



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: July 29, 2016

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Title	Agenda Item Type
Administrative Director's Report	Information Only
Submitted by	Date of Report
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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 June meeting and is exclusive of issues on the July business meeting agenda.

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**Traffic Amnesty Program:** California courts have resolved 132,879 delinquent infraction and misdemeanor accounts and sent 104,105 requests to the state Department of Motor Vehicles to lift holds on driver's licenses since the traffic amnesty program began in October 2015. The latest reporting period—ending April 30, 2016—showed a 20 percent increase from the first report ending December 31, 2015. Reduced payments on fines and fees to date total approximately \$18.9 million. The program ends March 31, 2017.

**Legislative Advocacy:**

- A status report on legislation considered by the Judicial Council Policy Coordination and Liaison Committee during the 2015–2016 legislative session can be found at: <http://www.courts.ca.gov/documents/legislative-status-chart-2016.pdf>. The Senate and Assembly began its summer recess on July 1. Governmental Affairs advocates continued to monitor bills and prepare for when the Legislature reconvenes on August 1.
- *Judicial Council-Sponsored Legislation:* Governmental Affairs continues to navigate Judicial Council-sponsored legislation through the legislative process. The Governor signed AB 2232 (Oberholte) – Court records: misdemeanors: Corrects drafting errors in the rules governing retention of court files regarding certain misdemeanor traffic offenses. The four additional bills still in the legislative process are:
  - AB 1900 (Jones-Sawyer) – San Pedro courthouse (Los Angeles County): Authorizes the disposition of the courthouse to allow the judicial branch to retain the proceeds to be deposited in the Immediate and Critical Needs Account of the State Court Facilities Construction Fund.
  - AB 2101 (Gordon) – Sanctions: jurors: Requires the Judicial Council to solicit courts for participation in a pilot project in which judicial officers would be authorized by the bill to impose reasonable monetary sanctions, not to exceed \$1,500, on an impaneled juror for any knowing violation of a lawful court order without good cause or substantial justification that is supported by clear and convincing evidence. Requires the council to report to the Governor and the Legislature the results of its evaluation of the pilot project on or after July 1, 2021. Repeals these provisions on January 1, 2022.
  - AB 2341 (Oberholte) – Distribution of Judgeships: Allows for up to five vacant judgeships to be reallocated to superior courts with fewer authorized judgeships than their assessed judicial need.
  - AB 2882 (Committee on Judiciary) – Judiciary omnibus: family law: Allows for legislative ratification of the council's authority to convert up to 10 additional subordinate judicial officer positions to judgeships and approves conversion of 16 positions through the budget process.
- Governmental Affairs coordinated a site visit by Legislative Analyst's Office representatives to the Superior Court of Santa Clara County's Juvenile Justice Division to learn about the role of the juvenile court and hear from justice system partners about strides made by the court in reducing its full time juvenile population of wards from a high of almost 500 three years ago to less than 100.

**Innovations Grant Program:** The Ad Hoc Working Group on Innovations Grants, appointed by the Chief Justice to develop the guidelines and criteria for the grant program, met multiple times and is

currently finalizing draft guidelines that will be submitted to the council for approval at its August meeting.

**Commission on the Future of California’s Court System:** The Futures Commission held its fourth public comment session in Los Angeles on three concepts under consideration by the Family/Juvenile and the Fiscal/Court Administration working groups: 1) Juvenile Courts Coordination: Establish a consolidated juvenile court (dependency and delinquency) under one unified juvenile court; 2) Family law: Implement a statewide, uniform, multi-tiered child-custody mediation process in family courts using best practices from existing systems, and provide alternative dispute resolution and other expedited resolution services for all other family law matters; 3) Restructuring Fines and Fees: Explore: (a) Increasing base fines for infractions and misdemeanors while eliminating surcharges, penalties, and assessments; (b) depositing fine revenue into a single fund for distribution to the courts and state and local programs; and (c) placing overall responsibility for collecting delinquent court-ordered debt in the state executive branch and not the courts and counties.

