21.4%              | 16.9%            | 30.0%                | 33.3%          | 12.9%                        | 24.4%          | 11.1%                          | 19.9%                                        | 7.2%                                     | 25.8%                     | 36.4%                  | 8.0%                            | 23.7%           | 17.0%               | 14.3%           | 19.56%           |
| Judicial Council Temp Employee (909)                                    | 0                  | 4                | 0                    | 0              | 0                            | 1              | 0                              | 1                                            | 0                                        | 1                         | 0                      | 1                               | 0               | 1                   | 0               | 9.00             |
| *Employment Agency Temporary Worker (FTE)                               | 0                  | 0                | 0                    | 0              | 0                            | 0              | 1                              | 4                                            | 0                                        | 0                         | 1                      | 0                               | 0               | 0                   | 1               | 7.00             |
| Contractors (FTE)                                                       | 0.0                | 0.0              | 0.0                  | 0.0            | 0.0                          | 1.0            | 2.0                            | 1.0                                          | 0.0                                      | 0.0                       | 57.80                  | 0.0                             | 0.0             | 0.0                 | 1.0             | 62.80            |
| <b>TOTAL WORKFORCE</b> (based on FTE, 909s, Agency Temps & Contractors) | 11.00              | 14.80            | 7.00                 | 6.00           | 57.50                        | 43.60          | 19.00                          | 77.55                                        | 45.00                                    | 24.00                     | 161.80                 | 139.00                          | 29.00           | 123.00              | 50.00           | 808.25           |

See following page for definition of terms.

**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:** The Governor has made 53 new judicial appointments since the March Judicial Council meeting.

- Courts of Appeal: First Appellate District (1), Second Appellate District (2), Third Appellate District (1), and Fourth Appellate District (2).
- Superior Courts: Contra Costa (1), Fresno (2), Los Angeles (13), Merced (1), Orange (5), Placer (1), Riverside (6), Sacramento (2), San Benito (1), San Bernadino (3), San Diego (9), San Francisco (1), Siskiyou (1), and Ventura (1).

Number of Judgeships Authorized, Filled and Vacant as of **July 1, 2022**

| TYPE OF COURT     | NUMBER OF COURTS | NUMBER OF JUDGESHIPS |              |            |                                    |                            |                            |
|-------------------|------------------|----------------------|--------------|------------|------------------------------------|----------------------------|----------------------------|
|                   |                  | Authorized           | Filled       | Vacant     | Vacant (Funded, Not Yet Allocated) | <i>Filled (Last Month)</i> | <i>Vacant (Last Month)</i> |
| Supreme Court     | 1                | 7                    | 7            | 0          | 0                                  | 7                          | 0                          |
| Courts of Appeal  | 6                | 106                  | 90           | 16         | 0                                  | 92                         | 14                         |
| Superior Courts   | 58               | 1,755                | 1,637        | 95         | 23                                 | 1,637                      | 95                         |
| <b>All Courts</b> | <b>65</b>        | <b>1,868</b>         | <b>1,734</b> | <b>134</b> |                                    | <b>1,737</b>               | <b>132</b>                 |

\*Fifty new judgeships were authorized in January 2008 with the enactment of Assembly Bill 159, however, funding for the positions was not provided at the time of authorization. In the 2018 Budget Act, two judgeships were funded and assigned to the Superior Court of Riverside County. An additional 25 judgeships were funded in the 2019 Budget Act. The remaining 23 judgeships were funded in the 2022 Budget Act and have not yet been allocated.

**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 |
|--------------------------------------|-----------|--------------------|--------------------------------|--------------------|
| First District, Division One         | 1         | Resigned           | Hon. Gabriel P. Sanchez        | 1/22/2022          |
| First District, Division Two         | 1         | Retirement         | Hon. J. Anthony Kline          | 12/15/2021         |
| First District, Division Four        | 1         | Elevated           | Hon. Alison M. Tucher          | 8/30/2021          |
| First District, Division Five        | 1         | Retirement         | Hon. Henry E. Needham, Jr.     | 5/31/2022          |
| Second District, Division Three      | 1         | Retirement         | Hon. Halim Dhanidina           | 3/31/2021          |
| Second District, Division One        | 1         | Removed            | Hon. Jeffrey W. Johnson        | 1/27/2021          |
| <b>Second District, Division Six</b> | <b>1</b>  | <b>Retirement</b>  | <b>Hon. Martin J. Tangeman</b> | <b>6/30/2022</b>   |
| Second District, Division Seven      | 1         | Retirement         | Hon. Laurie D. Zelon           | 8/31/2020          |
| Second District, Division Eight      | 1         | Elevated           | Hon. Maria E. Stratton         | 5/17/2022          |
| Third District                       | 3         | Retirement         | Hon. Coleman A. Blease         | 6/7/2022           |