**Labor and Employee Relations:**

- Labor negotiations assistance was provided to 14 trial courts on 15 different matters, covering 17 different bargaining units. Services included successor Memorandum of Understanding (MOU) negotiations, impact bargaining issues, proposed policy revisions, and modifications to Employer-Employee Relations Rules. Two courts achieved ratified successor MOUs while one court concluded Employer-Employee Relations Rules bargaining.
- Support was provided to seven trial courts in responding to labor matters (e.g., assisting with a grievance, responding to the Public Employee Relations Board, or advising on contract interpretation). Assistance was also provided to nine trial courts, appellate courts, and judicial branch partners in responding to 11 employee relations matters (e.g., investigations, discipline, mediation between employees, etc.).

**Telecommunications Infrastructure and Security:** This program provides trial courts with a standardized level of network infrastructure and security services, as the foundation to sustain local and enterprise court applications. The five-year master maintenance agreement was renewed, extending maintenance and support coverage for court networking equipment through 2021. The program continues to focus on cost savings and negotiated additional discounts on hardware and maintenance and support. These measures enabled a savings of more than \$700k on the master maintenance agreement renewal.

**Case Management Systems:**

- *Civil, Small Claims, Probate, and Mental Health Case Management Systems:* System upgrades were deployed for the Superior Courts of Ventura and Sacramento Counties, including improvements to the participant check-in process for hearing events, exhibit handling updates, and credit card processing functionality. Orange and San Diego Superior Courts will deploy locally, pursuant to their own schedules.

- *Sustain Justice Edition:* This system is currently hosted in the California Courts Technology Center for nine courts. Maintenance activities included production support updates, system patching, and security certificate renewals. Project-related activities included support for user acceptance testing of the Superior Court of Lake County’s proceedings interface and for courts transitioning to other hosting services. Six of the nine courts will be hosted by the Superior Court of Placer County, two will be locally hosted, and one will be hosted by the vendor.

**Real Estate and Facilities Management:**

Eighteen real estate transactions were completed including lease renewals, terminations, and event licenses as follows:

- Lease/License Renewals
  - Superior Court, Independence, Inyo County
  - Master Parking Agreement, Los Angeles, Sacramento, and Santa Barbara Counties
  - Eleven courtrooms, Merced County
  - North Justice Center, Fullerton, Orange County
  - 1130 12th Street, Modesto, Stanislaus County
- Lease/License Terminations
  - City of Fremont Parking License, Fremont Hall of Justice, Alameda County
- Event Licenses: 11 short-term event licenses were executed

Status of Facility Modifications as of July 28, 2016:

Status	Number of Modifications	Estimated Cost
Awaiting Shared Cost	4	\$2,504,586.00
Hold for Project Managers	28	\$13,893,680.00
In Design	2	\$738,000.00
In Work	472	\$92,101,075.00
<b>Total</b>	<b>506</b>	<b>\$109,237,341.00</b>

**Court Security:** With a budget of \$2.3 million, the Screening Equipment Replacement Program completed the fiscal year having replaced 109 magnetometers and 48 x-ray machines in 37 superior courts scheduled for updates. Additionally, courthouse security meetings were held in the Superior Courts of Monterey and San Diego Counties.

**Youth Courts: Generational Agents for Change:** Approximately 30 teen courts and 14 counties were represented at the conference, the highest in the 11-year history of the program. Several counties were able to participate for the first time. More than 300 youth and adults engaged in a program of juvenile court diversion, truancy prevention, and civics education. Workshops developed by the California Association of Youth Courts Student Advisory Board and other teen courts in California focused on designing creative sentencing options, restorative justice, and learning how to be more productive members of the community.

**Judicial Resources and Technical Assistance Program:** Staff attorneys visited juvenile courts in Sonoma, Lassen, Contra Costa, Fresno, Trinity, San Bernardino, Solano, and Plumas Counties to conduct courtesy file reviews, and advise and consult with juvenile court bench officers, court

staff, and agency stakeholders on practices and procedures required by federal and California law to protect children from abuse and neglect and prevent the loss of federal foster care funding. Attorneys conducted a remote courtesy file review for the Riverside juvenile court. An attorney visited the juvenile court in Los Angeles County to discuss delinquency minute orders.

**AB 1058 Child Support Commissioner and Family Law Facilitator Program:** The California State Department of Child Support Services conducted audits of fiscal year 2014–2015 federal grant funding for the programs at the Superior Courts of Napa and Placer Counties. The Judicial Council Center for Families, Children & the Courts, AB 1058 Program staff provided on-site assistance to the court.

**Recidivism Reduction Fund:** Staff continued site visits to support implementation of the Recidivism Reduction Fund. Judges and court staff from the Superior Courts of Alameda and Sonoma Counties met with council staff and local criminal justice system partners to discuss their pretrial programs, data collection, and grant administration.

**Traffic Fines and Fees:** Legal counsel was provided to local courts regarding traffic procedure and local forms, notices, and website language.

**Criminal Case Data:** Staff hosted a meeting with researchers from the Board of State and Community Corrections to discuss data reported to both agencies and how to collaborate to improve data sharing and quality.

**Pretrial Programs – Fundamentals of Bail:** Staff participated on a multi-disciplinary panel gathered for a hearing on “Evaluating the Human, Economic, and Criminal Justice Impacts of California’s Money Bail System.” The hearing was held in Oakland and organized by Assembly Member Rob Bonta.

## Advisory Committees/Task Forces/Working Groups

The following committees met in person, by phone, or WebEx since the council’s June meeting:

1. AB 1058 Funding Allocation Joint Subcommittee
2. Administrative Presiding Justices Advisory Committee
3. Advisory Committee on Providing Access and Fairness
4. Appellate Advisory Committee
5. Bench-Bar Coalition
6. California Appellate Court Clerks’ Association
7. Civil Jury Instructions Advisory Committee
8. Civil and Small Claims Advisory Committee
9. Collaborative Justice Courts Advisory Committee
10. Court Facilities Advisory Committee
11. Court Security Advisory Committee

12. Criminal Law Advisory Committee
13. Information Technology Advisory Committee
14. Traffic Advisory Committee
15. Trial Court Budget Advisory Committee: Fiscal Planning Subcommittee
16. Trial Court Facility Modification Advisory Committee

## **Meeting Detail**

**AB 1058 Funding Allocation Joint Subcommittee** (Family and Juvenile Law Advisory Committee, Trial Court Budget Advisory Committee, Workload Assessment Advisory Committee, and California Department of Child Support Services)

- Discussed the workgroup charge and role of members, an overview of the workload-based allocation and funding methodology and workload assessment models, an overview of AB 1058 program history and funding methodology, appropriate factors to consider, and timeline and goals for the workgroup.

## **Administrative Presiding Justices Advisory Committee**

- Discussed court security, budget review of the appellate courts, human resources, submission of a report on the functionality and requirements for a document management system for the appellate courts.
- Discussed fiscal year 2016–2017 Budget Change Proposals in the following areas: Court maintenance, document management software purchase and maintenance, CHP security, Court Appointed Counsel Projects, and judicial positions for the fourth appellate district.

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

- Provided recommendations for the Futures Commission the concept for unified juvenile courts.
- Discussed the eight mental health recommendations referred to the committee from the Final Report of the Mental Health Issues Implementation Taskforce.
- Discussed a potential collaboration with the Family and Juvenile Law Advisory Committee; work being done nationally on the Justice for All Project, which seeks to assist state efforts to ensure that everyone has meaningful access to assistance for civil legal needs; and brainstormed barriers to access for a variety of demographic groups in California as well as strategies for improving access and fairness through technology and improved focus on user experience.

## **Appellate Advisory Committee**

- Reviewed public comments on proposals to amend the rules relating to appellate procedure and recommended adoption of several proposals by the Judicial Council, including rule amendments to:
  - Support privacy protection in appellate opinions.
  - Clarify the proceedings governed by the juvenile appellate rules and the requirements for inclusion of items relating to Indian Child Welfare Act compliance in the record on appeal.

- Establish a procedure for requesting permission to file amicus briefs in writ proceedings.
- Address inconsistencies between rules on electronic filing in the appellate courts and current practice.

### **Bench-Bar Coalition**

- Approximately 40 participating members on the quarterly call received budget and legislative updates, and information on the membership nomination process and the fall meeting.
- Legal community updates were made by representatives of the State Bar of California Legal Services and California Commission on Access to Justice, the California Judges Association, and the American Bar Association.

### **California Appellate Court Clerks' Association**

- Staff presented in the areas of technology, budget, human resources and other statewide issues impacting the appellate courts, such as court security, E-filing, the appellate case management system, and a document management system.

### **Civil Jury Instructions Advisory Committee**

- Made recommendations to the Judicial Council on proposed new jury instructions and proposed technical or editorial corrections to the civil jury instructions.

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

- Reviewed public comments on proposals to revise various Judicial Council forms to implement recent statutory changes, including revisions to the information regarding requests for interpreters provided on two frequently used Small Claims forms.