|                                 |           |            |                             |            |
|---------------------------------|-----------|------------|-----------------------------|------------|
| Third District                  |           | Retirement | Hon. William J. Murray, Jr. | 1/27/2022  |
| Third District                  |           | Retirement | Hon. Vance W. Raye          | 5/31/2022  |
| Fourth District, Division One   | 1         | Elevated   | Hon. Patricia Guerrero      | 3/22/2022  |
| Fourth District, Division Three | 2         | Retirement | Hon. Richard D. Fybel       | 3/31/2022  |
| Fourth District, Division Three |           | Retirement | Hon. David A. Thompson      | 10/15/2021 |
| Sixth District                  | 1         | Retirement | Hon. Franklin D. Elia       | 6/30/2022  |
| <b>TOTAL VACANCIES</b>          | <b>16</b> |            |                             |            |

#### JUDICIAL VACANCIES: SUPERIOR COURTS

| County       | Vacancies | Reason for Vacancy | Judge to be Replaced             | Last Day In Office |
|--------------|-----------|--------------------|----------------------------------|--------------------|
| Alameda      | 4         | Retirement         | Hon. Leopoldo E. Dorado          | 5/25/2022          |
| Alameda      |           | Retirement         | Hon. Winifred Younge Smith       | 12/2/2021          |
| Alameda      |           | Retirement         | Hon. Allan D. Hymer              | 10/29/2021         |
| Alameda      |           | Elevated           | Hon. Victor A. Rodriguez         | 10/13/2021         |
| Contra Costa | 4         | Retirement         | Hon. Theresa J. Caepa            | 6/28/2022          |
| Contra Costa |           | Retirement         | Hon. Steven K. Austin            | 4/7/2022           |
| Contra Costa |           | Retirement         | Hon. Lewis A. Davis              | 4/15/2021          |
| Contra Costa |           | Retirement         | Hon. Judy Johnson                | 4/2/2021           |
| El Dorado    | 1         | Retirement         | Hon. Suzanne N. Kingsbury        | 12/31/2021         |
| Fresno       | 1         | Retirement         | Hon. Denise Lee Whitehead        | 11/30/2021         |
| Imperial     | 1         | Retirement         | Hon. Juan Ulloa                  | 3/1/2022           |
| Kern         | 4         | Retirement         | Hon. Michael E. Dellostritto     | 4/4/2022           |
| Kern         |           | Retirement         | Hon. David R. Lampe              | 3/14/2022          |
| Kern         |           | Retirement         | Hon. Robert S. Tafoya            | 4/30/2021          |
| Kern         |           | Retirement         | Hon. Craig Philips               | 2/26/2021          |
| Kings        | 1         | Retirement         | Hon. Donna L. Tarter             | 10/29/2021         |
| Los Angeles  | 15        | Retirement         | Hon. Fred J. Fujioka             | 6/29/2022          |
| Los Angeles  |           | Retirement         | Hon. Amy D. Hogue                | 6/29/2022          |
| Los Angeles  |           | To Fed Court       | Hon. Sherilyn P. Garnett         | 6/24/2022          |
| Los Angeles  |           | Retirement         | Hon. Daniel J. Buckley           | 5/2/2022           |
| Los Angeles  |           | Retirement         | Hon. William D. Stewart          | 3/31/2022          |
| Los Angeles  |           | Retirement         | Hon. Randall F. Pacheco          | 3/18/2022          |
| Los Angeles  |           | Retirement         | Hon. John P. Doyle               | 3/10/2022          |
| Los Angeles  |           | Retirement         | Hon. Susan Lopez-Giss            | 3/4/2022           |
| Los Angeles  |           | Retirement         | Hon. Paul T. Suzuki              | 3/2/2022           |
| Los Angeles  |           | Retirement         | Hon. Cynthia L. Ulfing           | 2/28/2022          |
| Los Angeles  |           | Retirement         | Hon. Leslie E. Brown             | 2/21/2022          |
| Los Angeles  |           | To Fed Court       | Hon. Maame Ewusi-Mensah Frimpong | 2/6/2022           |
| Los Angeles  |           | To Fed Court       | Hon. Holly A. Thomas             | 1/23/2022          |
| Los Angeles  |           | Retirement         | Hon. Kathleen A. Kennedy         | 12/6/2021          |
| Los Angeles  |           | Retirement         | Hon. Ann I. Jones                | 11/1/2021          |
| Madera       | 1         | Retirement         | Hon. Mitchell C. Rigby           | 6/30/2022          |
| Mariposa     | 1         | Retirement         | Hon. F. Dana Walton              | 1/31/2021          |