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

- Made recommendations to fund all 49 counties that applied for the non-competitive Collaborative Justice Substance Abuse Focus Grant. The report, with the recommendations, will be presented to the Judicial Council for consideration at the July meeting.

### **Court Facilities Advisory Committee**

- Reviewed major challenges related to solvency of the court construction fund's Immediate and Critical Needs Account, which has been significantly affected by the redirection of approximately \$1.4 billion to support both the state's General Fund and local trial court operations as well as declining court-collected revenues that support fund.
- Directed council staff to work with the state Department of Finance to recommend in August what projects can proceed given the condition of the construction fund. The committee also stated that any ongoing projects may proceed pursuant to prior Judicial Council and legislative authorizations and appropriations, if the state Department of Finance and Executive Committee of the Court Facilities Advisory Committee concur.



### **Court Security Advisory Committee**

- Discussed a draft trial court security survey to obtain information about needs and priorities, and received updates about Trial Court Security Grants funding and Budget Change Proposals.

### **Criminal Law Advisory Committee**

- Reviewed and approved for public comment proposals related to traffic and infraction procedure.
- Reviewed comments on proposals to amend rules and revise forms regarding Dismissal Following Deferred Entry of Judgement, and realignment.
- Reviewed public comments on legislative proposals related to human trafficking, and the definition of “magistrate.”

### **Information Technology Advisory Committee**

- Reported on the seven workstreams, the work of the subcommittees, budget, the Futures Commission, and key statewide initiatives.
- *E-filing Strategy Workstream*: Met four times to define requirements for the e-filing manager procurement.
- *Tactical Plan Workstream*: Met twice to define business drivers for the updated Tactical Plan, and solicited feedback at the Court Information Technology Managers’ Forum.
- *Video Remote Interpreting*: Working to select pilot courts and finalize the workstream membership.

### **Traffic Advisory Committee**

- Reviewed public comments to multiple traffic-related rule and form proposals and developed potential amendments and additional proposals on improving notice and opportunity to be heard on ability to pay, installment plans, and community service.

### **Trial Court Budget Advisory Committee – Fiscal Planning Subcommittee:**

- Reviewed two requests for Trial Court Trust Fund funds to be held on their behalf based on the process approved by the Judicial Council in April 2016.
- Submitted its recommendations for the Judicial Council’s consideration at its July 29, 2016 business meeting.

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

- Reviewed and approved 15 facility modification projects with a total potential cost of \$2.5 million.
- Approved fiscal year 2016–2017 facility maintenance budget allocations.
- Reviewed revisions to the Court-Funded Facilities Request Policy, the deferred maintenance list and report to the Judicial Council, and the activity report for the fourth quarter.

## Judicial Branch Education and Training

### Summary

#### Judicial Education

1. Advanced Topics in Felony Sentencing
2. Bench Conduct Curriculum for Temporary Judges
3. Collections Reporting
4. Criminal Law Primary Assignment Orientation
5. Juvenile Dependency Primary Assignment Orientation
6. New Judge Orientation
7. Primary Assignment Orientation for Experienced Civil Law Judges
8. Qualifying Judicial Ethics
9. Sex Crimes Sentencing
10. Traffic Primary Assignment Orientation

#### Judicial Officer, Court Employee, and Justice System Stakeholder Education

11. Access to Visitation Grant Program
12. Advanced DMV Reporting
13. Commission on Judicial Performance Mentor Training
14. Implementing Great Plans
15. Indian Child Welfare Act
16. National Criminal Justice Association: Pretrial
17. Pretrial Civil Motions
18. Sexual Harassment Prevention
19. Sexual Harassment: Understanding Your Rights and Responsibilities

#### Judicial Publications

20. 2016 edition of the California Judges Benchbook: Civil Proceedings: Trial (2nd)

#### Distance Education

##### Video Production

21. Appellate Judicial Attorneys Institute
22. CEQA Online Course
23. Civil Law Updates
24. Cow County Institute
25. Law and Motion: Anti-SLAPP motions

##### Webinars

26. Adobe Acrobat Intermediate
27. Juvenile Court Activity Tracker System

## **Detail**

**Access to Visitation Grant Program:** Staff provided 24.5 hours of training education to approximately 70 statewide professional providers of supervised visitation, court staff, and multidisciplinary professionals on implementation of Family Code section 3200.5 and Standard 5.20 of the California Standards of Judicial Administration (Uniform Standards of Practice for Providers of Supervised Visitation). This training is required for all Access to Visitation Grant Program recipients.

**Advanced DMV Reporting:** This course is designed for court personnel responsible for reporting information to the California Department of Motor Vehicles (DMV). Topics included disposition and statute codes; reporting criteria for specific violations; reportable and non-reportable violations; and utilization of the DMV Abstract Reporting Manual to complete abstracts of disposition.

**Bench Conduct Curriculum for Temporary Judges:** This curriculum was updated and is available to individual courts providing training to the temporary judges in their courts. The revised curriculum includes faculty and participant materials, and videos.

**Collections Reporting:** Training via WebEx was provided to more than 150 participants over two days regarding the completion and submission of court/county collaborative collection programs' reports on delinquent court-ordered debt and program performance.

**Commission on Judicial Performance Mentor Training:** The course focused on developing communication and interpersonal skills to allow participants to effectively serve as mentors to judges referred by the commission.

**Felony Sentencing:** This Experienced Assignment Course program covered complex sentencing computations and alternative sentencing schemes.

**Implementing Great Plans:** This manager and supervisor broadcast considers the best approaches for a smooth and efficient implementation of solutions and how to work around the inevitable obstacles to completion and follow through.

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

- Staff conducted a training for the Bay Area Casey Family Programs focused on historical trauma, outreach to tribal communities, the background of ICWA, legal aspects of ICWA that included updates of the newly finalized ICWA Regulations from the Bureau of Indian Affairs, how to engage with tribal communities in a culturally respectful manner, and local resources available for Native American families.
- Staff conducted an ICWA and family violence workshop at the Tribal Law Enforcement Summit. Training topics included tribal temporary restraining orders, updates on ICWA legislation, strengthening the capacity of tribal law enforcement in service delivery and collaboration with federal, state, and local law enforcement, and other service providers.

Attendees included law enforcement (tribal and non-tribal), tribal leaders, tribal security, tribal court staff, tribal social workers, social services and tribal childcare staff.

**Juvenile Court Activity Tracker System WebEx Training:** As requested by the juvenile court of Imperial County, staff provided software training on the Juvenile Court Activity Tracker System, a comprehensive child dependency/child advocacy database. The system fully automates case management for dependent children, providing calendar management, workflow, statistical data, fiscal, and other program management features.

**National Criminal Justice Association – Pretrial:** Criminal Justice Services staff, along with court and probation staff from Monterey County, presented on pretrial release efforts and strategies for collecting data that can be used to evaluate program effectiveness at the National Criminal Justice Association regional pretrial meeting.

**New Judge Orientation:** This program is designed to introduce new judges, commissioners, and referees to their judicial duties and to familiarize them with their ethical responsibilities in ensuring fairness in all proceedings and promoting uniform court practices.

**Pretrial Civil Motions – Types, Processes and Procedures:** This broadcast is designed to help court staff successfully complete the processing of pretrial motions from filing to the proposed order. Procedures for addressing the most common pretrial motions are discussed including the processing of motions to compel, motion to strike, and motions for leave to amend and for change of venue.

**Qualifying Judicial Ethics:** This three-hour, in-person training on judicial ethics reinforces judicial fairness and the central mission of a judge—ensuring the honesty and integrity of judicial decisions. There were 13 sessions statewide with topics that included gifts, disqualification and disclosure, courtroom decorum and attorney misconduct, decisional delay, membership activities and fundraisers, political activity, the central principles of judicial ethics, the judicial role and the skills of judicial fairness—implicit bias.

**Sex Crime Sentencing – Probation and Prison:** This regional course was provided in Los Angeles in response to a request for training on probation grants in sexual assault cases.

**Sexual Harassment – Understanding Your Rights and Responsibilities:** This broadcast is designed for court employees in a nonsupervisory role.

## Staffing Report as of June 30, 2016

See following page for definition of terms.