|                |    |              |                              |            |
|----------------|----|--------------|------------------------------|------------|
| Merced         | 1  | Retirement   | Hon. John D. Kiriara         | 9/7/2021   |
| Monterey       | 2  | Retirement   | Hon. Larry E. Hayes          | 6/4/2022   |
| Monterey       |    | Retirement   | Hon. Lydia M. Villarreal     | 4/28/2021  |
| Orange         | 13 | Retirement   | Hon. Cheryl L. Leininger     | 6/29/2022  |
| Orange         |    | Retirement   | Hon. Robert James Moss       | 6/10/2022  |
| Orange         |    | Retirement   | Hon. James J. Di Cesare      | 5/6/2022   |
| Orange         |    | Retirement   | Hon. Nancy E. Zeltzer        | 5/4/2022   |
| Orange         |    | Retirement   | Hon. Fred W. Slaughter       | 4/19/2022  |
| Orange         |    | Retirement   | Hon. John L. Flynn III       | 3/9/2022   |
| Orange         |    | Retirement   | Hon. Frank Ospino            | 2/14/2022  |
| Orange         |    | Retirement   | Hon. Jacki C. Brown          | 2/2/2022   |
| Orange         |    | Elevated     | Hon. Maurice Sanchez         | 1/6/2022   |
| Orange         |    | Retirement   | Hon. Kirk H. Nakamura        | 11/12/2021 |
| Orange         |    | Retirement   | Hon. Charles Margines        | 10/1/2021  |
| Orange         |    | Retirement   | Hon. Joy Wiesenfeld Markman  | 9/30/2021  |
| Orange         |    | Retirement   | Hon. Debra D. Carrillo       | 9/9/2021   |
| Placer         | 1  | Retirement   | Hon. Charles D. Wachob       | 9/17/2021  |
| Riverside      | 6  | Retirement   | Hon. Sunshine S. Sykes       | 6/13/2022  |
| Riverside      |    | Retirement   | Hon. Thomas H. Cahraman      | 3/18/2022  |
| Riverside      |    | Retirement   | Hon. Roger A. Luebs          | 1/23/2022  |
| Riverside      |    | Retirement   | Hon. James T. Latting        | 12/2/2021  |
| Riverside      |    | Retirement   | Hon. David M. Chapman        | 9/1/2021   |
| Riverside      |    | Retirement   | Hon. Jackson Lucky           | 7/20/2021  |
| Sacramento     | 5  | Retirement   | Hon. Michael A. Savage       | 6/28/2022  |
| Sacramento     |    | Retirement   | Hon. Russell L. Hom          | 6/28/2022  |
| Sacramento     |    | Retirement   | Hon. Jerilyn L. Borack       | 6/28/2022  |
| Sacramento     |    | Retirement   | Hon. Kevin R. Culhane        | 3/15/2022  |
| Sacramento     |    | Elevated     | Hon. Laurie M. Earl          | 1/6/2022   |
| San Bernadino  | 10 | Retirement   | Hon. John M. Tomberlin       | 6/22/2022  |
| San Bernadino  |    | Retirement   | Hon. Stanford E. Reichert    | 6/3/2022   |
| San Bernardino |    | Retirement   | Hon. David A. Williams       | 4/30/2022  |
| San Bernardino |    | Retirement   | Hon. Christopher B. Marshall | 2/17/2022  |
| San Bernardino |    | Deceased     | Hon. Eric M. Nakata          | 1/12/2022  |
| San Bernardino |    | Retirement   | Hon. Ronald M. Christianson  | 4/30/2021  |
| San Bernardino |    | Retirement   | Hon. Elia V. Pirozzi         | 4/22/2021  |
| San Bernardino |    | Retirement   | Hon. Donna G. Garza          | 4/16/2021  |
| San Bernardino |    | Retirement   | Hon. Pamela P. King          | 3/12/2021  |
| San Bernardino |    | Retirement   | Hon. Dwight W. Moore         | 3/1/2021   |
| San Diego      | 5  | Retirement   | Hon. Tamila E. Ipema         | 6/30/2022  |
| San Diego      |    | Retirement   | Hon. Joseph P. Brannigan     | 6/28/2022  |
| San Diego      |    | Retirement   | Hon. Frederic L. Link        | 6/20/2022  |
| San Diego      |    | Retirement   | Hon. Lorna A. Alksne         | 4/14/2022  |
| San Diego      |    | To Fed Court | Hon. Jinsook Ohta            | 12/27/2021 |
| San Francisco  | 1  | Retirement   | Hon. Angela M. Bradstreet    | 2/18/2022  |
| San Joaquin    | 1  | Retirement   | Hon. Roger Ross              | 6/29/2021  |