STAFFING	Leadership Services Division								Operations and Programs Division					Administrative Division							Judicial Council
	Executive Office	Governmental Affairs	Audit Services	Legal Services	Judicial Council Support	Communications	Special Projects	Trial Court Liaison	Center for Families, Child. & Courts	Court Operations Services	Criminal Justice Services	Center for Judiciary Education & Research	Appellate Court Services	Capital Programs	Finance	Human Resources	Information Technology	Admin Support	Real Estate & Facilities Mgmt	Trial Court Admin Services	
Authorized Position (FTE)	10.00	11.00	14.00	58.00	11.80	8.00	9.00	8.00	66.00	40.60	22.00	48.50	6.00	55.00	83.00	42.00	118.00	30.00	88.00	87.00	815.90
Filled Authorized Position (FTE)	9.00	10.00	11.00	43.70	9.80	8.00	7.00	6.00	54.35	35.43	16.60	42.30	5.00	45.00	69.00	37.00	99.88	27.50	68.00	80.00	684.56
Headcount - Employees	9	10	11	44.00	10	8	7	7	55	36.00	17.00	43.00	5.00	45.00	69.00	37	100	28	68.00	80.00	689.00
Vacancy (FTE)	1.00	1.00	3.00	14.30	2.00	0.00	2.00	2.00	11.65	5.18	5.40	6.20	1.00	10.00	14.00	5.00	18.13	2.50	20.00	7.00	131.36
Vacancy Rate (FTE)	10.0%	9.1%	21.4%	24.7%	16.9%	0.0%	22.2%	25.0%	17.7%	12.8%	24.5%	12.8%	16.7%	18.2%	16.9%	11.9%	15.4%	8.3%	22.7%	8.0%	16.1%
Temporary Employee (909)	1	0	0	0	0	1	0	0	0	1	1	0	0	0	0.6	0	0	0	5.00	0	9.60
*Employment Agency Temporary Worker (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	1.0	0.0	1.0	0.0	0.00	1.0	5.0	9.00
Contractors (FTE)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.5	0.0	0.0	2.0	6.6	0.0	0.0	41.15	0.0	1.0	1.0	52.25
<b>TOTAL WORKFORCE (based on FTE, 909s, Agency Temps &amp; Contractors)</b>	10.00	10.00	11.00	43.70	9.80	9.00	7.00	6.00	55.35	36.93	17.60	42.30	7.00	52.60	69.60	38.00	141.03	27.50	75.00	86.00	755.41

<b>Definitions:</b>	
<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>	The "909" category is the State Controller code used to reference a temporary position or a temporary employee. 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).
<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>	Full time: Employee is scheduled to work 40 hours per week. Receives full benefits. 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. 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.
<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:** Since the June 24, 2016, Judicial Council meeting, the Governor has made 18 judicial appointments to the Superior Courts: Alameda (1), Orange (2), Shasta (1), San Diego (1), San Francisco (1), Solano (1), Tulare (2), Los Angeles (7), San Luis Obispo (1), and Ventura (1).

Number of Judgeships Authorized, Filled and Vacant as of **June 30, 2016**

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	100	5
Superior Courts	58	1,726	1,618	58	50*	1,601	118
<b>All Courts</b>	<b>65</b>	<b>1,838</b>	<b>1,723</b>	<b>115</b>		<b>1,718</b>	<b>123</b>

\*Fifty new judgeships were authorized in January 2008 with the enactment of AB 159 (Chapter 722, Statutes of 2007). However, funding for the 50 positions has not been provided.

\*\*The number of authorized positions has increased from the last report due to subordinate judicial officer conversions to judgeships.

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 Three	3	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	3	Retirement	Hon. James A. McIntyre	06/30/16

Fourth Appellate District, Division Two		Retirement	Hon. Jeffrey King	01/31/16
Fourth Appellate District, Division Three		Retirement	Hon. William F. Rylaarsdam	06/30/16
Fifth Appellate District	1	Retirement	Hon. Dennis A. Cornell	06/30/15
<b>TOTAL VACANCIES</b>	7			

**JUDICIAL VACANCIES: SUPERIOR COURTS**

County	Vacancies	Reason for Vacancy	Judge to be Replaced	Last Day In Office
Alameda	3	Retirement	Hon. Lawrence John Appel	04/18/16
Alameda		Retirement	Hon. Reginald P. Saunders	10/15/15
Alameda		Retirement	Hon. Steven A. Brick	09/02/15
Humboldt	1	Retirement	Hon. W. Bruce Watson	01/04/16
Kern	1	Retirement	Hon. Larry Errea	08/19/15
Los Angeles	23	Converted	Vacancy	06/09/16
Los Angeles		Converted	Vacancy	06/09/16
Los Angeles		Converted	Vacancy	06/09/16
Los Angeles		Converted	Vacancy	06/09/16
Los Angeles		Converted	Vacancy	06/09/16
Los Angeles		Converted	Vacancy	06/09/16
Los Angeles		Converted	Vacancy	06/09/16
Los Angeles		Retirement	Hon. Michelle R. Rosenblatt	06/01/16
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		Deceased	Hon. Ellen Carol DeShazer	11/19/15
Los Angeles		Retirement	Hon. Elia Weinbach	09/30/15
Los Angeles		Retirement	Hon. Reva G. Goetz	09/21/15
Los Angeles		Retirement	Hon. Richard A. Stone	08/28/15
Los Angeles		Retirement	Hon. Thomas I. McKnew, Jr.	08/03/15
Los Angeles		Retirement	Hon. Tia G. Fisher	07/31/15
Los Angeles		Retirement	Hon. Allan J. Goodman	07/30/15
Merced	1	Retirement	Hon. Marc A. Garcia	05/15/15
Orange	3	Retirement	Hon. James A. Stotler	04/04/16
Orange		Retirement	Hon. David T. McEachen	03/04/16
Orange		Retirement	Hon. William Michael Monroe	06/01/15
Riverside	1	Retirement	Hon. Christian F. Thierbach	05/29/15
Sacramento	3	Retirement	Hon. Robert C. Hight	04/08/16
Sacramento		Retirement	Hon. Michael G. Virga	03/26/16
Sacramento		Retirement	Hon. Greta Curtis Fall	09/14/15
San Bernardino	2	Elevated	Hon. Marsha G. Slough	02/22/16
San Bernardino		Retirement	Hon. Joseph R. Brisco	06/07/15
San Diego	5	Retirement	Hon. Charles W. Ervin	02/22/16
San Diego		Retirement	Hon. William R. Nevitt, Jr.	10/19/15
San Diego		Converted	Vacancy	10/08/15
San Diego		Converted	Vacancy	10/08/15
San Diego		Dis Retirement	Hon. Marshall Y. Hockett	07/17/15
San Francisco	2	Retirement	Hon. Ernest H. Goldsmith	04/13/16

San Francisco		Retirement	Hon. Lillian Kwok Sing	09/15/15
San Joaquin	1	Deceased	Hon. Franklin M. Stephenson	09/22/15
San Luis Obispo	2	Retirement	Hon. Jac A. Crawford	03/24/16
San Luis Obispo		Elevated	Hon. Martin J. Tangeman	02/22/16
Santa Clara	3	Dis Retirement	Hon. Ron M. Del Pozzo	05/12/16
Santa Clara		Retirement	Hon. Susan Bernardini	07/31/15
Santa Clara		Retirement	Hon. Raymond J. Davilla, Jr.	04/18/15
Santa Cruz	1	Converted	Vacancy	11/25/15
Shasta	1	Retirement	Hon. William D. Gallagher	10/29/15
Sierra	1	Deceased	Hon. John P. Kennelly	11/04/15
Siskiyou	1	Retirement	Hon. Donald R. Langford	04/29/16
Solano	1	Retirement	Hon. David Edwin Power	10/16/15
Stanislaus	1	Retirement	Hon. Nan Cohan Jacobs	12/23/15
Sutter	1	Retirement	Hon. Christopher R. Chandler	05/31/16
<b>TOTAL VACANCIES</b>	58			

**Number of Judgeships Authorized, Filled and Vacant as of the End of Each Month:  
From June 2014 through June 2016 (two years)\***

Month	Superior Courts				Courts of Appeal			
	Authorized	Filled	Vacancy	Vacancy Rate	Authorized	Filled	Vacancy	Vacancy Rate
Jun-14	1,706	1,579	127	7.4%	105	94	11	10.5%
Jul-14	1,713	1,586	127	7.4%	105	96	9	8.6%
Aug-14	1,713	1,582	131	7.6%	105	96	9	8.6%
Sep-14	1,713	1,577	136	7.9%	105	96	9	8.6%
Oct-14	1,713	1,572	141	8.2%	105	96	9	8.6%
Nov-14	1,713	1,578	135	7.9%	105	96	9	8.6%
Dec-14	1,713	1,590	123	7.2%	105	99	6	5.7%
Jan-15	1,713	1,607	106	6.2%	105	100	5	4.8%
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%

\* As of July 7, 2016

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