|                            |            |                                    |                                |            |
|----------------------------|------------|------------------------------------|--------------------------------|------------|
| San Luis Obispo            | 2          | Retirement                         | Hon. Dodie A. Harman           | 6/30/2022  |
| San Luis Obispo            |            | Retirement                         | Hon. Ginger E. Garrett         | 10/13/2021 |
| San Mateo                  | 1          | Retirement                         | Hon. Gerald J. Buchwald        | 4/1/2022   |
| Santa Barbara              | 2          | Retirement                         | Hon. James K. Voysey           | 6/30/2022  |
| Santa Barbara              |            | Retirement                         | Hon. James E. Herman           | 12/31/2021 |
| Santa Clara                | 8          | Retirement                         | Hon. Paul O. Colin             | 3/4/2022   |
| Santa Clara                |            | Retirement                         | Hon. Katherine Lucero          | 1/14/2022  |
| Santa Clara                |            | Retirement                         | Hon. Joseph Huber              | 12/13/2021 |
| Santa Clara                |            | Elevated                           | Hon. Cynthia C. Lie            | 8/30/2021  |
| Santa Clara                |            | Elevated                           | Hon. Charles E. Wilson II      | 8/30/2021  |
| Santa Clara                |            | Retirement                         | Hon. Linda R. Clark            | 4/30/2021  |
| Santa Clara                |            | Retirement                         | Hon. James L. Stoelker         | 3/26/2021  |
| Santa Clara                |            | Retirement                         | Hon. Ronald I. Toff            | 2/16/2021  |
| Santa Cruz                 | 1          | Retirement                         | Hon. John Steven Salazar       | 4/25/2022  |
| Sierra                     | 1          | Other                              | Hon. Yvette Durant             | 1/3/2022   |
| Sonoma                     | 4          | Retirement                         | Hon. Virginia G. Marcoida      | 2/14/2022  |
| Sonoma                     |            | Retirement                         | Hon. Jamie E. Thistlethwaite   | 10/6/2021  |
| Sonoma                     |            | Retirement                         | Hon. Nancy Case Shaffer        | 7/5/2021   |
| Sonoma                     |            | Retirement                         | Hon. Barbara Phelan            | 1/31/2021  |
| Stanislaus                 | 1          | Retirement                         | Hon. Thomas D. Zeff            | 12/22/2021 |
| Tulare                     | 2          | Retirement                         | Hon. Michael B. Sheltzer       | 12/31/2021 |
| Tulare                     |            | Retirement                         | Hon. Gary L. Paden             | 9/8/2021   |
| Tuolumne                   | 2          | Retirement                         | Hon. Kate Powell Segerstrom    | 1/31/2022  |
| Tuolumne                   |            | Retirement                         | Hon. Donald I. Segerstrom, Jr. | 12/31/2021 |
| Ventura                    | 1          | Retirement                         | Hon. William Q. Liebmann       | 5/7/2021   |
| Not Yet Allocated          | 23         | <a href="#">Budget Act of 2022</a> |                                | 7/1/2022   |
| <b>TOTAL<br/>VACANCIES</b> | <b>134</b> |                                    |                                |            |

### Number of Judgeships Authorized, Filled, and Vacant, June 2020–June 2022 (two years)\*

| Month  | Superior Courts |        |         |              | Courts of Appeal |        |         |              |
|--------|-----------------|--------|---------|--------------|------------------|--------|---------|--------------|
|        | Authorized      | Filled | Vacancy | Vacancy Rate | Authorized       | Filled | Vacancy | Vacancy Rate |
| Jun-20 | 1,754           | 1,646  | 108     | 6.2%         | 106              | 104    | 2       | 1.9%         |
| Jul-20 | 1,754           | 1,639  | 115     | 6.6%         | 106              | 103    | 3       | 2.8%         |
| Aug-20 | 1,754           | 1,646  | 108     | 6.2%         | 106              | 102    | 4       | 3.8%         |
| Sep-20 | 1,754           | 1,635  | 119     | 6.8%         | 106              | 101    | 5       | 4.7%         |
| Oct-20 | 1,754           | 1,625  | 129     | 7.4%         | 106              | 101    | 5       | 4.7%         |
| Nov-20 | 1,754           | 1,642  | 112     | 6.4%         | 106              | 101    | 5       | 4.7%         |
| Dec-20 | 1,754           | 1,669  | 85      | 4.8%         | 106              | 101    | 5       | 4.7%         |
| Jan-21 | 1,755           | 1,662  | 93      | 5.3%         | 106              | 100    | 6       | 5.7%         |
| Feb-21 | 1,755           | 1,655  | 100     | 5.7%         | 106              | 99     | 7       | 6.6%         |
| Mar-21 | 1,755           | 1,659  | 96      | 5.5%         | 106              | 99     | 7       | 6.6%         |
| Apr-21 | 1,755           | 1,642  | 113     | 6.4%         | 106              | 98     | 8       | 7.5%         |
| May-21 | 1,755           | 1,639  | 116     | 6.6%         | 106              | 98     | 8       | 7.5%         |
| Jun-21 | 1,755           | 1,630  | 125     | 7.1%         | 106              | 95     | 11      | 10.4%        |
| Jul-21 | 1,755           | 1,641  | 114     | 6.5%         | 106              | 98     | 8       | 7.5%         |
| Aug-21 | 1,755           | 1,633  | 122     | 7.0%         | 106              | 96     | 10      | 9.4%         |
| Sep-21 | 1,755           | 1,647  | 108     | 6.2%         | 106              | 97     | 9       | 8.5%         |
| Oct-21 | 1,755           | 1,640  | 115     | 6.6%         | 106              | 96     | 10      | 9.4%         |
| Nov-21 | 1,755           | 1,658  | 97      | 5.5%         | 106              | 98     | 8       | 7.5%         |
| Dec-21 | 1,755           | 1,649  | 106     | 6.0%         | 106              | 97     | 9       | 8.5%         |
| Jan-22 | 1,755           | 1,639  | 116     | 6.6%         | 106              | 95     | 11      | 10.4%        |
| Feb-22 | 1,755           | 1,631  | 124     | 7.1%         | 106              | 95     | 11      | 10.4%        |
| Mar-22 | 1,755           | 1,643  | 112     | 6.4%         | 106              | 95     | 11      | 10.4%        |
| Apr-22 | 1,755           | 1,636  | 119     | 6.8%         | 106              | 95     | 11      | 10.4%        |
| May-22 | 1,755           | 1,637  | 118     | 6.7%         | 106              | 93     | 13      | 12.3%        |
| Jun-22 | 1,755           | 1,637  | 118     | 6.7%         | 106              | 90     | 16      | 15.1%        |

\* As of July 7, 2022

Note: Growth in number of Authorized Judicial Positions reflects SJO conversions, as well as newly funded positions via the 2019 Budget Act. Since 2007, 157 SJO positions have been converted to judgeships.

### Percent of Judgeships Vacant Between June 2020 and June 2022 in the Superior Courts

